

## CHAPTER 23

## UNIFORM CONSTRUCTION CODE

## Authority

N.J.S.A. 52:27D-123, 123a, 123.2, 123.5, 123.8, 124, 124f and 133.4.

## Source and Effective Date

R.2003 d.70, effective January 15, 2003.  
See: 34 N.J.R. 351(a), 35 N.J.R. 1054(a).

## Chapter Expiration Date

Chapter 23, Uniform Construction Code, expires on January 15, 2008.

## Chapter Historical Note

Chapter 23, Uniform Construction Code, was adopted as R.1976 d.344, d.345, d.346 and d.347, effective January 1, 1977 and codified as Subchapter 1, General Provisions; Subchapter 2, Administration and Enforcement Process; Subchapter 3, Subcodes, and Subchapter 4, Enforcing Agencies: Duties, Powers, Procedures. See: 8 N.J.R. 216(b), 319(a), 370(d), 414(a); 8 N.J.R. 546(a). Chapter 23, Uniform Construction Code, superseded N.J.A.C. 5:16, Standard Building Code and N.J.A.C. 5:20, Safety Glazing Materials, which were repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a). Chapter 23, Uniform Construction Code, also superseded N.J.A.C. 5:21, Uniform Standards Code for Mobile Homes, which was repealed by R.1982 d.7, effective February 1, 1982. See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

Subchapter 5, Licensing of Code Enforcement Officials, was adopted as R.1977 d.304, effective October 1, 1977. See: 9 N.J.R. 257(b), 9 N.J.R. 413(b). Subchapter 6, Tax Exemption for Solar Facilities, was adopted as R.1978 d.334, effective September 18, 1978. See: 10 N.J.R. 222(b), 10 N.J.R. 418(a).

Pursuant to Executive Order No. 66(1978), Subchapter 6, Tax Exemption for Solar Facilities, was readopted as R.1980 d.303, effective July 1, 1980. See: 12 N.J.R. 249(c), 12 N.J.R. 452(c).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1983 d.144, effective April 26, 1983. See: 14 N.J.R. 1247(a), 15 N.J.R. 803(c).

Subchapter 7, Barrier Free Subcode, was adopted as R.1986 d.448, effective November 3, 1986. See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).

Subchapter 8, Asbestos Hazard Abatement Subcode, was adopted as Emergency New Rules R.1985 d.362, effective June 18, 1985 (expired August 17, 1985). See: 17 N.J.R. 1782(a).

Pursuant to Executive Order No. 66(1978), the provisions of R.1985 d.362 were readopted as R.1985 d.472, effective August 16, 1985. See: 17 N.J.R. 2249(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1988 d.168, effective March 22, 1988. N.J.A.C. 5:23-6.1, 6.2 and 6.3, concerning tax exemption for solar facilities, were not readopted and expired on April 1, 1988. See: 20 N.J.R. 223(a), 20 N.J.R. 893(a).

Subchapter 9, Code Interpretations, was adopted as R.1988 d.195, effective May 2, 1988. See: 20 N.J.R. 224(a), 20 N.J.R. 977(a).

Subchapter 10, Radon Hazard Subcode, was adopted as R.1990 d.226, effective May 7, 1990. See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Subchapter 4A, Industrialized/Modular Buildings and Building Components, was adopted as R.1990 d.313, effective June 18, 1990, (operative July 1, 1990). See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Subchapter 11, Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, was adopted as R.1992 d.33, effective January 21, 1992. See: 23 N.J.R. 1730(b), 24 N.J.R. 229(c).

Subchapter 12, Elevator Safety Subcode, was adopted as R.1991 d.325, effective July 1, 1991. See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1993 d.106, effective February 3, 1993. See: 24 N.J.R. 1420(b), 25 N.J.R. 920(a).

Subchapter 4B, Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulation, and Subchapter 4C, Enforcement of Federal Manufactured Home Standards, were adopted as R.1994 d.96, effective February 22, 1994. See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

N.J.A.C. 5:23-7.1 through 7.99 were repealed and 7.100 through 7.116 were recodified as 7.2 through 7.18 by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995). See: 26 N.J.R. 2698(a), 26 N.J.R. 2524(a), 27 N.J.R. 1180(a).

Subchapter 11, Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, was repealed by R.1995 d.612, effective December 4, 1995 (operative July 1, 1995). See: 27 N.J.R. 3518(a), 27 N.J.R. 4885(a).

Pursuant to Executive Order No. 66(1978), Chapter 23, Uniform Construction Code, was readopted as R.1997 d.409, effective September 9, 1997. As a part of R.1997 d.409, effective October 6, 1997, Subchapter 6, Tax Exemption, was repealed. See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Subchapter 6, Rehabilitation Subcode, was adopted as R.1998 d.28, effective January 5, 1998. See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).

Subchapter 12A, Optional Elevator Inspection Program, was adopted as R.1998 d.480, effective September 21, 1998. See: 30 N.J.R. 1119(b), 30 N.J.R. 3461(a).

Subchapter 11, Playground Safety Subcode, was adopted as R.1999 d.351, effective October 18, 1999. See: 31 N.J.R. 1838(a), 31 N.J.R. 3082(a).

Subchapter 3A, State-Jurisdiction Subcodes, was adopted as R.2001 d.303, effective September 4, 2001. See: 33 N.J.R. 1991(a), 33 N.J.R. 2989(a).

Chapter 23, Uniform Construction Code, was readopted as R.2003 d.70, effective January 15, 2003. See: Source and Effective Date.

## Cross References

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 5:23-1.1 Title; division into subchapters

(a) These regulations shall be known as the “Regulations for the New Jersey Uniform Construction Code” and are referred to herein as “the regulations”.

(b) The chapter consists of the following subchapters:

1. “General provisions” which may be cited throughout the regulations as N.J.A.C. 5:23-1 and when referred to in subchapter 1 of this chapter may be cited as this subchapter.

2. “Administration and enforcement; process” which may be cited throughout the regulations as N.J.A.C. 5:23-2 and when referred to in subchapter 2 of this chapter may be cited as this subchapter.

3. “Subcodes” which may be cited throughout the regulations as N.J.A.C. 5:23-3 and when referred to in subchapter 3 of this chapter may be cited as this subchapter.

i. N.J.A.C. 5:23-3.11B contains references to the Department of Environmental Protection’s rules concerning underground storage tanks, codified at N.J.A.C. 7:14B, which are jointly enforced by this Department and local enforcing agencies pursuant to this chapter.

4. “Enforcing agencies: duties, powers, and procedures” which may be cited throughout the regulations as N.J.A.C. 5:23-4 of this chapter and when referred to in subchapter 4 of this chapter may be cited as this subchapter.

5. “Industrialized/Modular Buildings and Building Components” which may be cited throughout the regulations as N.J.A.C. 5:23-4A and when referred to N.J.A.C. 5:23-4A may be cited as this subchapter.



1. A certificate of continued occupancy shall be granted upon request, subject to this subchapter.

(b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as herein provided.

1. A certificate of occupancy shall be issued provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode.

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

3. The use of an existing structure as a "special amusement building," as defined in the building subcode, shall be a change in the character of use of the existing building. The building or portion thereof shall be required to comply with N.J.A.C. 5:23-6.31(a)5vii.

i. Exception: The use of an existing structure or portion thereof as a special amusement building for not more than 15 days in a calendar year provided that a permit for such use has been issued by the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq.

Amended by R.1985 d.16, effective February 4, 1985.  
See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a) Added text: "or fire safety" and "or minimum housing standard or regulation".

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.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.1995 d.611, effective December 4, 1995 (operative April 4, 1996).

See: 27 N.J.R. 3257(a), 27 N.J.R. 4884(a).

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

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

New heading "Change of use"; rewrote (b); added "Rehabilitation Subcode" in (b)1; deleted (b)1i through (c).

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

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

In (b), added 2.

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

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

In (b), added 3.

Administrative correction.

See: 35 N.J.R. 5062(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 (b)3, deleted "temporary or permanent" preceding "use of an existing structure" in the first sentence, and deleted "the building subcode and fire protection subcode requirements of" preceding the NJAC reference in the last sentence, of the introductory paragraph, added i.

#### Case Notes

Civil rights action challenging township actions regarding use of property as church were not ripe for adjudication until township planning board decided site plan application and any need for variance. *Trinity Resources, Inc. v. Township of Delanco*, D.N.J.1994, 842 F.Supp. 782.

#### 5:23-2.7 Ordinary maintenance

(a) Ordinary maintenance to structures may be made without filing a permit application with or giving notice to the construction official.

(b) Ordinary maintenance shall not include any of the following:

1. The cutting away of any wall, partition or portion thereof;

2. The removal or cutting of any structural beam or bearing support;

3. The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements;

4. Any work affecting structural or fire safety;

5. Any work that will increase the nonconformity of any existing building or structure with the requirements of the regulations;

6. Addition to, or alteration, replacement or relocation of:

i. Any standpipe;

ii. Water supply, sewer, drainage, gas, soil, waste, vent or similar piping;

iii. Electrical wiring, except that the following shall be considered ordinary electrical maintenance:

(1) Communications wiring in a Class 3 structure provided that the installation does not involve the alteration or penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode.

(A) For the purposes of applying this provision, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode; or

iv. Mechanical or other work affecting public health or general safety; or

7. Any work undertaken for the purpose of lead abatement.

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1. Ordinary building maintenance shall include:

- i. Exterior and interior painting;
- ii. Installation, repair or replacement of any interior finishes of less than 25 percent of the wall area in any given room in a one- or two-family dwelling. This shall include plastering and drywall installation;
  - (1) Vinyl wall covering of any amount is ordinary maintenance;
  - (2) Paneling shall not be considered ordinary maintenance;
- iii. Wall papering at any location;
- iv. The replacement of glass in any window or door. However, the replacement glass shall be of a type and quality that complies with the minimum requirements of the code;
- v. The installation and replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. The installation and replacement of means of egress and emergency escape windows and doors may be made in the same opening without altering the dimensions or framing of the original opening, and shall not reduce the required height, width or net clear opening of the previous window or door assembly;
- vi. The repair or replacement of any non-structural member such as a partition railing or kitchen cabinet;
- vii. The repair or replacement of any interior or exterior trim, decoration or moldings;
- viii. The replacement or installation of any flooring material, except carpeting, with a new material. However, installation of carpeting in one and two family dwellings shall be permitted under ordinary maintenance;
- ix. The repair of existing roofing material not exceeding 25 percent of the total roof area within any 12 month period;
- x. The repair of existing siding with like material not exceeding 25 percent of the total building exterior wall area within any 12 month period;
- xi. The repair or replacement of any part of a porch or stoop which does not structurally support a roof above;

xii. The replacement or installation of screens;

xiii. The installation of any roll or batt insulation when installed adjacent to or not more than one and a half inches from an interior finish; and

xiv. Replacement of exterior rain water gutters and leaders.

2. Ordinary plumbing maintenance shall include:

- i. Replacement of hose bib valves in single family dwellings. Replacement hose bib valves shall be provided with an approved atmospheric vacuum breaker;
  - ii. Refinishing of existing fixtures. Relining of fixtures shall not be considered to be ordinary maintenance;
  - iii. Replacement of ball cocks. Replacement ball cocks must be an approved anti-siphon type;
  - iv. Repair of leaks involving the replacement of piping between two adjacent joints only;
  - v. Clearance of stoppages;
  - vi. Replacements of faucets or working parts of faucets;
  - vii. Replacement of valves (including shower or combination bath/shower valves in a single family dwelling);
  - viii. Replacements of working parts of valves, including, but not limited to, shower or combination bath/shower valves;
  - ix. Replacement of traps except for traps on culinary sinks in food handling establishments;
  - x. Replacement of a water closet, and/or lavatory, and/or bathtub or shower unit and/or kitchen sink in a single family dwelling with an approved similar fixture provided that no change in the piping arrangement is made. Replacement water closets bearing a date stamp of July 1, 1991 or later must use an average of 1.6 gallons or less of water per flushing cycle; and
  - xi. Replacement of domestic clothes washers and dishwashers.
3. Ordinary electrical maintenance shall include:
- i. The replacement of any receptacle, switch, or lighting fixture rated at 20 amps or less and operating at less than 150 volts to ground with a like or similar item. Replacement of receptacles in locations where ground-fault circuit interrupter protection is required in the electrical subcode, shall not be considered ordinary electrical maintenance;

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 not 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. In the event of any change of contractor or person in charge of work under (b)1 through 7 above, such change shall be filed as an amendment to the application.

(c) A separate application and permit shall be required for each building.

(d) Application for a permit shall be made by the owner, or his agent, a licensed engineer, architect or plumbing, electrical or other contractor employed in connection with the proposed work. If the application is by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the authorized person making the application, that the proposed work is authorized by the owner in fee, and that the applicant is authorized to make such application. All issued permits shall remain the property of the owner even if the application was made by a contractor or authorized agent.

(e) Plans, plan review, plan release:

1. Plans and specifications: The application for the permit shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

i. Site diagram: There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; accessible route(s) for buildings required by N.J.A.C. 5:23-7.1 to be accessible; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

ii. Building plans and specifications shall contain the following information:

(1) Foundation, floor, roof and structural plans;

(A) For buildings with roof or other truss systems, a truss layout and permanent truss bracing plan shall be submitted. This plan shall show all the permanent lateral and other bracing locations for individual truss members as well as the connections between the truss system and other components of the structural system necessary for the permanent lateral bracing of the entire structural system.

(2) Door, window and finish schedules; and

(3) Sections, details, connections and material designations.

iii. Electrical plans and specifications shall contain: Floor and ceiling plans; lighting, receptacles, motors and equipment; service entry location, line diagram and wire, conduit and breaker sizes.

iv. Plumbing plans and specifications shall contain: Floor plan; fixtures, pipe sizes and other equipment and materials; isometric with pipe sizes, fixture schedule and sewage disposal.

v. Mechanical plans and specifications shall contain: Floor or ceiling plans; equipment, distribution location, size and flow; location of dampers and safeguards; and all materials.

vi. Energy calculations: Calculations showing compliance with the energy subcode shall be submitted for all new buildings and additions to existing buildings. As provided in (e)1vii below, these calculations shall be signed and sealed by the design professional, with the exception of calculations for class III structures which may be submitted by the mechanical contractor.

(1) For detached one-and two-family residential buildings and other residential buildings three stories or less in height, compliance may be demonstrated by the submission of Energy Star compliance documentation, the submission of printouts from software recognized by the Department, such as RES Check, or conforming with the prescriptive packages described in Bulletin 03-2. RES Check software is available from the Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625 or from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov).

(2) For all other buildings, compliance may be shown with the COM Check compliance software or equivalent, submission of the compliance forms found in the COM Check EZ user's manual or the ASHRAE 90.1 user's manual for the edition of ASHRAE adopted under the energy subcode. The COM Check EZ user's manual and software are available from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov) or from Pacific Northwest National Laboratory, PO Box 999, ATTN: K5-20, Richland, Washington 99352. The ASHRAE 90.1 user's manual is available from the American Society of Heating and Refrigerating and Air-conditioning Engineers Inc., 1791 Tullie Circle, NE, Atlanta, GA 30329.

vii. Engineering details and specifications: The construction official and appropriate subcode official may require adequate details of structural, mechanical, plumbing and electrical work, including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the seal and signature of the licensed engineer or registered architect responsible for the design. Plans for buildings shall indicate how required structural and fire-resistance rating will be maintained for penetrations made for electrical, mechanical, plumbing and communication conduits, pipes and systems.

(1) Plumbing plans for class III structures may be prepared by persons licensed pursuant to "The Master Plumber Licensing Act", N.J.S.A. 45:14C-1 et seq. Electrical plans for class III structures may be prepared by persons licensed pursuant to "The Electrical Contractors Licensing Act", N.J.S.A. 45:5A-1 et seq.;

(2) Whenever the licensing board pursuant to either of the above Acts shall provide for a seal evidencing that the holder is licensed, such shall be acceptable to the enforcing agency in lieu of affidavit;



(3) Mechanical plans for class III structures may be prepared by mechanical contractors.

viii. Work area: For reconstruction work in an existing structure, the work area shall be clearly delineated on the plans.

ix. Architect's or engineer's seal: The seal and signature of the registered architect or licensed engineer who prepared the plans shall be affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted. The construction official shall waive the requirement for sealed plans in the case of a single family home owner who had prepared his own plans for the construction, alteration or repair of a structure used or intended to be used exclusively as his private residence, and to be constructed by himself, providing that the owner shall submit an affidavit attesting to the fact that he has prepared the plans and provided further that said plans are in the opinion of the construction official, and appropriate subcode official, legible and complete for purposes of ensuring compliance with the regulations.

x. The construction official upon the advice of the appropriate subcode official may waive the requirement for plans when the work is of a minor nature.

xi. Those portions of the plans that are required to be submitted and which are not included at the time of application shall be listed by the design professional as part of the application.

(1) All documents prepared by people other than the design professional shall be reviewed by the design professional and submitted with a letter indicating that they have been reviewed and found to be in conformance with the regulations for the design of the building.

xii. Building, electrical, plumbing and mechanical work required to be shown may be shown on a single set of plans or a single drawing so long as the drawings are clear and legible.

2. Prototype plan filing: Where a design is used repeatedly at different locations in a municipality or throughout the State, the plans and specifications may be submitted for "prototype" release and filed as follows:

i. Two complete sets of the plans and specifications for each prototype shall be submitted with a request for prototype plan release. The plans and specifications shall be signed and sealed by a licensed or registered design professional. The plans and specifications will be stamped as released and the plan number and date will be recorded with the prototype release so that prototype plan release may be confirmed for any subsequent use of the released prototype plans. Mirror-image designs shall not be a permitted option and require separate prototype plan release. Prototype applications that include a foundation design shall specify the conditions and limitations of that design;

ii. Permit applications that rely on a released prototype shall consist of two copies of the following permit-specific documents to facilitate a thorough field inspection of the work. (As per N.J.A.C. 5:23-2.16(e), one set of the released plans shall be retained by the construction official and the second set shall be kept at the building site.)

(1) A plot plan that is signed and sealed by a registered architect, licensed professional engineer, or licensed land surveyor that includes the location of all utility services, including septic connections;

(2) A specific foundation design or certification that the prototype foundation design is suitable for the site;

(3) A reference set of plans that includes and clearly identifies each of the options to be used for the building that is the subject of the permit application. The reference set of plans is not required to be signed and sealed;

(4) Exterior elevations of the specific building;

(5) The prototype file identification number;

(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 department, 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."

#### 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.

1. Exception: For a building designed in conformance with the one-and two-family dwelling subcode, where the Department or local enforcing agency has released a prototype plan which is to be used for the work covered by the permit application, the construction official shall act on the application within three business days.

i. Where the prototype release did not include the foundation detail, the construction official shall act on the application within seven business days.

2. Exception: For a building designed in conformance with the building subcode, where the Department or local enforcing agency has released a prototype plan which is to be used for the work covered by the permit application, the construction official shall act on the application within seven business days.

(b) Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

i. The ownership of stock or other investment instrument in any corporation listed on any national stock exchange.

ii. Any such business or employment outside the State;

iii. Dual employment by two or more enforcing agencies;

iv. Any business or employment which is not subject to the regulations.

v. Service as an instructor in a code enforcement training program.

6. Nothing herein shall prohibit a municipality from establishing by ordinance more restrictive provisions covering conflict of interest.

Amended by R.1983 d.611, eff. January 3, 1984.  
See: 15 N.J.R. 1789(a), 16 N.J.R. 45(b).

Deleted old (b)2.-3. and (c) and added new (b)2, (c), (d) and (e).  
Renumbered old (d)-(f) as new (f)-(h).

Amended by R.1984 d.303, effective July 16, 1984.  
See: 16 N.J.R. 950(a), 16 N.J.R. 1968(b).

Added (g)2.  
Amended by R.1990 d.61, effective February 5, 1990.  
See: 21 N.J.R. 3346(b), 22 N.J.R. 351(b).

Form numbers updated, new (d)2. added and reference made to reports and fees being submitted quarterly.  
Amended by R.1990 d.226, effective May 7, 1990.  
See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Radon mitigation added to (f)1xviii.  
Amended by R.1991 d.325, effective July 1, 1991.  
See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Elevator safety added at (f)1xviii; conflict of interest provision added at (h).

Amended by R.1992 d.47, effective February 3, 1992.  
See: 23 N.J.R. 3440(a), 24 N.J.R. 405(a).

Electronic monthly reporting added at (d)2.-4.  
Amended by R.1992 d.230, effective June 1, 1992.  
See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (b).  
Amended by R.1992 d.243, effective July 6, 1992.  
See: 24 N.J.R. 678(a), 24 N.J.R. 2422(a).

Conflict of interest and exception provisions added.  
Amended by R.1992 d.392, effective October 5, 1992.  
See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Report form number changed at (e).  
Amended by R.1993 d.581, effective November 15, 1993.  
See: 25 N.J.R. 3693(a), 25 N.J.R. 5146(a).

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).  
See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).

Amended by R.1995 d.249, effective June 5, 1995, (operative October 1, 1995).  
See: 27 N.J.R. 619(a), 27 N.J.R. 2187(a).

In (b)2 added Form No. F-370.  
Amended by R.1996 d.512, effective November 4, 1996.  
See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

Amended by R.1997 d.64, effective February 18, 1997 (operative May 19, 1997).  
See: 28 N.J.R. 4695(a), 29 N.J.R. 550(a).

In (b)2, amended form references.  
Amended by R.1997 d.378, effective September 15, 1997.  
See: 29 N.J.R. 2742(a), 29 N.J.R. 4103(a).

In (b)2 and (c)1, amended form designations and in (b)2 deleted form F-330A and F-340A.

Amended by R.1997 d.419, effective October 6, 1997.  
See: 29 N.J.R. 3406(a), 29 N.J.R. 4287(a).

In (j)1, inserted “, or his or her superior within ... any such superior,”; in (j)1i inserted “, and there is no other person ... property or business,”; and added (j)1ii.

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, inserted a reference to Form No. F380.  
Amended by R.2000 d.413, effective October 16, 2000.  
See: 32 N.J.R. 2278(a), 32 N.J.R. 3783(a).

In (j)1, substituted references to close relatives or household members for references to members of the immediate family, and added the second sentence; and deleted former (j)7.

Amended by R.2003 d.363, effective September 15, 2003.  
See: 35 N.J.R. 2426(a), 35 N.J.R. 4281(a).

In (b), added forms F211, F212, F241, F242 and deleted form F240; deleted the revision dates of the referenced forms throughout.  
Amended by R.2003 d.385, effective October 6, 2003.  
See: 35 N.J.R. 2423(a), 35 N.J.R. 4713(a).

In (h), added 3.  
Amended by R.2005 d.446, effective December 19, 2005.  
See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).

Added (h)1xxii.  
Amended by R.2006 d.75, effective February 21, 2006.  
See: 37 N.J.R. 3110(a), 38 N.J.R. 1183(a).

In (b)2, added Form F390, Framing Checklist.

#### Case Notes

Former N.J.A.C. 5:23-4.3 regarding conflict of interest valid. *New Jersey State Plumbing Inspectors Assn., Inc. v. Sheehan*, 163 N.J. Super. 398, 394 A.2d 1244 (App.Div.1978), certiorari denied 79 N.J. 484, 401 A.2d 239 (1979).

Monetary penalty against builder for code violations was not reduced for financial hardship, but was reduced by half to secure prompt compliance. *Bureau of Housing Inspection v. Regency Village Apartments*, 95 N.J.A.R.2d (CAF) 37.

Fraud and deceit while practicing as a licensed code enforcement official or inspector warranted license revocation. *Regulatory Affairs v. Zieniuk*, 95 N.J.A.R.2d (CAF) 15.

Conflict of interest precluded employment as elevator inspector. *Kunz v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 32.

#### 5:23-4.5A Selection of private on-site inspection and plan review agencies

(a) Whenever a local governing body having jurisdiction elects to contract with a private onsite inspection and plan review agency to carry out the enforcement of one or more subcodes, as permitted by N.J.A.C. 5:23-4.14, the agency shall be selected in accordance with the provisions of this section.

(b) Prior to the selection of an on-site inspection agency, the local enforcing agency shall notify each private on-site agency authorized by the Department to serve as a subcode official for the subcode(s) to be contracted. The notification, which shall specify the term of the proposed contract, shall be delivered by certified mail, return receipt requested. The notice shall specify any local procedural requirements, including, but not limited to, staffing and response time requirements exceeding the minimum standards set forth in the code, with which the construction official and/or the governing body would expect a private on-site agency to comply in order to effectively enforce a subcode in accordance with the performance standards of the local enforcing agency. No other notice shall be required.

1. The notice shall specify that a written, sealed bid is requested, together with a qualification statement containing the information set forth in N.J.A.C. 5:23-4.5A(d), shall identify the subcode(s) for which a bid is requested, shall state the date and time by which bids and accompanying qualification statements must be submitted, which shall not be less than 30 days following the date of mailing of the request for bids, and shall state the name and address of the person to whom bids and accompanying qualification statements shall be mailed or delivered.

2. All bids shall set forth the fees which the private on-site agency proposes to charge for work done by it in the municipality. Such fees shall be expressed as a uniform percentage, by subcode, which shall not exceed 100 percent, of the fees charged, as of the date on which the bids are opened, by the Department when it serves as an

enforcing agency, which fees are set forth at N.J.A.C. 5:23-4.20.

3. The contract shall be awarded to the bidder that offers to charge the lowest percentage of the Department's fees and is determined by the governing body, after consultation with the construction official, to be able to effectively enforce the subcode(s) for which the bid was submitted.

4. The amounts to be charged by a private on-site agency awarded a contract pursuant to this section shall be the amounts set forth in N.J.A.C. 5:23-4.20 and/or 5:23-12.6(a) and (b) as of the date of the opening of the bids, multiplied by the percentage set forth in the bid. Such amounts shall be in effect for the entire contract period and shall not be affected by any subsequent increase in the fees set forth in N.J.A.C. 5:23-4.20 or 5:23-12.6(a) and (b).



(c) Written, sealed bids, together with separately sealed qualification statements containing the information required by (d) below, shall be submitted to the municipal officer responsible for receiving bids at or before the date and time established in the original notice of request for proposals. The said municipal officer shall forward all such qualification statements received to the construction official, who shall evaluate each qualification statement and advise the governing body, in writing, as to whether, in the construction official's judgment, each private agency submitting a proposal would be able to effectively enforce the subcode(s) for which the proposal is being submitted in the municipality, in accordance with the performance standards of the local enforcing agency.

(d) All qualification statements submitted by private on-site inspection agencies to serve as subcode officials shall be in writing and shall contain all of the information required by this subsection. Any omission of required information shall allow the local governing body the option to automatically disqualify the proposal. No additional information shall be required. The required information is as follows:

1. The name and principal business address of the agency;
2. The name of the person who will serve as the agency's responsible official and representative if the agency is awarded the contract;
3. A full listing of all agency technical, field inspection and supervisory personnel, grouped by job classification and title. The listing shall include the technical, educational and licensure qualifications of each person;
4. A full listing of the municipalities served by the agency. This list shall specifically identify the subcodes enforced in each case and the number of permits supervised and the number of inspections performed during an average month during the preceding year in each municipality;
5. A table of organization for the agency which is correlated by job title to the required personnel list;
6. The manner in which the agency compensates each class of employees, which shall be one of the following only: full-time salaried, part-time salaried, full-time hourly or part-time hourly. Where employees of a given class are compensated in more than one way, a percentage breakdown shall be provided;
7. The full address of each agency office which is open and staffed at least 35 hours per week by salaried or hourly agency employees;
8. A narrative description of the arrangements the agency plans to make for the issuance of minor work and single trade permits;
9. A narrative description of the arrangements the agency plans to make for discharging its plan review obligations;

10. The time in which the agency can perform, or has performed, plan reviews upon assignment by the construction official;

11. Any guarantees of time in responding to requests for required inspections or plan reviews where the time in responding is less than the maximum time established in these regulations. If an agency does not guarantee response time less than the maximum, the agency shall so state in its proposal.

12. The time in which the agency can respond, or has responded, to requests for required inspections from the construction industry; and

13. A narrative description of the arrangements the agency plans to make for providing emergency inspection services, including response time.

(e) When considering qualification statements submitted by authorized on-site inspection agencies seeking to act as a subcode official, construction officials and governing bodies shall base their determination as to whether an authorized on-site inspection agency would be able to effectively enforce the subcode on the following criteria:

1. The speed with which the agency can respond, or has responded, to requests for required inspections from the construction industry;
2. The speed with which the agency can perform, or has performed, plan reviews upon assignment by the construction official;
3. The technical qualifications and capabilities of agency staff;
4. The thoroughness with which the agency can carry out, or has carried out, its inspection and enforcement work in other jurisdictions;
5. The adequacy of the arrangements the agency is prepared to make to provide emergency inspection services, including response time;
6. The ability of the agency to ensure, through its organizational structure, and the qualifications of its management staff, positive control and direction of its field and office staff.

(f) After the governing body, having consulted with the construction official, determines whether each private agency that has submitted a bid and qualification statement would be able to effectively enforce the subcode(s) for which subcode official services are required in the municipality, in accordance with the performance standards of the local enforcing agency, it shall, in accordance with the procedure generally followed when bids are received by the municipality, unseal and receive the bids of the private agencies that have been found to be able to effectively enforce such subcodes in accordance with the performance standards of the local enforcing agency and shall accept the

bid among such bids that sets forth the lowest percentage of the fees charged by the Department.

(g) The governing body shall accept the successful low bid, or reject all bids, within 30 days of the bid opening and shall enter into a contract with any successful bidder not less than 30 days prior to the beginning of the contract period.

(h) The municipality shall have the option of entering into a contract for one year, two years or three years.

(i) The contract shall set forth the specific amounts to be paid by the municipality to the private enforcing agency for each subcode official service. Such amounts shall, in all cases, be the amounts set forth in N.J.A.C. 5:23-4.20, as of the date of the opening of the bids, times the percentage bid by the private agency. Such amounts shall continue in effect, without any change, for the duration of the contract.

(j) The contract shall provide that amounts due to the private agency shall be paid as follows, if applicable, and shall be billed within 30 days of coming due and paid within 30 days of billing:

1. Twenty percent due upon issuance of the construction permit;
2. Sixty percent due 30 days thereafter;
3. Twenty percent due upon completion, as evidenced by issuance of inspection sticker approval for the subcode;
4. Certificate of occupancy or certificate of approval charges due on issuance of the certificate; and
5. Elevator inspection charges due on issuance of certificate of compliance or notice of unsafe structure.

(k) An on-site inspection agency that is aggrieved either by the terms of a bid solicitation by a municipality or by the awarding of a contract by a municipality to another on-site inspection agency shall be entitled to an administrative hearing in order to determine if the bid solicitation or contract award was done in a manner that was consistent with this chapter and was not arbitrary, capricious or unreasonable. Any such hearing shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. A request for any such hearing must be mailed within 15 days after receipt by the aggrieved agency of notice of the bid solicitation, or of the award of the contract to the other agency, as the case may be, to the Hearing Coordinator, Department of Community Affairs, CN 802, Trenton, NJ 08625-0802. Notice of the request for a hearing shall also be given by the aggrieved agency to the other agency, or agencies, and to the municipality, both, or all, of which shall be entitled to participate in the hearing as parties. The final decision shall be issued by the Commissioner and shall be enforceable by the Department. The Department shall serve as the forum for the hearing and shall not be deemed to be a party.

R.1984 d.260, eff. July 2, 1984.

See: 16 N.J.R. 3(a), 16 N.J.R. 1714(c).

Amended by R.1985 d.232, effective May 20, 1985.

See: 17 N.J.R. 340(a), 17 N.J.R. 1257(b).

(f) 1xix and xx added.

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).

See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).

Amended by R.1996 d.273, effective June 17, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1586(c), 28 N.J.R. 3120(a).

Added (k).

#### Case Notes

Adoption of regulation requiring open bidding when municipality engages private agencies to review construction plans and make code or subcode building inspections substantially complied with Administrative Procedure Act. *Middle Dept. Inspection Agency, Inc. v. New Jersey Dept. of Community Affairs, Div. of Housing and Development*, 278 N.J.Super. 573, 651 A.2d 1060 (A.D.1995), certification denied 140 N.J. 329, 658 A.2d 728.

Promulgation of regulation imposing open-bidding or setting fees when municipality engaged private agencies to review construction plans to make code or subcode building inspections was not in excess of statutory authority. *Middle Dept. Inspection Agency, Inc. v. New Jersey Dept. of Community Affairs, Div. of Housing and Development*, 278 N.J.Super. 573, 651 A.2d 1060 (A.D.1995), certification denied 140 N.J. 329, 658 A.2d 728.

#### 5:23-4.6 Interlocal enforcing agencies—establishment

(a) Parties: Any two or more municipalities may, by ordinance, join to administer and enforce the regulations and any subcode under the regulations. Any municipalities party to an agreement establishing one enforcing agency consisting of all subcodes may further provide for the establishment of a joint board of appeals.

(b) Agreement: Except as the section may add or substitute requirements, the procedures for the execution of any agreement pursuant to this section, shall be governed by the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.).

1. Upon the final adoption of an ordinance pursuant to the Interlocal Services Act, a copy of such ordinance, the contract, and any other pertinent information shall be forwarded to the department;

2. The term of any contract entered into pursuant to this section shall be four years.

3. The contract shall stipulate that the term of office of any construction or subcode official shall, except for good cause, be four years.

4. Such contract shall provide a mechanism for administration and enforcement within each of the contracting municipalities by one or more of the contracting municipalities, on an interim or emergency basis, should such agreement be invalidated by a court of competent jurisdiction or prove otherwise unenforceable.

5. The contract shall additionally stipulate the information contained in N.J.A.C. 5:23-4.7(b) and 4.8(a).

1. This prohibition shall not apply to any litigation not involving enforcement of the Code, or as a fact witness; nor shall it apply to any activities unrelated to an action for, or an appeal of, enforcement of the Code.

2. This subsection shall not apply to:

i. The ownership of stock or other investment instrument in any corporation listed on any national stock exchange;

ii. Any such business or employment outside the State;

iii. Any business or employment which is not subject to the regulations.

3. An on-site inspection agency may employ municipal subcode officials and inspectors on a part-time basis. This employment, however, shall be subject to the following conditions:

i. The on-site inspection agency can only employ municipal subcode officials and inspectors. A municipal construction official shall not be employed by an agency in any capacity.

ii. The written approval of the construction official supervising a municipal subcode official or inspector shall be obtained by the on-site inspection agency prior to hiring such municipal subcode official or inspector.

iii. An on-site inspection agency that hires a municipal subcode official or inspector shall thereupon waive the right to bid or contract in the employed subcode official or inspector municipality or municipalities.

iv. No person employed by, or associated with, an on-site inspection agency as an employee, proprietor, officer, director, partner or manager shall be permitted to retain such employment or association if he or she accepts employment with a municipality as a subcode official or inspector enforcing a subcode that was the subject of a contract or proposed contract for which the on-site agency was an unsuccessful bidder at any time during the previous 24-month period.

v. If an agency employee terminates employment with the agency and accepts employment in a municipality which was under contract with the agency, the agency shall waive the right to contract with that municipality for a period of two years.

(g) The amount charged to a municipality by a private agency for work subject to a minimum fee under N.J.A.C. 5:23-4.20(c)2 or for certificates of occupancy, certificates of approval and certificates of continued occupancy shall be the percentage set forth in a contract entered into in accordance with N.J.A.C. 5:23-4.5A, times the amount of the minimum fee or fee for a certificate of occupancy or certificate of approval, times the amount determined in accordance with this subsection.

1. In the case of work requiring inspections by four subcode officials or their designees, the allocation of the fee revenue shall be as follows:

i. Building subcode: 40 percent;

ii. Fire protection subcode: 20 percent;

iii. Plumbing subcode: 20 percent; and

iv. Electrical subcode: 20 percent.

2. In the case of work requiring inspections by fewer than four subcode officials or their designees, the allocation shall be among or between the subcodes involved in the proportions set forth in (g)1 above. (Thus, for example, in work involving only the building and plumbing subcodes, two-thirds of the fee (40/60) would be allocated to the building subcode and one-third of the fee (20/60) to the plumbing subcode.)

(h) Where plan review is performed more than one month before the construction permit is issued, or where a project does not go forward after a private on-site agency has performed plan review, then the municipality shall pay to the private agency 20 percent of the amount that would otherwise be due, which amount shall be determined by multiplying the relevant fee set forth in N.J.A.C. 5:23-4.20 by the percentage set forth in the contract between the municipality and the private agency entered into in accordance with N.J.A.C. 5:23-4.5A.

(i) Private on-site agencies shall bill for their services at least once monthly. Each bill shall specify the billing period and the amount currently due, amounts already paid, and any remaining balances, identified by permit number and totaled for the billing period.

(j) The private agency shall be paid for work performed even if the municipality receives no inspection fee for such work.

(k) Private enforcing agencies shall charge no fees other than the fees set forth in N.J.A.C. 5:23-4.20 multiplied by the percentage set forth in the contract between the private agency and the municipality. Private enforcing agencies shall furnish no services other than subcode enforcement services to municipalities and shall not receive any payments from municipalities for any other goods or services whatsoever.

Amended by R.1983 d.642, effective January 17, 1984.

See: 15 N.J.R. 1406(a), 16 N.J.R. 129(a).

Use of municipal subcode officials and inspectors further delineated.

Amended by R.1990 d.313, effective June 18, 1990.

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text of (b), on private inplant inspection agencies, deleted.

Amended by R.1992 d.243, effective July 6, 1992.

See: 24 N.J.R. 678(a), 24 N.J.R. 2422(a).

Conflict of interest provisions added.

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).

See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).

Amended by R.1996 d.273, effective June 17, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1586(c), 28 N.J.R. 3120(a).

#### Case Notes

In wrongful discharge claim brought by former employee for termination in violation of Family Leave Act, trial judge did not abuse his discretion in barring testimony from former employee's proffered expert on applicable conflict-of-interest regulations, even though former employer alleged that such testimony could have established that former employee's outside business activities violated Code regulation that prohibited an employee of an on-site inspection agency from engaging in any remunerated construction or alteration services within the State. *DePalma v. Bldg. Insp. Underwriters*, 350 N.J.Super. 195, 794 A.2d 848.

### 5:23-4.15 Suspension and revocation

#### (a) General:

1. In addition to any other remedies provided by the regulations, the Department may suspend or revoke its authorization of any private on-site agency if the Department determines that the authorization or reauthorization was based on the submission of fraudulent or materially inaccurate information, or that the authorization or reauthorization was issued in violation of the regulations, or that a change of facts or circumstances make it unlikely that the inspection agency can continue to discharge its responsibilities under the regulations in a satisfactory manner, or that the inspection agency has violated the regulations.

2. During the period of suspension the affected agency shall not be authorized to discharge any of its responsibilities under the regulations unless otherwise specified in the notice of suspension or order of the department.

#### (b) Notice:

1. The department shall notify such agency of its suspension or revocation in writing. Copies of the notice of suspension shall be forwarded by the department to all manufacturers or municipalities with implementing contracts with the affected inspection agency.

2. The suspension shall be effective on the date the affected inspection agency receives the notice of suspension or on any later date that may be designated in the notice of suspension.

#### (c) Revocation without suspension:

1. The Department may revoke its approval of any inspection agency without previously suspending its authorization. In such event, the Department shall send a written notice to the affected inspection agency of its intention to consider revocation of its authorization, stating the grounds therefor, and establishing a time and a place for a hearing on the question. The notice shall be sent to the affected inspection agency and to all manufacturers or municipalities having contracts with the affected inspection agency.

2. No such agency shall reapply for approval as an on-site agency until the expiration of one year from the date of the order of revocation.

(d) Termination of contract: Upon the suspension or revocation of approval of any inspection agency, any municipality or any manufacturer with an implementing contract with the inspection agency shall have the right to terminate its contract with such inspection agency and be free of all obligations thereon and to enter with such inspection agency and be free of all obligations thereon and to enter into an implementing contract with any other inspection agency.

(e) In the case of the suspension or revocation of any on-site inspection agency, the department shall, upon the request of any municipality with an implementing contract with the suspended or revoked inspection agency, consult with such municipality to establish a temporary arrangement by which the municipality can continue to enforce the regulations until the suspension or revocation is lifted or an implementing contract entered into with another on-site inspection agency. For these purposes, the department may, at its discretion, discharge some or all of the responsibilities of an on-site inspection agency. The department may also approve any other temporary arrangement which the department determines would best promote the purposes of the act and these regulations under the circumstances.

(f) The department shall provide any person aggrieved by any action of the department pursuant to this section with a hearing in accordance with the applicable provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and N.J.A.C. 1:1. The case shall be adjudicated before the Office of Administrative Law and the final decision shall be issued by the Commissioner.

Amended by R.1982 d.436, effective December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Added cases to be heard by the OAL with final decision by the Commissioner.

Amended by R.1990 d.313, effective June 18, 1990.

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text on inplant inspection agencies and temporary arrangements deleted.

Notice of Petition to amend section.

See: 27 N.J.R. 3232(a).

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

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

### 5:23-4.16 (Reserved)

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

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

Section was "Fire limits".

### 5:23-4.17 Municipal enforcing agency fees

(a) Ordinance: The municipality shall set enforcing agency fees by ordinance for the following activities: plan review, construction permit, certificate of occupancy, certificates of continued occupancy, demolition permit, elevator permit and sign permit.

1. The municipality shall include in any such ordinance all fees pertaining to the operations of the enforcing agency, including those for which the department has not set standards, such as fees for reinstatement of lapsed permit. All minimum fees shall be stipulated. Fees may be rounded to nearest dollar amount if the municipality's ordinance so provides.

(b) On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 to December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 to June 30), the construction official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating his recommendations for a fee schedule, based on the operating expense of the agency.

1. The report shall be structured in accordance with (c) below and with such guidelines as shall be issued from time-to-time by the Commissioner so as to accurately portray true enforcing agency expenses in general and for structures of different use groups. This report shall serve as the basis for the ordinance to be enacted by the municipality, as it may deem appropriate, establishing the fee schedule.

2. A copy of the construction official's report recommending a fee schedule and setting forth enforcing agency revenues and expenses shall be filed with the Department when prepared and a copy of the ordinance, together with the fee schedule, shall be filed with the Department when enacted or amended.

3. The appropriation and expenditure of construction code fee revenues generated from the fee schedule established pursuant to (b)1 above shall be audited annually by an independent auditor acceptable to the Department and a copy of the auditor's report shall be provided to the Department when it is issued to the municipality. Submission of a copy of the annual municipal audit required to be submitted to the Division of Local Government Services at the time that it is required to be submitted to that Division shall constitute compliance with this requirement provided, however, that the annual municipal audit tests and contains an opinion that all expenditures of construction code fees have been made for purposes herein permitted.

(c) Costs: The fee schedule shall be calculated to reasonably cover the municipal costs of enforcing the regulations.

1. It is the purpose and intent of this subsection to facilitate the accumulation by municipalities of the funds necessary to offset future construction code enforcement expenses, to ensure that construction code revenue is used only for construction code enforcement purposes, and to

provide a means of making such revenue readily available for such purposes from year to year.

2. All fees collected pursuant to the fee schedule established in accordance with (b)1 above shall be appropriated in accordance with the requirements of the Uniform Construction Code Act and the Local Budget Law to be applied solely to meet the municipal costs of enforcing the regulations, which costs shall be defined as including only the following:

i. Salaries and employee benefits for licensed code enforcement officials and inspectors and clerical personnel assigned to the enforcing agency, in an amount proportionate to the time spent in performing work for the enforcing agency provided, however, that detailed time records are kept where employees divide their time between Uniform Construction Code and Non-Uniform Construction Code duties;

ii. Cost of motor vehicles in an amount proportionate to their use by or for the enforcing agency. Payments for this purpose may be in the form of mileage reimbursement paid to employees for use of their own motor vehicles, cost of purchase of motor vehicles by the municipality for the exclusive use of the enforcing agency (which cost may not be amortized), depreciation and operating expenses of motor vehicles made available to the enforcing agency by another municipal agency, and cost of rental of motor vehicles for use by the enforcing agency;

iii. Direct costs in support of the agency such as equipment, supplies, furniture, office equipment maintenance, standardized forms, printing, and safety equipment that are supplied directly to the enforcing agency for its sole use;

iv. Professional expenses of enforcing agency personnel that are directly related to the enforcement of the regulations, including publications, membership dues, license fees, and authorized travel to conferences, meetings and seminars;

v. Fees for services performed under contract by private on-site inspection agencies;

vi. Documented charges for legal services required in connection with construction code enforcement litigation;

vii. Fees for the annual audit of the dedicated fund by an independent auditor; and

viii. Subject to the limitations set forth in (c)3 below, indirect, overhead, and other expenses of the municipality in support of the enforcing agency, including:

(1) Legislative and Executive expenses;



(2) Administration, including personnel, payroll, and general training services provided to the agency in common with all other municipal offices;

(3) Central services shared jointly with other municipal offices, such as telephone, reproduction, centralized computer services, etc.;

(4) Insurance except for group insurance premiums included under employer fringe benefits;

(5) General building maintenance expenses;

(6) Finance, including bookkeeping, purchasing, and auditing;

(7) Office space expenses, including rent or interest and debt service on municipal capital facilities; and

(8) Such other expenses as may be properly allocable to construction code enforcement.

3. Indirect and overhead expenses charged to the construction code fee revenues shall not exceed 12 percent of all other costs of the enforcing agency unless the indirect and overhead expenses of the municipality exceed 12 percent of the entire municipal budget, in which case indirect and overhead expense may be charged to construction code fee revenues in proportion to the general municipal overhead and expense ratio. A detailed written justification for any charge for indirect and overhead expenses in excess of 12 percent shall be prepared and made available for inspection both by the Department and by the public.

4. This subsection shall not be construed as precluding the use of money from the general fund of the municipality to pay costs of code enforcement when the construction code fee revenues generated from the fee schedule established pursuant to (b)1 above are insufficient for that purpose or when necessary to compensate the enforcing agency for work done without fee pursuant to statute or ordinance.

(d) Interlocal enforcement: When two or more municipalities or a county and one or more municipalities enter into an agreement to administer and enforce this chapter pursuant to N.J.A.C. 5:23-4.4(a)2 and the Interlocal Service Act (N.J.S.A. 40:8A-1 et seq.), there shall be one uniform fee schedule which shall be applied by all parties to the agreement. Said fee shall be collected by the interlocal enforcing agency performing the administration and enforcement of the regulations. No additional fee shall be required to be paid or be paid by an applicant to any municipality or county for any Uniform Construction Code enforcement service. The enforcing agency shall maintain financial records showing for each municipality the amounts of money collected and expended in the enforcement of this chapter.

Amended by R.1982 d.401, effective November 15, 1982.  
See: 14 N.J.R. 495(a), 14 N.J.R. 1300(a).

Added (d). Prior to recodification of N.J.A.C. 5:23, this section was codified at 5:23-4.8.

Amended by R.1982 d.402, effective November 15, 1982.

See: 14 N.J.R. 943(a), 14 N.J.R. 1300(b).

Added to (b)2 that copy of report . . . must be filed every two years. Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

In (a): added "certificates of continued occupancy, certificate of approval" and deleted "moving of building permit . . .".

In (a)1: added language regarding rounding of dollar amounts in fees.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted without change.

Amended by R.1990 d.115, effective February 5, 1990 (operative March 1, 1990).

See: 21 N.J.R. 3348(a), 22 N.J.R. 352(a).

Requirements added at (c) for the establishment of a mechanism (dedication by rider) to ensure construction fees are used for no other purpose than to fund annual costs for the operation of enforcing agencies.

Amended by R.1990 d.489, effective October 1, 1990.

See: 22 N.J.R. 1871(a), 22 N.J.R. 3147(a).

Amended to state that appropriation of municipal construction code fees may be done by rider or by estimates in advance, in accordance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

Amended by R.1992 d.148, effective April 6, 1992.

See: 24 N.J.R. 169(a), 24 N.J.R. 1399(a).

Construction official may report based on the municipality's fiscal year.

Amended by R.1996 d.544, effective December 2, 1996 (operative February 1, 1997).

See: 28 N.J.R. 3996(a), 28 N.J.R. 5071(a).

#### Case Notes

Fee schedules must be calculated to reasonably cover municipal code enforcement costs. *Bureau of Construction Code Enforcement v. Hasbrouck Heights*, 4 N.J.A.R. 282 (1983).

#### 5:23-4.18 Standards for municipal fees

##### (a) General:

1. The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of submission of an application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued; provided however, that the municipality may provide by ordinance that the plan review fee be paid at the time of granting the permit. Plan review fees are not refundable.

2. The fee to be charged for a construction permit will be the sum of the basic construction fee computed in accordance with (c) below herein plus any applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.

3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee;

4. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purposes of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing. Annual permit fees shall be non-refundable.

5. Prior to the issuance of the annual permit, a training registration fee of \$140.00 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the municipal construction official, who shall forward the fee and list to the Department of Community Affairs, Bureau of Code Services, Training Section along with a copy of the construction permit (Form F170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

**(b) Plan review fees:**

1. Plan review fees shall be computed as a percentage of the fee to be charged for the construction permit. This percentage shall, to the extent possible, approximate the actual costs incurred in plan review activities, but in any case shall be not less than five percent nor more than 25 percent of the amount that would be charged for the construction permit. For projects which do not require plan review for all subcodes, the fee shall be the appropriate percentage of the subcode fee which is applicable.

2. When plans have been reviewed and released by the Department or when a plan review is waived by the municipality in accordance with N.J.A.C. 5:23-2.15(e)1x, then the enforcing agency construction permit fee shall be reduced by 20 percent from the amount otherwise specified in the municipal enforcing agency fee schedule.

3. If a municipality has not established a plan review fee by ordinance, 20 percent of the construction permit fee shall be designated as the plan review fee for prototype plans.

4. Whenever a permit application is received based on a released prototype plan, the permit fee shall be reduced by the amount of the plan review fee.

i. For Statewide prototype plans released by the Department or for other prototype plans where the prototype did not include the foundation detail, the construction permit fee shall be reduced by 15 percent from the amount otherwise specified in the municipal enforcing agency fee schedule.

**(c) Basic construction fee:** The basic construction fee shall be computed on the basis of the volume of the building or, in the case of alterations, the estimated construction cost, and

the number and types of plumbing, electrical and fire protection fixtures and devices as herein provided.

1. Fees for new construction or alterations shall be as follows:

i. Fees for renovations, alterations, reroofing, repairs, and site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connections for premanufactured construction, shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$1,000 of estimated cost.

ii. Fees for renovations, alterations, and repairs shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$1,000 of estimated cost.

iii. Fees for additions shall be computed on the same basis as for new construction for the added portion;

iv. Fees for combination renovations and additions shall be computed as the sum of the fees for the addition and alteration computed separately in accordance with (b) and (c) above;

v. The unit rates may vary for different occupancy groups or structures of different sizes within the same occupancy group, but this shall be clearly indicated in the ordinance and schedule;

vi. Temporary structures and all structures for which volume cannot be computed, such as swimming pools and open structural towers, shall be charged a flat rate;

vii. Fees for minor construction work shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$1,000 of estimated cost or fraction thereof.

viii. Fees for retaining walls shall be as follows:

(1) A retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall have a flat fee.

(2) A retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall have a flat fee.

(3) A newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

2. Plumbing fixtures and stacks: Fees shall be based upon the number of plumbing fixtures, devices, plumbing stacks and utility service connections to be installed. Utility service connections include sewer connections and water service connections. The fee shall be a unit rate per fixture, stack, and utility service connection. The unit rate may vary for different types of fixtures and utility service pipes, but this shall be clearly indicated in the ordinance

and schedule. There shall be no inspection fee charged for gas service entrances.

3. Electrical fixtures and devices: Fees shall be based upon the number of electrical fixtures or rating of electrical equipment and devices to be installed. The fee shall be a unit rate per fixture or per kilowatt, horsepower or ampere rating of the device or equipment. The unit rate may vary for different types of fixtures or devices, but this shall be clearly indicated in the ordinance and schedule.

4. Fees shall be based upon the number of sprinkler heads, standpipes, and detectors (smoke and heat) and shall be reasonable unit charges. Fees may also be charged for the inspection of premanufactured fire suppression systems, for gas and oil fired appliances not connected to the plumbing system, for kitchen exhaust systems and for incinerators and crematoriums. The municipal ordinance shall clearly set forth what fees are to be charged for what devices.

5. The municipality shall set a flat fee for a mechanical inspection performed by a mechanical inspector or a plumbing inspector in a structure of Group R-3, R-4, or R-5. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

(d) Demolition permit fees: Permit fees for demolition of a building or structure shall be a flat fee. This fee may vary according to type of structure or whether there has been a condemnation, but this shall be clearly indicated in the ordinance and schedule.

(e) Sign permit fees: The fee for a permit to construct a sign shall be either based upon the square foot area of the surface of the sign, computed on one side only for double-faced signs, or a flat fee per sign.

(f) Certificate fees:

1. The fee for a certificate of occupancy for new construction shall be computed as a percentage of the fee to be charged for the construction permit. This percentage shall be an amount sufficient to cover the actual costs for processing the certificate of occupancy. In the alternative, the municipality may establish a flat fee for the certificate of occupancy.

2. The municipality shall establish a flat fee for certificate of continued occupancy, for certificate of occupancy granted pursuant to a change of use, for multiple certificates of occupancy (as for a shopping center), and similar conditions.

3. The fee for the first issuance and the renewal of a temporary certificate of occupancy shall not exceed \$30.00.

i. Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time.

4. Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (such as prior approvals from state or municipal agencies), the duration of the temporary certificate of occupancy shall be reasonably consistent with the time required for compliance with the conditions of the prior approval.

5. There shall be no fee charged for a certificate of approval issued pursuant to N.J.A.C. 5:23-2.23(j).

6. There shall be no fee for a certificate of compliance.

(g) Elevator, backflow preventer and cross connection fees are as follows:

1. The fee for a permit to install an elevator device shall be a flat fee. The fee may vary for different types of inspections, tests and elevator devices.

2. The fees for inspections and witnessing of tests for an elevator, escalator, moving walk, dumbwaiter or other elevator device shall be flat fees. These fees may vary for different required inspections and tests, but any variation shall be set forth in the ordinance and the schedule.

3. The categories of municipal elevator fees shall be identical to the categories of elevator fees listed at N.J.A.C. 5:23-12.6(a) and (b).

4. For cross-connections and backflow preventers that are subject to testing and require reinspection, the fee shall be a flat fee.

(h) No special fee shall be established for any class or type of work which is undertaken as a part of work authorized by a construction permit, except elevator and sign permits as herein provided. Other special fees may be established for work regulated by the code but not undertaken as a part of the new construction project. Such special fees shall be flat fees.

(i) Rules concerning the appeal of fees are:

1. Whenever any person shall believe that the fees established by a municipality, pursuant to this subsection, fail to meet the standards of this section for establishing fees, that person shall be entitled to petition the commissioner for a review of the fee schedule in question.

i. Any such petition shall state the name, place of residence and the manner in which the fee schedule affects the petitioner. It shall further state the manner in which the petitioner believes the fees established to be inconsistent with the standards established herein.

ii. If, upon investigation, the commissioner determines that there is reason to believe that the fees in question do not meet the standards established herein, then the commissioner shall set a time and the place for a hearing. The purpose of the hearing shall be to determine the facts.

iii. No such hearing shall be called except upon 30 days notice to the municipality and the petitioner. The municipality shall be required to furnish such information concerning construction volume, construction activity, and local enforcing agency costs as the commissioner may require in order that a determination may be made.

iv. As soon as practical after the conclusion of such a hearing, the commissioner shall make a finding and determination as to whether the fee schedule in question, as a whole or in any of its parts, conforms or fails to conform to the standards established in this section.

2. In addition to any other actions that he may take upon determining that the fees established by a municipality fail to meet the standards of this section, the commissioner may order the repayment of the excess amount of such fees to the persons who have paid them.

(j) Fees to be charged by municipalities where private on-site inspection and plan review agencies carry out subcode official responsibilities shall not exceed the amounts to be paid to those private agencies for those services, pursuant to the contract between the private agency and the municipality, by more than 15 percent.

(k) The fee charged for the annual electrical inspection of swimming pools, spas or hot tubs shall be a flat fee and the amount of the fee shall be set to cover the costs.

Amended by R.1984 d.260, effective July 2, 1984.

See: 16 N.J.R. 3(a), 16 N.J.R. 1714(c).

Section substantially amended.

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Old (a)4 deleted and new text substituted.

Amended by R.1986 d.213, effective June 16, 1986.

See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Added text to (a)4 "annual permit-fees shall be non-refundable" and (a)5 "Prior to the issuance of the annual permit" and "Bureau of Construction Code Enforcement."

Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

Minor technical changes made throughout section.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989 (operative January 1, 1990 for 4.18(c)-(e)).

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted with change.

Added sections (c)4; (k)liv and v.

Deleted sections (e), "Removal permit fees"; (l)lii, "Fire subcode"; and (l)4, "Elevator fees ...", with renumbering and recodification.

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

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

Uniform flat fees for elevators to be set forth in ordinance and schedule.

Amended by R.1992 d.230, effective June 1, 1992.

See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (a)5.

Amended by R.1992 d.313, effective August 3, 1992.

See: 24 N.J.R. 1846(a), 24 N.J.R. 2712(b).

No inspection fee for gas service entrances.

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

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

Added (c)5.

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.1993 d.665, effective December 20, 1993.

See: 25 N.J.R. 4548(a), 25 N.J.R. 5928(a).

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).

See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(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.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), 27 N.J.R. 3325(a).

In (a)5 added individuals to be trained and registered.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), 27 N.J.R. 3325(b).

Rewrote (f) and (g).

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.409, effective October 6, 1997.

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

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

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

In (c)5, inserted reference plumbing inspector.

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

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

Rewrote (c)3; and added (f).

Amended by R.2001 d.347, effective October 1, 2001.

See: 32 N.J.R. 3218(a), 33 N.J.R. 3430(a).

Rewrote (f).

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

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

In (c), rewrote 5.

Amended by R.2004 d.144, effective April 5, 2004.

See: 35 N.J.R. 4944(a), 36 N.J.R. 1753(a).

In (b), rewrote 2, deleted the N.J.A.C. reference in 3 and added 4; deleted former (i) and recodified former (j) through (l) as (i) through (k).

Amended by R.2005 d.446, effective December 19, 2005.

See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).

Added (c)lviii.

#### Case Notes

Owner was not entitled to hearing before administrative law judge to review adverse determination of Department of Community Affairs regarding its challenge to permit fees charged in connection with construction of new building absent evidence that township's permit fee revenues exceeded its expenditures, in violation of governing law. *Toys R Us, Inc. v. Township of Mount Olive*, 300 N.J.Super. 585, 693 A.2d 539 (A.D.1997).

Fee standards violation. *Bureau of Construction Code Enforcement v. Hasbrouck Heights*, 4 N.J.A.R. 282 (1983).

#### 5:23-4.19 New Jersey State permit surcharge fees

(a) In order to provide for the training and certification and technical support programs required by the Act, an enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. Said fee shall be accounted for and forwarded to the Division of Codes and Standards in the manner herein provided.

(b) Amount: This fee shall be in the amount of \$0.00265 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The fee for all other construction shall be \$1.35 per \$1,000 of value of construction.

1. No fee shall be collected for preengineered systems of commercial farm buildings.

2. No fee shall be collected for permits to perform asbestos abatement or lead abatement.

3. No fee shall be collected for permits for the construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income, as defined in N.J.A.C. 5:43-1.5.

4. No fee shall be collected for demolition of buildings or structures.

5. No fee shall be collected for work consequential to a natural disaster when the local code enforcement agency is waiving its fee.

(c) Remitting and reporting:

1. The municipality shall remit fees to the Bureau on a quarterly basis, in conjunction with report number R-840B State Training Fee Report in accordance with N.J.A.C. 5:23-4.5(e). Fees remitted shall be for the quarter. Checks shall be made payable to "Treasurer, State of New Jersey."

Amended by R.1982 d.220, effective July 19, 1982.

See: 14 N.J.R. 456(a), 14 N.J.R. 755(b).

In (c)3i deleted "state fiscal" and "third and fourth quarter" and added "quarters of the calendar" year. In (c)3ii deleted reporting on an annual basis and added quarterly report. Also added iii and (1). Prior to recodification of N.J.A.C. 5:23, this section was codified at 5:23-4.8(c).

Amended by R.1983 d.611, effective January 3, 1984.

See: 15 N.J.R. 1789(a), 16 N.J.R. 45(b).

In (c), deleted old 1.-3. and added new 1.

Emergency adoption, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

In (b): changed "will" to "shall" and changed "\$0.0006" to "\$0.0014" per cubic foot.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted without change.

Amended by R.1990 d.61, effective February 5, 1990.

See: 21 N.J.R. 3346(b), 22 N.J.R. 351(b).

At (c)1, monthly reporting and fee submissions changed to quarterly.

Amended by R.1991 d.181, effective April 1, 1991, operative July 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (b) increased fee amount from \$0.0014 to \$0.0016 per cubic foot.

Amended by R.1992 d.47, effective February 3, 1992.

See: 23 N.J.R. 3440(a), 24 N.J.R. 405(a).

Fees to be paid to Regulatory Affairs.

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fee amount amended at (b).

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).

Administrative Correction.

See: 28 N.J.R. 1981(b).

Amended by R.1997 d.303, effective July 21, 1997.

See: 29 N.J.R. 1437(b), 29 N.J.R. 3247(a).

Subdivided (b); in (b), deleted reference to preengineered systems of commercial farm buildings; and added (b)2.

Amended by R.2001 d.194, effective June 18, 2001.

See: 33 N.J.R. 1041(a), 33 N.J.R. 2097(a).

In (a), substituted "Division of Codes and Standards" for "Bureau of Regulatory Affairs"; in (b), added 3 and 4.

Amended by R.2002 d.42, effective February 4, 2002.

See: 33 N.J.R. 3713(a), 34 N.J.R. 732(a).

In (b), added 5.

Amended by R.2002 d.260, effective August 5, 2002.

See: 34 N.J.R. 1572(a), 34 N.J.R. 2781(c).

In (b), substituted "\$0.0019" for "\$0.0016" and "\$0.96" for "\$0.80" in the introductory paragraph.

Administrative correction.

See: 35 N.J.R. 2208(b).

Amended by R.2003 d.249, effective June 16, 2003.

See: 35 N.J.R. 1361(a), 35 N.J.R. 2639(a).

In (b), substituted "\$0.00265" for "\$0.0019" and "\$1.35" for "\$0.96".

## 5:23-4.20 Department fees

### (a) General:

1. The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.

2. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.

3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.

4. Where the Department, pursuant to N.J.A.C. 5:23-4.24, is designated as the plan review agency, or when the Department has been requested to provide plan review services by a municipality pursuant to N.J.A.C. 5:23-4.24, or when the Department is designated as the local enforcing agency pursuant to N.J.A.C. 5:23-4.3, the following schedule of fees shall pertain.

5. The construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income shall be exempted from the fees set forth in (b) and (c) below and otherwise payable to the Department.

6. No fee shall be collected for work consequential to a natural disaster when the Department is the local enforcing agency.

### (b) Departmental plan review fee:

1. The plan review fee for new construction shall be based upon the volume of the structure.

i. For buildings or structures in Use Groups A, F or S, the plan review fee shall be \$.010 per cubic foot;

ii. For health care facilities in Use Groups B or I, the plan review fee shall be \$.022 per cubic foot; and

iii. For all other buildings or structures, the plan review fee shall be \$.016 per cubic foot.



ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior).

7. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Groups R-2, R-3, R-4 and R-5.

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b)8ii. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are renovated, the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1-1998, Section 604.8 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1-1998, Sections 603 through 608, as applicable, for nonresidential buildings or ICC/ANSI A117.1-1998, Chapter 10 for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. (Building)

3. Replacement doors shall comply with the following: (Building)

i. When replacement doors are installed in buildings required by the barrier free subcode to be accessible, replacement hardware shall comply with ICC/ANSI A117.1-1998, Section 404.2.7.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Groups I-1, R-1 or R-2 shall be 1½ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) 1½ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1½ inch door.

4. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2406.2 of the building subcode. (Building)

5. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

6. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.

7. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the replacement of existing equipment with equipment using a different refrigerant or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

8. When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 716.2 of the building subcode. The fireblocking material shall comply with section 716.2.1 or 716.2.1.1 of the building subcode.

9. Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the

elevator shall be equipped to operate with a standardized fire service key.

(f) In buildings of Groups R-3, R-4 and R-5 and in dwelling units of Group R-2, smoke detectors shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted.

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4 or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(h) All materials and methods used shall comply with the building, plumbing, fire protection, mechanical, electrical and barrier free subcodes as specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Groups R or I-1, where the size of window openings is being changed, at least one window shall:

- (1) Be operable;
- (2) Have a sill height of not more than 44 inches;
- (3) Have a width of at least 20 inches, a height of at least 24 inches and a minimum of total area of 5.7 square feet measured from head to sill and from side to side.
- (4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit.

2. Replacement handrails and guardrails shall comply with Sections 1003.3.3.11, 1003.3.4.7 and 1003.2.12 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Inserted (d)5; in (e), changed N.J.A.C. reference in 1, deleted "In all use groups other than H," at the beginning of 3ii(1), and added 7; and rewrote (f).

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c), rewrote 2; in (d), added 6; in (e)6, deleted "listed," preceding "like material", rewrote 6iii and substituted "Section 250-140" for "Section 250-60" in 6v.

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

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

In (d), added new 7; in (e) added new 8 and 9.

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

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

Deleted (e)9; added a new (g); recodified former (g) as (h).

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).

Deleted references to use preceding references to group throughout and substituted "automatic sprinkler" for "fire suppression" throughout; in (h)ii, amended the N.J.A.C. reference.

Amended by R.2005 d.4, effective January 3, 2005.

See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).

Added (e)9.

## 5:23-6.6 Alterations

(a) Alterations, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

i. For wood frame construction, deflection shall not exceed  $L/180$  for roofs with a slope of 3 in 12 or less or  $L/120$  for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed  $L/240$  for roofs with a slope of 3 in 12 or less or  $L/180$  for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed  $L/180$  for roofs or  $L/240$  for floors.

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

3. No work shall be undertaken that diminishes accessibility below that which is required by the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7. (Building)

4. Construction materials used as part of an alteration project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive.

(d) The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of N.J.A.C. 5:23-6.11 of this subcode; (Building)

2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories, Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; and (Electrical)

4. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)

5. Bars, grilles and screens shall not be placed over emergency escape windows or doors in Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for the normal operation of the window or door. (Building)

6. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior).

7. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Groups R-2, R-3, R-4 and R-5.

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b) 8ii. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1-1998, Section 604.8 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1-1998, Sections 603 through 608, as applicable, for nonresidential buildings or ICC/ANSI A117.1-1998, Chapter 10 for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. When space is reconfigured, the altered space shall comply with the barrier free subcode, N.J.A.C. 5:23-7.

(1) Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

(2) Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. This may be accomplished by providing two unisex bathrooms, one of which is accessible. (Building)

(3) Where it is technically infeasible to gain compliance within an altered bathroom, signage to the closest accessible bathroom (if any) shall be provided at the altered bathroom. (Building)

3. Replacement doors shall comply with the following: (Building)

i. In buildings required by the barrier free subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC/ANSI A117.1-1998, Section 404.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with ICC/ANSI A117.1-1998, Section 404.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Groups I-1, R-1 or R-2 shall be 1½ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) 1½ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1½ inch door.

4. In buildings required by the barrier free subcode to be accessible, when entrance steps are being replaced, an accessible entrance shall be provided if this does not add more than 20 percent to the cost of replacing the steps. (Building)

i. If at least 50 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

5. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by N.J.A.C. 5:23-7.1. (Building)

6. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2406.2 of the building subcode. (Building)

7. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

8. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3 of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.

9. In buildings of Group R or I-1, when the work being performed creates a bedroom, the following shall be provided:

i. A hard-wired smoke detector shall be installed within each new bedroom and a second, hard-wired smoke detector shall be installed within the immediate vicinity of the bedroom in accordance with NFPA 72. (Fire)

ii. A bedroom window or exterior door that meets the requirements of N.J.A.C. 5:23-6.9(a)17 shall be provided when the bedroom created is below the fourth floor. (Building)

(1) This requirement shall not apply in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

10. In buildings of Groups R-3, R-4 and R-5:

i. When the work being performed creates living space over a private garage, the private garage shall comply with Section 302.3.3 of the building subcode or R309.2 of the one- and two-family dwelling subcode, as applicable, for fire resistance rating.

ii. When the work being performed creates an additional dwelling unit within the building, the new dwelling unit shall be separated from the existing dwelling unit(s) with fire partitions or horizontal assemblies having a fire resistance rating of not less than one hour constructed in accordance with Sections 708 and 710 of the building subcode or R321.1 of the one- and two-family dwelling subcode, as applicable.

11. In buildings of Group R-1, in at least one sleeping room or suite of every 25 or fewer that are part of the scope of work, the work being performed shall comply with the applicable provisions of ICC/ANSI A117.1-1998 unless the facility already provides the number of accessible sleeping rooms required by the barrier free subcode. In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by the barrier free subcode. (Building)

12. In buildings of Groups R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area.

13. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the installation of new equipment, the replacement of existing equipment with equipment using a different refrigerant, or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

14. When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 716.2 of the building subcode. The fireblocking material shall comply with section 716.2.1 or 716.2.1.1 of the building subcode.

15. When the work being performed results in an indoor or outdoor gas meter, related regulator or piping becoming subject to vehicle impact, which work includes, but is not limited to, new installation, relocation or other construction, the gas meter, related regulator or piping shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

i. Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

16. Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key.

(f) In buildings of Groups R-3, R-4 and R-5 and in dwelling units of Group R-2, smoke detectors shall be installed and maintained on each level of the structure,

outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted. (Fire)

(g) In buildings of Groups I-1, R-1, R-2, R-3, R-4 or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(h) The work shall not make the building less conforming with the basic requirements of this subchapter than it was when the alteration was undertaken.

1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC.

2. Where the scope of work consists of an item for which requirements are established in the basic requirements of this subcode, the work shall comply with the basic requirements.

(i) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) 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.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit.

2. Replacement handrails and guardrails shall comply with Sections 1003.3.3.11, 1003.3.4.7 and 1003.2.12 of the building subcode, respectively. Where 50 percent or more



of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(j) All new building elements, as listed in N.J.A.C. 5:23-6.9, shall comply with the requirements of that section.

(k) In a building required by the barrier free subcode to be accessible, where the space altered is a primary function space, an accessible path of travel to the altered space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall alteration project; a cost is disproportionate if it exceeds 20 percent of the cost of the alteration work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the altered area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the altered primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

- i. Windows, hardware, operating controls, electrical outlets and signage;
- ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or
- iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the alteration of materials or systems listed in (k)2 above, the path of travel requirements shall not apply.

4. Where the alteration work is for the primary purpose of increasing the accessibility of the building or tenancy, the requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards in the barrier free subcode, the work must comply to the maximum extent feasible.

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Inserted (d)5; in (e), changed N.J.A.C. reference in 1, inserted a second sentence in 2iii(2), deleted "In all use groups other than H." at the beginning of 3ii(1), rewrote 9, inserted a new 10, recodified former 10 and 11 as 11 and 12, and added 13; and rewrote (f).  
Amended by R.2000 d.492, effective December 18, 2000.  
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c), rewrote 2 and added 4; in (d), added 6; in (e), rewrote 8iii and substituted "Section 250-140" for "Section 250-60" in 8v; in (j)3, amended internal reference.

Amended by R.2002 d.5, effective January 7, 2002.  
See: 33 N.J.R. 3392(a), 34 N.J.R. 267(a).

In (d), added new 7; in (e) added new 14 and 15.  
Amended by R.2003 d.137, effective April 7, 2003.  
See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

Deleted (e)15; added a new (g); recodified former (g) through (j) as (h) through (k).

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.

Administrative correction.

See: 35 N.J.R. 4861(a).

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

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

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (e)10; added (h)2; in (i)1ii, amended the N.J.A.C. reference.

Amended by R.2004 d.468, effective December 20, 2004.

See: 36 N.J.R. 1858(b), 36 N.J.R. 5711(a).

In (e), added 15.

Amended by R.2005 d.4, effective January 3, 2005.

See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).

Added (e)16.

## 5:23-6.7 Reconstruction

(a) Reconstruction, as defined in N.J.A.C. 5:23-6.3, shall comply with the requirements of this section.

1. If a project is less than the entire use, primary function space or tenancy by a de minimis amount, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.

2. If work performed or to be performed in phases is so extensive that the project would require a new certificate of occupancy if the work were performed at one time, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)



i. For wood frame construction, deflection shall not exceed  $L/180$  for roofs with a slope of 3 in 12 or less or  $L/120$  for roofs with a slope of greater than 3 in 12 and for floors.

ii. For steel frame construction, deflection shall not exceed  $L/240$  for roofs with a slope of 3 in 12 or less or  $L/180$  for roofs with a slope of greater than 3 in 12 and for floors.

iii. For concrete construction, deflection shall not exceed  $L/180$  for roofs or  $L/240$  for floors.

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

3. No work shall be undertaken that diminishes accessibility below that which is required by the Barrier Free Subcode of the Uniform Construction Code, N.J.A.C. 5:23-7. (Building)

4. Construction materials used as part of a reconstruction project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive.

(d) The following products and practices shall not be used:

1. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 C.F.R. 1630);

2. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electric Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; (Electrical)

3. Plumbing materials and supplies:

i. All purpose solvent cement;

ii. Clear PB (polybutylene) piping;

iii. Flexible traps and tailpieces;

iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and

v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems (Plumbing); and

4. Bars, grilles and screens shall not be placed over emergency escape windows or doors in Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that

which is required for the normal operation of the window or door. (Building)

5. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:

i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;

ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;

iii. Uncontained water blasting or power washing; or

iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior).

6. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit.

i. Exception: Within dwelling units of Groups R-2, R-3, R-4 and R-5.

(e) The following products and practices shall be required, when applicable:

1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required at N.J.A.C. 5:23-3.15(b)8ii. (Plumbing)

2. In buildings required by the barrier free subcode to be accessible, when bathrooms or toilet rooms are altered the following requirements for providing accessibility shall apply unless the requirements of the barrier free subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC/ANSI A117.1-1998, Section 604.8 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC/ANSI A117.1-1998, Sections 603 through 608, as applicable, for nonresidential buildings or for residential buildings required by the barrier free subcode to be accessible. (Plumbing)

iii. When space is reconfigured, the altered space shall comply with the barrier free subcode, N.J.A.C. 5:23-7.

(1) Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

(2) Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. This may be accomplished by providing two unisex bathrooms, one of which is accessible. (Building)

(3) Where it is technically infeasible to gain compliance within a reconstructed bathroom, signage to the closest accessible bathroom (if any) shall be provided at the reconstructed bathroom. (Building)

3. Replacement or new doors shall comply with the following: (Building)

i. In buildings required by the barrier free subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC/ANSI A117.1-1998, Section 404.

(1) If the door being added, enlarged or replaced is a building entrance and at least 50 percent of the entrance doors are accessible, then the door being added, enlarged or replaced is not required to comply with ICC/ANSI A117.1-1998, Section 404.

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Groups I-1, R-1 or R-2 shall be 1½ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames.

(1) 1½ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1½ inch door.

4. In buildings required by the barrier free subcode to be accessible, when entrance steps are being replaced, a ramp shall be installed provided that the installation of a ramp does not add more than 20 percent to the cost of replacing the steps. (Building)

i. If at least 50 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.

5. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by N.J.A.C. 5:23-7.

6. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Specific Hazardous Locations" as specified by Section 2406.2 of the building subcode. (Building)

7. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

8. Existing electrical wiring and equipment undergoing repair or replacement shall be allowed to be replaced with like material except for the following: (Electrical)

i. Replacement of electrical receptacles shall comply with the requirements contained in Section 406.3(D) of the electrical subcode;

ii. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode;

iii. For replacement of nongrounding-type receptacles with grounding-type receptacles, the equipment grounding conductor of a grounding-type receptacle outlet shall be permitted to be connected, in accordance with Section 250.130(C) of the electrical subcode;

iv. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles; and

v. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and outlet or junction boxes that are part of the existing branch circuit for these appliances, except for mobile homes and recreational vehicles, shall be permitted to be grounded to the grounded circuit conductor if all the conditions of Section 250.140 of the electrical subcode are met.

9. In buildings of Groups R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area. (Building)

10. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the installation of new equipment, the replacement of existing equipment with equipment using a different refrigerant, or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

11. When the work being performed results in an indoor or outdoor gas meter, related regulator or piping becoming subject to vehicle impact, which work includes, but is not limited to, new installation, relocation or other construction, the gas meter, related regulator or piping shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

i. Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

12. Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key.

(f) In buildings of Groups I-1, R-1, R-2, R-3, R-4 or R-5 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(g) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. For repair work undertaken as part of a reconstruction project, materials like those existing may be used. There is no limit to the amount of repair work which may be undertaken.

2. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

(3) 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.

(4) New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit.

3. Replacement handrails and guardrails shall comply with Sections 1003.3.3.11, 1003.3.4.7 and 1003.2.12 of the building subcode, respectively. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the referenced sections of the building subcode. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

(h) All new building elements, as listed in N.J.A.C. 5:23-6.9, shall comply with the requirements of that section.

(i) The basic requirements of this subchapter for the applicable group shall be met within the work area(s). Attendant work outside the work area(s) shall not make the building less conforming with the basic requirements than it was when the reconstruction was undertaken.

1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC. Existing fire alarm, automatic sprinkler and standpipe systems shall not be removed without replacement and shall be maintained in operating condition.

(j) The supplemental requirements of this subchapter for the applicable group shall be met wherever the extent of the work is such that the trigger accompanying each requirement is met or exceeded.

(k) In a building required by the barrier free subcode to be accessible, where the space reconstructed is a primary function space, an accessible path of travel to the space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall project; a cost is disproportionate if it exceeds 20 percent of the cost of the work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the reconstructed area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the reconstructed primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

i. Windows, hardware, operating controls, electrical outlets and signage;

ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or

iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the reconstruction of materials or systems listed in (k)2 above, the path of travel requirements shall not apply.

4. Where the work is for the primary purpose of increasing the accessibility of the building or tenancy, the

requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards of ICC/ANSI A117.1-1998, the work must comply to the maximum extent feasible.

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c), rewrote 2 and added 4; in (d), added 5; in (e), amended the N.J.A.C. reference in 5, rewrote 8iii, and substituted "Section 250-140" for "Section 250-60" in 8v.

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

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

In (d), added new 6; in (e), added new 11.

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

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

Deleted (e)11; added a new (f); recodified former (f) through (j) as (g) through (k).

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.

Administrative correction.

See: 35 N.J.R. 4861(a).

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

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

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout; in (g)2ii, amended the N.J.A.C. reference.

Amended by R.2004 d.468, effective December 20, 2004.

See: 36 N.J.R. 1858(b), 36 N.J.R. 5711(a).

In (e), added 11.

Amended by R.2005 d.4, effective January 3, 2005.

See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).

Added (e)12.

## 5:23-6.8 Materials and methods

(a) The following requirements shall be met for materials and installation methods for all items that are part of the applicant's proposed project for all categories of work other than repair as defined in N.J.A.C. 5:23-6.3.

1. Where sections listed below reference other sections not listed below, those sections shall apply within that limited context.

(b) Building and Fire Protection Materials and Methods: The following sections of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the building and fire protection materials and methods requirement for this subchapter:

1. The following sections of Chapter 5 entitled "General Building Height and Areas":

i. Section 505 shall apply to newly constructed "Mezzanines";

2. The following sections of Chapter 7 entitled "Fire-Resistance-Rated Construction":

i. Subsections 703.2, 703.3, 703.4;

ii. Subsection 704.2.1, 704.2.2, 704.2.3, 704.4, 704.13, 704.14;

iii. Subsections 705.3, 705.8, 705.9, 705.10, 705.11;

iv. Section 706.6, 706.7, 706.8, 706.9;

v. Section 707.7, 707.8, 707.9, 707.10, 707.13.2;

vi. Subsections 708.2, 708.6, 708.7, 708.8, 708.9;

vii. Subsections 709.2, 709.5, 709.6, 709.7, 709.8;

viii. Subsections 710.2, 710.5, 710.6, 710.7;

ix. Section 711;

x. Section 712;

xi. Subsections 714.2.5, 714.2.6, 714.2.7, 714.2.8, 714.2.9, 714.3.1, 714.3.2, 714.3.3, 714.3.4, 714.3.5, 714.3.6, 714.3.8, 714.3.9;

xii. Subsections 715.2, 715.3, 715.4, 715.7;

xiii. Subsections 716.2.1, 716.3.1;

xiv. Subsections 717.2, 717.4, 717.5;

xv. Section 718;

xvi. Section 719; and

xvii. Section 720;

3. All of Chapter 8 entitled "Interior Finishes" except 802;

4. All of Chapter 9 entitled "Fire Protection Systems" except 901, 902, 903.2, 904.2, 905.3, 906.2, 908.1, 908.2, 910.2, 911;

5. The following sections of Chapter 10 entitled "Means of Egress":

i. Subsection 1003.2.10.2, 1003.2.10.4, 1003.2.10.5;

ii. Subsections 1003.2.12.1, 1003.2.12.2;

iii. Subsections 1003.3.1.3.1, 1003.3.1.3.2, 1003.3.1.3.3, 1003.3.1.3.4, 1003.3.1.3.5, 1003.3.1.8; and

iv. Subsections 1003.3.3.11.1, 1003.3.3.11.2, 1003.3.3.11.3, 1003.3.3.11.4, 1003.3.3.11.5, 1003.3.3.11.6;

6. The following sections of Chapter 12 entitled "Interior Environment":

i. Section 1202.4.2 shall apply to new sources of contaminants; and

ii. Section 1209;

7. All of Chapter 14 entitled "Exterior Walls" except 1401, 1402, 1403.2;

8. All of Chapter 15 entitled "Roof Assemblies and Rooftop Structures" except 1501.1, 1502.0, 1503.4, 1503.5;

9. All of Chapter 16 entitled "Structural Design," except 1601, 1604, 1608, 1609, 1610, 1611, 1612, 1614, shall apply to new or replaced structural members. The referenced sections of Chapter 16 shall not be used to analyze any existing structural members, except as otherwise provided by this subcode;

10. All of Chapter 18 entitled "Soil and Foundations" except section 1801, 1802, 1803, 1804, 1805, 1806;

i. Additionally, the following section of 1806 shall be included as part of Material and Methods: 1806.2.1, 1806.2.2, 1806.3.1, 1806.3.2, 1806.3.3, 1806.4.1, 1806.4.2, 1806.4.3;

11. All of Chapter 19 entitled "Concrete" except 1901, 1092;

12. All of Chapter 20 entitled "Aluminum";

13. All of Chapter 21 entitled "Masonry";

14. All of Chapter 22 entitled "Steel";

15. All of Chapter 23 entitled "Wood";

16. All of Chapter 24 entitled "Glass and Glazing";

17. All of Chapter 25 entitled "Gypsum Board and Plaster";

18. All of Chapter 26 entitled "Plastic"; and

19. For the applicability of Chapter 30 entitled "Elevators and Conveying Systems," refer to (g) below, Elevator Devices.

(c) Plumbing Materials and Methods: The following sections of the plumbing subcode (N.J.A.C. 5:23-3.15) shall constitute the plumbing material and method requirements for this subchapter:

1. All of Chapter 2 entitled "General Regulations" except 2.19 and 2.24:

i. Section 2.19 for mandatory connections to the public water supply and sewer shall apply when existing septic or water supply facilities are no longer suitable for use as determined by the local health inspector, and public facilities are available within the meaning of 2.19.

2. All of Chapter 3 entitled "Materials."

3. All of Chapter 4 entitled "Joints and Connections."

4. All of Chapter 5, entitled "Traps, cleanouts and backwater valves."

5. Chapter 6, entitled "Interceptors" except sections 6.1.1, 6.1.7, 6.3.1 and 6.4.1:

i. Section 6.1.1, 6.3.1, 6.4.1 for when interceptors are required shall not apply. However, when new fixtures, or devices are installed that will produce wastes that need to be separated, an interceptor shall be required.

6. Chapter 7, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances" except section 7.21 and table 7.21.1.

7. Chapter 8 entitled "Hangers and Supports."

8. Chapter 9 entitled "Indirect Wastes Piping and Special Waste."

9. Chapter 10 entitled "Water Supply and Distribution" except for sections 10.3, 10.6.5, 10.8.1, 10.14 and 10.15.9:

i. Water shall be supplied so that fixtures within a building are provided with an adequate supply of water so that they are functional.

ii. Section 10.6.5 shall apply to all newly-installed or completely replaced water services.

iii. Section 10.8.1 shall apply, where there is not sufficient pressure for proper functioning of fixtures, a water pressure booster system shall be required.

iv. Section 10.14 for sizing water distribution systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirements of Chapter 10.

10. All of Chapter 11, entitled "Sanitary Drainage Systems" except 11.2.2, 11.2.3, 11.5, and 11.6:

i. Section 11.2.3 for sizing building sewers shall apply when the proposed work will impose additional loads on the sewer. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

ii. Section 11.5 for sizing drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirements of 11.5.

iii. Section 11.6 for sizing offsets in drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

11. All of Chapter 12, entitled "Vents and Venting" except 12.3.1, 12.3.2 and 12.16:

i. Section 12.3.1 for locations where vent stacks are required shall apply where new stacks are being installed;

ii. Section 12.3.2 "Relief Vents for Stacks having Ten or More Branch Intervals" shall apply only when new stacks of ten or more branch intervals are being installed; and

iii. Section 12.16 for size and length of vents shall apply when new vents are being installed.



12. All of Chapter 13 entitled "Storm Water Drainage" except 13.1.1, 13.1.2, 13.1.6, 13.1.7, 13.1.10.1, 13.4.3, 13.6.1, 13.6.2:

i. Section 13.1.1 for where storm water drains are required shall apply only when new roofs, paved areas, yards, courts and courtyards are created.

ii. Section 13.1.2 "Storm Water Drainage to Sewer Prohibited" shall not be applied to existing connections to the sewer. This section shall only prohibit the connection of new storm water drains to a sanitary sewer that is prohibited from accepting such discharge.

iii. Section 13.1.6 "Areaway Drains" shall apply only to newly created, open, below grade areaways where storm water can accumulate.

iv. Section 13.1.7 "Window Well Drains" shall apply only to newly created window wells.

v. Section 13.1.10.1 for sizing roof drains, as amended in N.J.A.C. 5:23-3.15, shall apply only where additional roof area is to be drained or where other circumstances increase the load on existing roof drains.

vi. Section 13.4.3 "Combining Storm with Sanitary Drainage" shall not be applied to existing connections to the sewer. This section shall only require that newly installed sanitary and storm sewers be separate.

vii. Section 13.6.1 for sizing of "Vertical Conductors and Leaders" shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

viii. Section 13.6.2 "Size of Horizontal Storm Drain Piping" shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the system, no increase in size shall be required.

13. All of Chapter 14 entitled "Special Requirements For Health Care Facilities."

14. All of Chapter 15 entitled "Tests and Maintenance."

15. Section 16.1.7 of Chapter 16 entitled "Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewage Systems Are Not Available."

16. All of Chapter 18 entitled, "Mobile Homes & Travel Trailer Park Plumbing Standards."

(d) Electrical Materials and Methods. The following sections of the electrical subcode (N.J.A.C. 5:23-3.16) shall constitute the electrical materials and methods requirements for this subchapter:

1. Section 90.7, entitled "Examination of Equipment for Safety" of the Introduction, Article 90;

2. All of Chapter 1 entitled "General" except Sections 110.8 Wiring Methods, 110.26 Spaces About Electrical Equipment (600 Volts, Nominal, or less), 110.32 Work Space About Equipment (over 600 Volts, Nominal) and 110.33 Entrance and Access to Work Space;

3. All of Chapter 2 entitled "Wiring and Protection" except Sections 210.52 Dwelling Unit Receptacle Outlets, 210.60 Guest Rooms, 210.62 Show Windows, 210.63 Heating, Air Conditioning, and Refrigeration Equipment Outlet, 210.70 Lighting Outlets Required and 210.11 Branch Circuits Required;

4. All of Chapter 3 entitled "Wiring Methods";

5. All of Chapter 4, entitled "Equipment for General Use" except Section 404.8 Accessibility and Grouping (switches) and Section 408.8 Clearances (switchboards and panelboards);

6. All of Chapter 5, entitled "Special Occupancies;"

7. All of Chapter 6, entitled "Special Equipment;"

8. All of Chapter 7, entitled "Special Conditions;" and

9. All of Chapter 8 entitled "Communications Systems."

10. Existing working clearances, clear space, access and entrance dimensions to working spaces, illumination, headroom clearances, and location of overcurrent protection devices shall be allowed to remain without modification.

(e) Mechanical Materials and Methods: The following sections of the mechanical subcode (N.J.A.C. 5:23-3.20) shall constitute the mechanical materials and methods requirements for this subchapter:

1. All of Chapter 3, entitled "General Regulations" except 301.2, 301.7, 301.8, 301.13, 301.16, 303.5, 303.6, 303.7, 306, 307.2.3, 309 and 312;

2. All of Chapter 4, entitled "Ventilation" except 402 and 403;

3. All of Chapter 5, entitled "Exhaust Systems" except 502, 509, 510, and 513;

i. Section 509 shall apply to newly installed or replaced commercial food heat-processing appliances and Type I hoods;

ii. Section 510 shall apply to newly introduced sources of hazardous exhaust;

4. All of Chapter 6, entitled "Duct Systems" except 602 and 604;

i. Section 602 shall apply to newly-constructed plenums. Modifications to existing plenums, such as installation of new building, electrical or plumbing materials inside the plenum, increasing air flow rate within the plenum, etc. shall not require the plenum to comply with the construction requirements for new plenums. However, newly-installed materials within the plenum shall be consistent with material requirements of 602;

5. All of Chapter 7, entitled "Combustion Air";

6. All of Chapter 8, entitled "Chimneys and Vents";

7. All of Chapter 9, entitled "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment";

8. All of Chapter 10, entitled "Boiler, Water Heaters and Pressure Vessels";

9. All of Chapter 11, entitled "Refrigeration";

10. All of Chapter 12, entitled "Hydronic Piping" except 1204;

11. All of Chapter 13, entitled "Fuel Oil Piping and Storage" except 1305.1;

i. Section 1305.1 shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums; and

12. All of Chapter 14, entitled "Solar Systems."

(f) Fuel Gas Materials and Methods. The following sections of the fuel gas subcode (N.J.A.C. 5:23-3.22) shall constitute the fuel gas materials and methods requirements for this subchapter:

1. All of Chapter 3, entitled "General Regulations" except 301.2, 301.6, 301.11, 301.12, 303.7, and 306;

2. All of Chapter 4, entitled "Gas Piping Installations" except 401.8 and 402.3;

i. Sections 401.8 and 402.3 shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums;

3. All of Chapter 5, entitled "Chimneys and Vents"; and

4. All of Chapter 6, entitled "Specific Appliances."

(g) Barrier Free Materials and Methods: The requirements of ICC/ANSI A117.1-1998 shall constitute the barrier free materials and methods requirements for this subchapter

and shall apply to work projects in all buildings other than buildings of Group R-2, R-3, R-4 or R-5 containing fewer than four dwelling units or buildings of Group U.

1. Exception: Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.

2. For toilet or bathing facilities, at least one of each type of fixture shall be accessible. Where six or more toilet stalls are provided, in addition to a wheelchair accessible stall, at least one ambulatory accessible stall shall be provided.

i. Exception: Nonpublic toilet rooms for individual use may be adaptable.

3. Limited exceptions to the accessibility requirements for theatres and auditoriums are permitted as follows:

i. Where fixed seating is provided and it is technically infeasible to provide integrated accessible seating, accessible seating may be clustered.

ii. When a facility contains more than one performing area and it is technically infeasible to make all performing areas accessible, the provision of one accessible performing area shall be accepted as meeting the requirement for providing access to performing areas.

4. In buildings of Group M, where fitting room partitions are installed or moved, five percent of the fitting rooms, but not less than one, shall comply.

(h) Residential Materials and Methods: The following sections of the residential subcode (N.J.A.C. 5:23-3.21) shall constitute the residential materials and methods requirements for this subchapter:

1. The following sections of Chapter 3, entitled "Building Planning";

i. Section 307.2;

ii. Section 308;

iii. Section 318;

iv. Section 320;

v. Section 323; and

vi. Section 324;

2. The following sections of Chapter 4 entitled "Foundations":

i. Section 402; and

ii. Section 407;

3. The following sections of Chapter 5 entitled "Floors":

i. Sections 502.1, 502.8, 502.11, 502.12.1;

ii. Sections 503.2.1, 503.2.3, 503.3.1, 503.3.3;

- iii. Sections 504.1, 504.3; and
- iv. Sections 505.2.1, 505.2.2, 505.2.3, 505.2.4, 505.3.5, 505.3.6;
- 4. The following sections of Chapter 6 entitled "Wall Construction":
  - i. Sections 602.1, 602.2, 602.6, 602.8.1;
  - ii. Sections 603.2.1, 603.2.2, 603.2.3, 603.2.4, 603.3.4, 603.3.5;
  - iii. Sections 604.1, 604.3;
  - iv. Section 605;
  - v. Section 606.1, 606.14;
  - vi. Section 607.1;
  - vii. Section 608.1;
  - viii. Section 609.1;
  - ix. Sections 610.1, 610.2, 610.3;
  - x. Section 611.1;
  - xi. Section 612.1; and
  - xii. Section 613.1;
- 5. All of Chapter 7 entitled "Wall Covering";
- 6. The following sections of Chapter 8, entitled "Roof-Ceiling Construction":
  - i. Section 802.1, 802.7, 802.10;
  - ii. Section 803.2.1;
  - iii. Sections 804.2.1, 804.2.2, 804.2.3, 802.2.4, 804.3.5, 804.3.6; and
  - iv. Section 805.1;
- 7. The following sections of Chapter 9 entitled "Roof Assemblies":
  - i. Section 902.1;
  - ii. Section 903.1;
  - iii. Section 904;
  - iv. Section 905;
  - v. Section 906; and
  - vi. Section 907; and
- 8. All of Chapter 10 entitled "Chimneys and Fireplaces."
  - (i) Elevator Devices Materials and Methods: The following sections of the elevator subcode (N.J.A.C. 5:23-12) shall constitute the elevator device materials and methods requirements for this subchapter:
    - 1. All of ASME A17.1 Part XII except Section 1206 as referenced by the adopted building subcode.

2. The following sections of Chapter 30 of the building subcode: Section 3002.1.2—"Hoistway Enclosures, Hardware" and Section 3005.3—"Conveying Systems, Conveyors."

3. The requirements of ASME A17.1 Rule 102.2(c)4, as referenced by the adopted building subcode, when an automatic sprinkler system is provided in an elevator hoistway, machine room and/or machinery space.

(j) Manufactured Home Materials and Methods: The following sections of the manufactured home subcode (N.J.A.C. 5:23-3.19) shall constitute the manufactured home materials and methods requirements for this subcode:

1. All of Part 3280 of Title 24 of the Code of Federal Regulations except 3280.1, 3280.5, 3280.6, 3280.7, and 3280.8.

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

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

In (b), inserted a reference to fire protection materials the introductory paragraph, inserted 4i and 4ii, inserted a new 5iii, and recodified former 5iii and 5iv as 5iv and 5v; and in (c), changed chapter 5 reference in 4, substituted a reference to section 7.21 for a reference to 7.24 in 6, substituted a reference to section 11.2.3 for a reference to 11.2.2 in 10i, changed chapter 14 reference in 13, and changed section 16.1.7 reference in 15.

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 (b), rewrote 15 and 21; in (d), rewrote 2 through 4; and added (h).

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), added new 5vi.

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).

Deleted references to use preceding references to group throughout; in (b), substituted "906.1" for "906" in the introductory paragraph of 4 and inserted "1003.3.1.3.1" in 5iii; in (i), substituted a reference to automatic sprinkler for a reference to fire suppression in 3.

Administrative correction.

See: 36 N.J.R. 2490(b).

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

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

In (b), substituted "906.2" for "906.1" in the introductory paragraph of 4, and deleted i, substituted "1614" for "1613" in 9; in (c), deleted "and" following "108.1" and inserted "and 10.15.9" following "10.14" in 9.

Administrative change.

See: 37 N.J.R. 1016(a).

#### 5:23-6.9 New building elements

(a) When the rehabilitation of an existing building creates or includes any building element of a type listed in this section, then the new element shall comply with the requirements for such an element established by this section.

1. The installation of a floor system which did not previously exist, shall be constructed utilizing the live load requirements as specified in Section 1607 of the building subcode, or with Section R301.4 of the one-and two-family dwelling subcode, as applicable.

2. When the number of stories in a building is increased without increasing the height of the building, the building shall comply with the story requirements of Table 503 of the building subcode.

i. Buildings of group R-5 shall comply with N.J.A.C. 5:23-3.21(c)3i of the one-and two-family dwelling subcode.

3. Newly created floor openings shall comply with the requirements of Section 707 of the building subcode.

4. Newly created atriums shall comply with the requirements of Section 404 of the building subcode.

5. Newly created door openings shall comply with Section 1003.3.1.1 of the building subcode. Additionally, newly created door openings in walls which are fire-resistance rated shall comply with Section 714 of the building subcode.

i. Newly created exit doors in building of Group R-5 shall comply with Section R311.3 of the one-and two-family dwelling subcode.

6. Newly created openings in fire resistance rated assemblies shall be protected in accordance with Section 711 of the building subcode, or with Section R321.3 of the one-and two-family dwelling subcode, as applicable.

7. Newly created exit discharge passageways used as exit elements shall comply with the requirements of Section 1005.3.3 of the building subcode. However, the fire resistance rating of the discharge passageway shall not be required to exceed the fire resistance rating of the exit element that discharges into the passageway.

8. Newly created exit stairways shall comply with Section 1005.3 of the building subcode, or with Sections R314.1, R314.2, R314.3, R314.4, R314.5, R314.6 and R314.9 of the one- and two-family dwelling subcode, as applicable.

9. Newly installed fire escapes shall be constructed in accordance with FTO-3 of the Uniform Construction Code. (Building)

10. Newly installed elevator devices (not replacing an existing device) and other newly installed (not replacement) equipment within the scope of Chapter 30 shall conform to the requirements of Chapter 30 of the building subcode.

i. Exception: Newly installed devices shall not be required to comply with part XXIV of ASME A17.1 adopted by reference in the building subcode.

11. Newly created corridors shall comply with Sections 1004.3.2.1, 1004.3.2.3, 1004.3.2.4, and 1004.3.2.5 of the building subcode.

12. Newly constructed mezzanines shall comply with Section 505 of the building subcode.

13. Newly created covered mall buildings shall comply with Section 404 of the building subcode.

14. Newly created motion picture projection rooms, screening rooms and sound stages shall comply with Section 409 of the building subcode.

15. Newly created stages and platforms shall comply with Section 410 of the building subcode.

16. Newly created spaces which are utilized for the application of flammable finishes shall comply with Section 416 of the building subcode.

17. At least one newly created window opening in sleeping rooms below the fourth story in occupancies in Groups R or I-1 shall:

i. Be operable;

ii. Have a sill height of not more than 44 inches;

iii. 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. (Building)

iv. New window openings in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

v. Basement windows in buildings of Group R-2 shall comply with the requirements of N.J.A.C. 5:23-6.26(b)3 where the window serves as the second means of egress from the dwelling unit.

18. Newly created specific occupancy areas shall comply with the following:

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

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

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

19. Newly installed (not replacing an existing device) electrical service equipment, switchboards, panelboards, motor control centers and other electrical equipment containing overcurrent, switching or control devices likely

to require examination, adjustment, servicing or maintenance while energized shall conform with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods, and, in addition, shall conform with Sections 110.26 (Space About Electrical Equipment—600 Volts, Nominal or Less), 110.32 (Work Space About Equipment—Over 600 Volts, Nominal), 110.33 (Entrance and Access to Work Space), 404.8 (Accessibility and Grouping—Switches) and 408.8 (Clearances—Switchboards and Panelboards), as applicable, of the electrical subcode. (Electrical)

20. Newly created tenant separation, dwelling unit separation and guestroom separation assemblies shall comply with the requirements of Section 708 of the building subcode, as appropriate, based on the construction type of the existing building, or with Section R321 of the one- and two-family dwelling subcode, as applicable.

21. In occupancies of Group A, newly created assembly aisles and aisle accessways shall comply with Section 1008 of the building subcode.

22. Newly created openings in exterior walls shall comply with the table in N.J.A.C. 5:23-6.31(f)2.

i. Exception: Newly created openings in buildings of Group R-2, R-3, R-4 or R-5 with a fire separation distance of three feet or less shall be provided with opening protectives.

23. Newly created stairs not required for purposes of egress shall comply with Sections 1003.3.3.2, 1003.3.3.11 and 1003.2.12, and Section 1003.3.3.3, as amended at N.J.A.C. 5:23-3.14, of the building subcode, or with Sections R314.1, R314.2, R314.3, R314.4, R314.5, R314.6 and R314.9 of the one-and two-family dwelling subcode, as applicable.

24. Newly created passageways, aisle accessways and aisles in Group M shall comply with the minimum width requirements of Section 1004.3.2.2 of the building subcode.

#### Administrative correction.

See: 30 N.J.R. 539(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), inserted new 6 and 7, recodified former 6 through 17 as 8 through 19, and added 20.

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 19 and 20, and added 21 and 22.

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

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

In (a), inserted new 10i, and added new 23 and 24.

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

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

Updated building subcode section citations throughout.

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

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

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout; in (a), amended the N.J.A.C. reference in 17v and inserted "(not replacing an existing device)" in 19.

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

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

Rewrote the section.

#### 5:23-6.10 Basic requirements and supplemental requirements—general

(a) The basic requirements, set forth in N.J.A.C. 5:23-6.11 for all groups and for individual groups in N.J.A.C. 5:23-6.12 through 6.28, shall be met within or with regard to the work area in all reconstruction projects. (These requirements are in addition to the requirements contained in N.J.A.C. 5:23-6.8, Materials and methods.)

(b) The supplemental requirements, set forth in N.J.A.C. 5:23-6.11A for all groups and for individual groups in N.J.A.C. 5:23-6.12A through 6.28A, shall be met in all buildings where there are reconstruction projects that meet or exceed the stated threshold for each requirement.

1. All reconstruction work begun within a single 12 month period shall be considered for determining the applicability of the supplemental requirement.

2. If a project falls under the threshold for a supplemental requirement by a de minimis amount, the construction official may require that the supplemental requirement be met.

(c) Reconstruction projects contained in mixed use buildings shall comply with the requirements of N.J.A.C. 5:23-6.29 as applicable.

(d) Special technical specifications for windowless stories, the supervision of automatic sprinkler systems, automatic sprinkler system risers, acceptances of existing alarm and automatic sprinkler systems, smoke barriers, elevators and specific occupancy areas are established in N.J.A.C. 5:23-6.30. The windowless story, supervision of automatic sprinkler systems and smoke barrier special technical requirements shall apply only in those uses where specified by this subcode.

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

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

Deleted references to use preceding references to group throughout; in (d), substituted references to automatic sprinkler for references to fire suppression throughout.

#### 5:23-6.11 Basic requirements in all Groups

(a) This section shall apply within the work area for all reconstruction projects.

(b) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be sufficient for the maximum permitted occupant load of the work area and any adjacent spaces served by that means of egress as calculated on a per floor basis. Means of egress shall be measured in units of exit width of 22 inches.



1. The maximum permitted occupant load of a space shall be determined by the capacity of the means of egress serving the space as calculated in accordance with Table 1. Building owners shall have the option of establishing a reasonable restriction on the occupant load of the space based on the existing capacity of the means of egress or of providing additional egress capacity. (Plan review—Building, Fire, Inspection—Building)

Table 1

## CAPACITY PER UNIT EGRESS WIDTH

Group	Without automatic sprinkler system Number of occupants		With automatic sprinkler system Number of occupants	
	Stairways	Doors, Ramps and Corridors	Stairways	Doors, Ramps and Corridors
A	75	100	113	150
B	60	100	90	150
E	75	100	113	150
F	60	100	90	150
H	—	—	60	100
I-1	60	100	90	100
I-2	22	30	35	45
I-3	60	100	90	150
M	60	100	90	150
R	75	100	113	150
S	60	100	90	150

Note: The occupant load may be equal to the total number of occupants for which exit capacity is provided as determined by Table 1 above. For Group A occupancies, the resulting total occupant load shall not exceed one occupant per five square feet of net floor area over the entire use.

Interpolation shall be allowed in determining capacity of egress width. Unit of egress width = 22 inches

(c) Interior Finishes: Interior finishes within work areas shall comply with the following:

1. Existing interior finishes of walls and ceilings shall have a flame spread rating not greater than the class prescribed by Table 2 below. All existing interior finish materials which do not comply with the requirements of this section shall be removed or shall be treated with an approved fire retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section. Exceptions are allowed as follows:

i. The use of vinyl or paper wall coverings not exceeding 1/28th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section.

ii. Interior trim which does not exceed 10 percent of the aggregate wall and ceiling area of any room or space shall not be regulated by this section.

iii. When an approved automatic sprinkler system is provided, interior finish of Class II or Class III materials shall be permitted where Class I or Class II materials, respectively, are required by this section.

iv. Exposed portions of structural members complying with the requirements for heavy timber construction in accordance with the Uniform Construction Code shall not be regulated by this section. (Plan review—Building, Fire, Inspection—Building)

Table 2

## Existing Interior Finish Requirements

Group A, E, I, R-1 All Other Groups	Exit Enclosures I	Exit Access Enclosures II	Rooms or Spaces III
	I	II	No Minimum

The classification of interior finishes referred to herein corresponds to flame spread ratings determined by ASTM E84 as follows: Class I flame spread, 0-25; Class II flame spread, 26-75; Class III flame spread, 76-200. In all cases, the smoke developed rating determined by ASTM E84 shall not exceed 450.

See Group A-3 for amusement buildings.

(d) Commercial cooking operations: An automatic fire extinguishing system shall be required for newly installed commercial cooking equipment producing grease-laden vapors, except within individual dwelling units in multiple-family dwellings in Group R-2. No automatic fire extinguishing system shall be required for completely enclosed ovens, steam tables or similar equipment.

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

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

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

In (b), rewrote the note at the end of Table 1.

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

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

Deleted references to use preceding references to group throughout: in (c)iii, substituted a reference to automatic sprinkler for a reference to fire suppression; in (d), substituted references to fire extinguishing system for references to fire suppression throughout.

## 5:23-6.11A Supplemental requirements in all Groups

(a) This section shall apply to all reconstruction projects.

(b) Vertical Opening Protection: For purposes of applying the supplemental requirement for vertical opening protection below, a low hazard occupancy is an occupancy having contents of such low combustibility that no self-propagating fire can occur therein. A moderate hazard occupancy is an occupancy having contents that are likely to burn with moderate rapidity or to give off a considerable volume of smoke. (Plan review—Building, Fire, Inspection—Building)

(c) Windowless Stories: Any windowless basement or story located below the seventh story which is created by the work being performed or any existing windowless basement

or story below the seventh story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story, shall comply with the requirements listed in N.J.A.C. 5:23-6.30. (Fire)

(d) **Underground Structures:** When the work area exceeds 50 percent of the gross enclosed floor area of an underground structure, the entire structure shall comply with Section 405.0 of the building subcode.

Amended by R.2004 d.145, effective April 5, 2004.  
See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

#### 5:23-6.12 Basic requirements—Group A-1

(a) **Exits:** Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) **Egress Doorways:** A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. **Exception:** Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review—Building, Fire. Inspection—Building)

(c) **Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(d) **Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building subcode in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) **Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(f) **Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{8}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

- i. When connecting the main floor and mezzanines; or
- ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy <sup>1</sup>	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
	Male	Female			
1-50	1	Unisex	1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall

comply with the requirements established in that section for separation and/or protection. (Building)

(o) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the 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 (e), added the second sentence in the introductory paragraph; and added (o).

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

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

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

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

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

In (d)2, substituted "an automatic sprinkler" for "a suppression" preceding "system" and substituted "code" for "subcode" following "with the building"; in (i)3, inserted "UFC" following "30-minute" in the introductory paragraph, and substituted "sprinkler" for "suppression" preceding "system" in ii(1).

#### 5:23-6.12A Supplemental requirements—Group A-1

(a) **Automatic Sprinkler System:** An automatic sprinkler system shall be installed throughout the fire area containing the A-1 Group and all floors between the A-1 Group and the level of exit discharge when any one of the following conditions exists:

1. The work area exceeds 12,000 square feet (gross enclosed floor area);

2. The work area has an occupant load of 300 or more;

3. The work area is located on a floor other than the level of exit discharge; or

4. The work area contains a multi-theatre complex. (Fire)

(b) **Automatic Alarm System:** When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) **Manual Alarm System:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) **Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the

building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows.

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire, Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g) below. (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (e)2i. amended the N.J.A.C. reference.

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

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

Rewrote (a); in (d)3, inserted "UFC" following "30-minute"; substituted references to sprinkler for references to fire suppression throughout.



**5:23-6.13 Basic requirements—Group A-2 Nightclubs**

(a) **Automatic Fire Suppression System:** An automatic fire suppression system shall be required in buildings with an occupant load of 50 or more.

1. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

2. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade. (Fire)

(b) **Exits:** Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(c) **Egress Doorways:** A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose unless a horizontal exit is provided in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) **Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for

buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(e) **Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length.

Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) **Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(g) **Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system; and

(2) The lowest or next to the lowest level is a street floor; and

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy <sup>1</sup>	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
1-25	Male	Female	1	0	0
26 and over	1 Unisex		1	0	0

Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(m) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(p) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (g)2, rewrote the 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 (f), added the second sentence in the introductory paragraph; and added (p).

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

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

In (m)2i and in the first sentence of (m)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

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

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

#### 5:23-6.13A Supplemental requirements—Group A-2 Nightclubs

(a) Automatic Fire Suppression System: When the work area is 5,000 square feet (gross enclosed floor area) or more, an automatic fire suppression system shall be installed throughout the floor on which the A-2 Nightclubs Use is located and on all floors below. If the A-2 Nightclubs Use is below grade, then an automatic fire suppression system shall

be installed throughout the floor on which the A-2 Nightclubs Use is located and on all floor above up to and including the level of exit discharge. (Fire)

(b) Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (e)2i, amended the N.J.A.C. reference.

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

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

In (a), inserted "Nightclubs" following "A-2" throughout.

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

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

#### **5:23-6.14 Basic requirements—Groups A-2 other than Nightclubs, A-3 and A-4**

(a) Automatic Sprinkler System: An automatic sprinkler system shall be required in spaces of Group A-3 used as ballrooms, exhibit areas and accessory spaces which exceed 12,000 square feet and are located in buildings of Group R-1 and R-2.

##### **1. Exceptions:**

i. An automatic sprinkler system shall not be required if the space is divided into fire areas of not more than 12,000 square feet by a two-hour fire separation with 1½-hour opening protectives or if the space is completely separated from any other uses by a two-hour fire separation with 1½-hour opening protectives. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In

all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided



with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing fixtures: The following apply to plumbing fixtures: (Plumbing)

1. For auditoriums, museums, libraries, and similar facilities, plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

Total Occupancy <sup>1,2</sup>	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
	Male	Female			
1-50	1 Unisex		1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

2. For restaurants, plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

Total Occupancy <sup>1,2</sup>	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
	Male	Female			
1-25	1 Unisex		1	0	0
26 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

3. For recreational facilities, passenger terminals, and other buildings of Groups A-2 other than Nightclubs, A-3 and A-4, plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

(m) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(p) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (g)2, rewrote the 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).

Rewrote (a); in (f), added the second sentence in the introductory paragraph; and added (p).

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

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

In (a), introductory paragraph and (f)3, substituted "A-2 other than Nightclubs, A-3 and A-4" for "A-3"; in (m)2i and first sentence of (m)2ii, substituted "the International Mechanical Code" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

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

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

Rewrote (a); in (j)3, inserted "UFC" following "30-minute"; in (l), deleted "Use" preceding "Groups" in 3; substituted references to sprinkler for references to fire suppression throughout.

#### **5:23-6.14A Supplemental requirements—Groups A-2 other than Nightclubs, A-3 and A-4**

(a) Automatic fire sprinkler system: An automatic fire sprinkler system shall be installed throughout the floors containing the Group A-2 other than nightclubs, Groups

A-3 and A-4 and all floors between the Group A-2 other than nightclubs, Groups A-3 and A-4 and the level of exit discharge when any one of the following conditions exists:

1. The work area exceeds 12,000 square feet (gross enclosed floor area);

2. The work area has an occupant load of 300 or more;

3. The work area is located on a floor other than the level of exit discharge.

4. Exception: Sprinklers shall not be required for participant sport areas where the main floor of the participant sport is at the level of exit discharge of the main entrance. (Fire)

(b) Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system; and

(2) The lowest or next to the lowest level is a street floor; and

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire, Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system.) (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(g) Amusement Buildings: When any reconstruction project is undertaken in a building or portion thereof designed to disorient the occupant, reduce vision, present barriers or otherwise impede the flow of traffic, the following requirements shall be met throughout the building or portion thereof that constitutes the amusement use:

1. Every such amusement facility shall be equipped throughout with an automatic sprinkler system installed in accordance with the New Jersey Uniform Construction Code.

2. The interior finish of all walls and ceilings shall in no case be less than a Class II material in accordance with this subchapter.

3. Every such amusement facility shall be equipped with exit signs installed in accordance with this subchapter.

4. Every such amusement facility shall be equipped throughout with an approved automatic fire alarm system installed in accordance with the Uniform Construction Code and in accordance with (f)5 through 8 below.

5. The automatic alarm system shall activate a prerecorded message which can be clearly heard throughout the entire facility instructing the patrons to proceed to the nearest exit. Any alarm signals used in conjunction with the prerecorded message shall produce a signal which is distinctive from all sounds used in the normal operation of the amusement facility.

6. Every such amusement facility shall be equipped with emergency lighting equipment installed in accordance with the New Jersey Uniform Construction Code. The emergency lighting equipment shall automatically activate when:

- i. The automatic sprinkler system is activated;
- ii. The fire alarm system is activated; or
- iii. Loss of the primary power supply occurs.

7. All audio and visual equipment such as horns, bells, flashing, or otherwise distracting stimuli and mechanized displays shall cease operation upon initiation of an alarm by the automatic fire alarm system or activation of the automatic sprinkler system.

8. Activation of the automatic alarm system shall automatically shut down the air distribution system. (Plan review—Building, Fire. Inspection—Building)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

Deleted former (a) and recodified former (b) through (g) as (a) through (f); in (d)2i. amended N.J.A.C. reference; in (f)4, amended internal reference.

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

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

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

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

Added a new (a); recodified former (a) through (f) as (b) through (g); in (d)3, inserted "UFC" following "30-minute"; and substituted references to automatic sprinkler for references to fire suppression throughout.

### 5:23-6.15 Basic requirements—Group A-3 Places of Worship

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

- i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot

line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(d) Dead end corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be

required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)



(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy <sup>1</sup>	Water Closets		Lavatories	Drinking Water Facilities	Service Sinks
	Male	Female			
1-50	1	Unisex	1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall

comply with the requirements established in that section for separation and/or protection. (Building)

(o) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the 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 (e), added second sentence in the introductory paragraph; and added (o).

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

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

In (l), substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89" in 2i and the second paragraph of 2ii; in (o), substituted section "716" for "721.0" of the building subcode.

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

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

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "30-minute".

#### 5:23-6.15A Supplemental requirements—Group A-3 Places of Worship

(a) **Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any

part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire, Inspection—Building)

(b) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(c) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (b)2i. updated N.J.A.C. reference.

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

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

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

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

Substituted references to sprinkler for references to fire suppression throughout; in (a)3, inserted "UFC" following "30-minute".

### 5:23-6.16 Basic requirements—Group A-5

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 65 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows. Stairways are not required to be

enclosed where all portions of the means of egress are essentially open to the outside.

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(o) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the 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 (e), added second sentence in the introductory paragraph; and added (o).

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

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

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

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

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

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "30-minute".

### 5:23-6.16A Supplemental requirements—Groups A-5

(a) Automatic fire sprinkler system: An automatic fire sprinkler system shall be installed in all Group A-5 work areas when the work area contains concession stands, retail areas, press boxes or other accessory use areas in excess of 1,000 square feet.

(b) Manual Alarm Systems: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(c) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any

part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level.

4. Exception: Stairways are not required to be enclosed where all portions of the means of egress are essentially open to the outside. (Plan review—Building, Fire. Inspection—Building)

(d) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the



designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c)2i, updated N.J.A.C. reference.

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

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

Added a new (a); recodified former (a) through (d) as (b) through (e); in (c)3, inserted "UFC" following "30-minute"; and substituted references to sprinkler for references to fire suppression throughout.

### 5:23-6.17 Basic requirements—Group B

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. A single exit shall be permitted in buildings of not more than two stories in height, with not more than 3,000 square feet per floor when the exit access travel distance does not exceed 75 feet and a minimum fire resistance rating of one hour is provided for the exit enclosure and the opening protection. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review—Building, Fire, Electric. Inspection—Building)

(f) **Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) **Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) **Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) **Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required, with the following exception:

- i. No vertical opening protection shall be required for vertical openings of up to three stories in buildings not exceeding 3,000 square feet per floor or in buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire. Inspection—Building)

(j) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows: Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy <sup>1,2,3</sup>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15 16 and over	1 Unisex Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.	1	1	1
Customers	1-25 26 and over	1 Unisex Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.	1	1	1

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1,500 square feet.

Note 3. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(o) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence of the introductory paragraph; and in (f)2, rewrote the 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 (e), added second sentence; and added (o).  
Amended by R.2003 d.218, effective May 19, 2003.  
See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".  
Amended by R.2004 d.145, effective April 5, 2004.

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

Substituted references to sprinkler for references to fire suppression throughout; in (i)3, inserted "UFC" following "30-minute".

#### 5:23-6.17A Supplemental requirements—Group B

(a) Manual Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a fire alarm system shall be installed throughout the building.

1. Exception: Manual alarm systems are not required in buildings which do not have occupied floors which are two or more stories above the lowest level of exit discharge or floors two or more stories below the highest level of exit discharge. (Fire)

(b) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for buildings up to 3,000 square feet per floor or for buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire. Inspection—Building)

(c) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each corridor and in each room and tenant space exceeding 1,000 square feet, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

5. Automatic Sprinkler System: When the work area is an entire floor, an automatic sprinkler system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(d) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(e) Airport Traffic Control Towers: When the work area exceeds 50 percent of the gross enclosed floor area of an airport traffic control tower, the entire structure shall comply with the requirements of Section 412.1 of the building subcode.

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c)2i, updated N.J.A.C. reference.

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

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

In (e), substituted "Section 412.1" for "Section 414.0".

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

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

Substituted references to sprinkler for references to fire suppression throughout; in (b)3, inserted "UFC" following "30-minute".

#### 5:23-6.18 Basic requirements—Group E

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet, permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

i. A single exit shall not be permitted when a building is used as a child care center. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. A single means of egress shall be permitted in classrooms having a maximum occupant load of 75 in buildings equipped throughout with an automatic sprinkler system. (Plan review—Building, Fire. Inspection—Building)

3. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{8}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exception:

i. No vertical opening protection shall be required for vertical openings of up to three stories with an automatic sprinkler system throughout. (Plan review—Building, Fire. Inspection—Building)



(j) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation. All public school buildings shall be provided with mechanical ventilation.

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

2. Mechanically ventilated spaces shall comply with the following:

i. Newly installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) **Interior finishes** shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(o) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

Administrative correction.

See: 30 N.J.R. 3785(b).

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

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

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the 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 (e), added second sentence in the introductory paragraph; and added (o).

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

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

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

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

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

Substituted references to sprinkler for references to fire suppression throughout; in (b), added 3; in (i)3, inserted "UFC" following "one-hour".

#### 5:23-6.18A Supplemental requirements—Group E

(a) **Automatic Sprinkler System:** In buildings three stories or more in height, with greater than 20,000 square feet per floor, when the work area exceeds 50 percent of the gross enclosed floor area of a floor, an automatic sprinkler system shall be installed throughout that floor. (Fire)

(b) **Automatic Alarm System:** When the work area exceeds 50 percent of the gross enclosed floor area of a building, an automatic fire alarm system shall be installed throughout the building as follows:

1. An approved system of automatic smoke detectors; or

2. An approved automatic sprinkler system equipped with automatic fire alarm devices; or

3. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:

i. Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces;

ii. Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures; and

iii. Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.

4. Existing fire detection systems, installed and maintained in accordance with the manufacturer's recommendations, and meeting the intent of current standards for automatic fire alarms, shall be acceptable, provided:

i. The existing system is certified as functional by an approved service agency competent in the manufactured system.

ii. Where a portion of an existing system is not serviceable and cannot be repaired, the existing system shall be replaced in accordance with the above and the provisions of the building subcode. (Fire)

(c) Manual Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarm boxes shall be provided throughout the building in compliance with Section 907.3 of the building subcode and in accordance with the following:

1. Manual fire alarm boxes shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exterior exits that are required to serve 50 or more persons. Additional fire alarm boxes shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and near one exterior exit in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. No vertical opening protection shall be required for buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire, Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by the fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system at a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of standpipe.)

- ii. Hose and hose cabinets shall not be required.  
(Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Administrative correction.

See: 30 N.J.R. 3242(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 (e)2i, updated N.J.A.C. reference.

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

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

In (c), substituted "Section 907.3" for "Section 918.5".

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

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

Substituted references to sprinkler for references to fire suppression throughout; in(d)3, inserted "UFC" following "one-hour".

### 5:23-6.19 Basic requirements—Group F

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review—Building, Fire, Electric. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria: (Plan review—Building, Fire. Inspection—Building)

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) **Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) **Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(i) **Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exceptions:

i. No vertical opening protection shall be required for vertical openings of up to three stories in special purpose manufacturing occupancies when necessary for manufacturing operations and when direct access is provided to at least one protected stairway; or

ii. In buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire. Inspection—Building)

(j) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy <sup>1</sup>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light	1-15	1 Unisex	1	1	1
Industrial	16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Heavy		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode			
Industrial		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) **Interior finishes** shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(o) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and added a reference to plan review and inspection in the last sentence of the introductory paragraph; and in (f)2, rewrote the 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).

Added (o).

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

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

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

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

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

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "one-hour".

#### 5:23-6.19A Supplemental Requirements—Group F

(a) **Automatic sprinkler system:** In buildings with a Group F-1 fire area greater than 12,000 square feet or a Group F-1 fire area more than three stories in height, when the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic sprinkler system shall be provided throughout the entire building.

(b) **Manual Alarm System:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic sprinkler system. (Fire)

(c) **Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one-hour UFC fire barrier required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for special purpose occupancies when necessary for manufacturing operations and direct access is provided to at least one protected stairway or for buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire. Inspection—Building)

(d) **Requirements for high-rise buildings:** Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work



area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm of 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c)2i, updated N.J.A.C. reference.

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

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

Added a new (a); recodified former (a) through (d) as (b) through (e); in (c)3, inserted "UFC" following "one-hour"; and substituted references to sprinkler for references to fire suppression throughout.

#### 5:23-6.20 Basic requirements—Group H

(a) Automatic Sprinkler System: An automatic sprinkler shall be installed throughout the work area. The sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants.

1. For buildings of Group H-1, H-2 or H-3, a minimum of two exits shall be required from all mezzanines with an occupant load of greater than three or in which the travel distance exceeds 50 feet. For buildings of Group H-4 or H-5, a minimum of two exits shall be required from all mezzanines with an occupant load of greater than 10 or in which the travel distance exceeds 75 feet.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. For buildings of Group H-1 or H-2, new slides, capes or safety chutes shall be permitted where constructed in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: For buildings or spaces of Group H-1, H-2, or H-3, a minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than three or in which the travel distance exceeds 50 feet. For buildings or spaces of Group H-4 or H-5, a minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 10 or in which the travel distance exceeds 75 feet. All egress doors shall swing in the direction of exit travel. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. Exception: Lighting to illuminate the exit discharge shall not be required. (Plan review—Building, Fire, Electric. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria: (Plan review—Building, Fire. Inspection—Building)

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories, with the following exception:

i. No vertical opening protection shall be required for vertical openings of up to three stories when necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits. (Plan review—Building, Fire. Inspection—Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance

with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy <sup>1</sup>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light Industrial	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Heavy Industrial		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(m) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be

irritating or injurious to health shall be provided with local exhaust. (Building)

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(p) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and inserted a reference to electric plan review in 1; and in (g)2, rewrote the 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).

Added (p).

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

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

In (b)1 and (c), inserted "or H-5" following "H-4"; in (m)2i and in the first sentence of (m)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

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

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

Deleted "Use" preceding "Group" throughout; rewrote (a); in (j)3, inserted "UFC" following "one-hour".

#### 5:23-6.20A Supplemental requirements—Group H

(a) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building or use, a manual fire alarm system shall be installed throughout for buildings or portions thereof of Group H-2, H-3, H-4 or H-5. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building or use, an automatic fire alarm system shall be installed throughout in buildings of Group H. (Fire)

(c) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

- i. Exception: No vertical opening protection shall be required when the opening is necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits. (Plan review—Building, Fire. Inspection—Building)

(d) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

- i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

- ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

- (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

- iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

(f) Group H-5: When the work area exceeds 50 percent of the gross enclosed floor area of a facility of Group H-5, the entire building is required to comply with the requirements of Section 415.9 of the building subcode. (Building)

(g) Hazardous materials: When the work exceeds 25 percent of the gross enclosed floor area of the Group H portion of a building, the entire building is required to comply with the requirements of Sections 414 and 415 of the building subcode. (Building)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (e)2i, updated N.J.A.C. reference.

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

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

In (b), substituted "H-4 or H-5" for "or H-4"; in (g), substituted "Use Group H-5" for "HPFM Facilities", substituted "a facility of Use Group H-5" for "an HPM facility", and substituted "Section 415.9" for "Section 416.0"; in (h), substituted "Section 414 and 415" for "Section 417.0 and 418.0".

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

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

Deleted former (a); recodified former (b) through (h) as (a) through (g); in (c)1, inserted "UFC" following "one-hour"; in (d)3i, substituted "sprinkler" for "fire suppression" preceding "system"; deleted "Use" preceding "Group" throughout.

### 5:23-6.21 Basic requirements—Group I-1

(a) Automatic Sprinkler System: In buildings greater than two stories in height above grade or having an occupant load greater than 20 persons, excluding staff, an automatic sprinkler system shall be installed throughout the work area. The sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with

an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted.

2. Existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

ii. Ladders shall be prohibited on fire escapes used as a required means of egress.

iii. Window access to fire escapes shall be permitted from individual rooms.

3. Existing slidescapes or safety chutes shall be permitted. (Plan review—Building, Fire. Inspection—Building)

(c) Emergency Egress Windows: When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

1. Be operable;

2. Have a sill height of not more than 44 inches; and

3. 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 side to side.

4. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

(d) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1½ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and

level in frames, and be reasonably tight fitting. All replacement doors shall be 1¾ inch solid core wood or approved equal, unless existing frame will accommodate only a 1¾ inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings with an automatic sprinkler system, doors are required only to provide a smoke barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices.

i. Exception: Group homes with a maximum of 15 occupants and an approved automatic fire detection system shall not be required to have self-closing doors. (Plan review—Building, Fire. Inspection—Building)

(e) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(f) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(g) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review—Building, Fire, Electric. Inspection—Building)

(h) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (h)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke ¾ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exceptions: Illuminated exit signs shall not be required for buildings with an occupant load, excluding staff, of 20 or less or when the second means of egress is a fire escape that is accessed directly from the individual sleeping room. (Plan review—Building, Fire. Inspection—Building)

(i) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(j) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(k) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exception:



i. Exception: Vertical opening protection shall not be required for either the top or bottom of a stairway connecting not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff. (Plan review—Building, Fire. Inspection—Building)

(l) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.5.1.1 of the building subcode.

3. For group homes and supervised transitional living homes heated with oil-burning equipment, an emergency shutoff switch shall be required at the top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review—Building, Fire. Inspection—Building)

(m) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(n) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(o) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the

outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(p) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(q) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(r) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

Inserted a new (c); recodified former (c) through (p) as (d) through (q); in the new (g), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in the new (h), made an internal reference change in introductory paragraph, and rewrote the second sentence in 2.

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 (g), added second sentence; and added (r).

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

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

In (l)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (o)2i and in the first sentence of (o)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (r), substituted "Section 716" for "Section 721.0".

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

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

Rewrote (a); in (k)3, inserted "UFC" following "one-hour"; substituted references to automatic sprinkler for references to fire suppression throughout.

#### 5:23-6.21A Supplemental requirements—Group I-1

(a) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout the building.

1. Exception: Automatic alarm systems shall not be required in buildings, other than boarding homes, with an automatic sprinkler system and a manual fire alarm system and with single station smoke detectors in the vicinity of sleeping areas in accordance with NFPA 72. (Fire)

(b) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(c) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for either the top or bottom of a stairway connecting not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff. (Plan review—Building, Fire, Inspection—Building)

(d) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

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

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

Inserted a new (d); and recodified former (d) through (f) as (e) through (g).

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (f)2i. updated N.J.A.C. reference.

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

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

Deleted former (d); recodified former (e) through (g) as (d) through (f).

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

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

Deleted former (a); recodified former (b) through (f) as (a) through (e); in (c)3, inserted "UFC" following "one-hour"; substituted "sprinkler" for "fire suppression" preceding "system" throughout.

### 5:23-6.22 Basic requirements—Groups I-2 and I-4

(a) Automatic Sprinkler System: An automatic sprinkler system shall be installed throughout the work area.

1. Exception: Automatic sprinklers shall not be required in buildings of Type 1 or Type 2A construction of any height or of Type 2B construction not over one story in height.

2. Exception: Automatic sprinklers shall not be required in day care centers with an occupant load of 100 or less where all the children under 2½ years of age are cared for on the first floor and in which each child care room as an exit door directly to the exterior. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. A minimum of two egress doorways shall be required for any patient sleeping room or suite of rooms greater than 1,000 square feet. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan Review—Building, Fire, Electric. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke ⅜ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the

stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exception:

- i. Exception: Vertical opening protection shall not be required for vertical openings connecting not more than two floor levels which are separated by a one-hour UFC fire barrier equipped with a self-closing or automatically closing 20-minute door at the top or bottom of the stairway when such stairway does not serve as a required means of egress. (Plan review—Building, Fire. Inspection—Building)

(k) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies for day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2½ years.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.5.1.1 of the Building subcode.

3. Where oil-burning equipment is used, an emergency shutoff switch shall be required at the top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review—Building, Fire. Inspection—Building)

(l) Smoke Barriers: On every story used for sleeping purposes for more than 30 occupants and on stories which are usable, but unoccupied, when the work area exceeds 22,500 square feet on a floor, the work area shall be divided into not less than two compartments by smoke barrier walls complying with the technical requirements of N.J.A.C. 5:23-6.30(e) such that each compartment does not exceed 22,500 square feet and is no more than 150 feet in length and width. (Plan review—Building, Fire. Inspection—Building)

(m) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(n) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(o) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

- i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

- ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(p) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(q) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(r) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in (g)2. rewrote the 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 (f), added second sentence; and added (r).  
Amended by R.2003 d.218, effective May 19, 2003.  
See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (k)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (o)2i and in the first sentence of (o)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (r), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.  
See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Substituted references to automatic sprinkler for references to fire suppression throughout; in (a), substituted "installed throughout the work area" for "required" following "shall be"; in (j), inserted "UFC" following "one-hour" throughout.

#### 5:23-6.22A Supplemental requirements—Groups I-2 and I-4

(a) Automatic Sprinkler System: When the work area is 50 percent or more of the occupied floor area of the building, an automatic sprinkler system shall be required throughout the floor. The sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building.

1. Exception: No automatic sprinkler system shall be required for day care centers with an occupant load of 100 or less where all children below 2½ years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout the building.

1. Exception: Automatic alarm systems shall not be required for buildings with an automatic sprinkler system

and a manual fire alarm system with single station smoke detectors in the vicinity of sleeping areas in accordance with NFPA 72. (Fire)

(c) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for vertical openings connecting not more than two floor levels which are separated by a one-hour UFC fire barrier equipped with a self-closing or automatically closing 20-minute door at the top or bottom of the stairway when such stairway does not serve as a required means of egress. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:



i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Smoke Barriers: When the work area exceeds 50 percent of the occupied enclosed floor area of a story used for sleeping purposes for more than 30 occupants or of a story which is usable, but unoccupied, the story shall be divided into two or more compartments by smoke barrier walls complying with the technical requirements of N.J.A.C. 5:23-6.30(e) such that each compartment does not exceed 22,500 square feet and is no more than 150 feet in length and width. (Plan review—Building, Fire. Inspection—Building)

(g) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.  
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (e)2i, updated N.J.A.C. reference.

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

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

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout; in (d), inserted "UFC" following "one-hour" throughout.

### 5:23-6.23 Basic requirements—Group I-3

(a) Automatic Sprinkler System: An automatic sprinkler system shall be installed throughout the work area. As an alternative, buildings shall be in compliance with all applicable provisions of Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition.

1. In buildings not required to be equipped throughout with an automatic sprinkler system, an automatic sprinkler system shall be provided in all padded cells, boiler rooms, storage and workshop rooms 24 square feet or larger, mechanical equipment and similar rooms. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. Buildings with remote power unlocking capability on more than 10 doors shall be provided with an emergency power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridor shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review—Building, Fire, Electric. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used

under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required for all vertical openings. The vertical opening protection may be omitted if either of the following conditions is met:

1. The building is in compliance with NFPA 101, Chapter 15, 1985 edition; or

2. The building is equipped throughout with an automatic sprinkler system. (Plan review—Building, Fire. Inspection—Building)

(k) Interior Finishes and Furnishings: Interior furnishings, drapes, curtains, carpeting, decorations, bedding, etc. shall be flame retardant. (Plan review—Building, Fire. Inspection—Building)

(l) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(m) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(n) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area

being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(o) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(p) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(q) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in (g)2, rewrote the 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 (f), added second sentence; and added (q).

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

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

In (n)2i and in the first sentence of (n)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (q), substituted "Section 716" for "Section 721.0".

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (a).

### 5:23-6.23A Supplemental requirements—Group I-3

(a) Automatic Sprinkler System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic sprinkler system or compliance with Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition shall be required throughout the building. In buildings without an automatic sprinkler system, padded cells, boiler and mechanical equipment rooms, and storage and workshop rooms 24 square feet or larger must have an automatic sprinkler system. (Fire)

(b) Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout all resident housing areas in the building. Smoke detectors shall be arranged and positioned to prevent damage or tampering, provided that the function and speed of detecting a fire is equivalent to that provided by the spacing and arrangement of requirements of NFPA 72 listed in Chapter 35 of the building subcode.

1. Exception: An automatic fire alarm system shall not be required for buildings with an automatic sprinkler system and a manual fire alarm system and with single station smoke detectors in the vicinity of sleeping areas in accordance with NFPA 72.

2. Exception: Smoke detectors shall not be required in sleeping rooms with four or fewer occupants. (Fire)

(c) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided between floor levels of residential areas unless the building is equipped throughout with an automatic sprinkler system or the building complies with NFPA 101, Chapter 15, 1985 edition. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (e)2i, updated N.J.A.C. reference.

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout.

### 5:23-6.24 Basic requirements—Group M

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review—Building, Fire, Electric, Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire, Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire, Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire, Inspection—Building)

(i) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required, with the following exceptions:

- i. No vertical opening protection shall be required for openings connecting only two floor levels, such as between the street floor and mezzanine or second floor; or

- ii. In buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire, Inspection—Building)

(j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy <sup>1,2,3</sup>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15 16 and over	1 Unisex	1	1	1
		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Customers	1-25 26 and over	1 Unisex	1	1	1
		Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1,500 square feet.

Note 3. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.



(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(o) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in (f)2, rewrote the 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 (e), added second sentence; and added (o).  
Amended by R.2003 d.218, effective May 19, 2003.

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

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

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

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

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "30-minute".

#### 5:23-6.24A Supplemental requirements—Group M

(a) **Automatic Sprinkler System:** In buildings with a Group M fire area greater than 12,000 square feet or a Group M fire area more than three stories in height, when the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire sprinkler system shall be provided throughout the entire building. (Fire)

(b) **Manual Alarm System:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic sprinkler system. (Fire)

(c) **Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for openings connecting only two floor levels, such as between the street floor and mezzanine or second floor, or for buildings with an automatic sprinkler system throughout. (Plan review—Building, Fire. Inspection—Building)

(d) **Requirements for high-rise buildings:** Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the

work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. Automatic Sprinkler System: When the work area is an entire floor, an automatic sprinkler system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(e) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (d)2i, updated N.J.A.C. reference.

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (a); in (c)3, inserted "UFC" following "30-minute".

Administrative correction.

See: 36 N.J.R. 2490(b).

#### 5:23-6.25 Basic requirements—Group R-1

(a) Smoke detectors: Battery-powered, single station smoke detectors or smoke detectors complying with the building subcode shall be required in individual guest rooms. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

ii. Window access to fire escapes shall be permitted from individual guestrooms.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. Multilevel guest units do not require an exit from each level within the unit provided that these conditions are met: The building is Type 1 or Type 2 construction, with travel distance within the dwelling unit not exceeding 75 feet or the building is not more than three stories and all third floor space is part of a dwelling unit located in part on the second floor and no habitable room has a travel distance of greater than 50 feet from the door of the room to the entrance of the dwelling unit.

4. A single exit is permitted from floors that are not more than 16 feet above grade provided that each unit on such floors has an operable window with a sill height of not more than 44 inches.

5. A single exit is permitted in buildings that are not more than two stories in height from floors that are more than 16 feet above grade with not more than four dwelling units per floor and exit access travel distance not exceeding 50 feet and with a minimum fire resistance rating of one hour for the exit enclosure and opening protectives and provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (Plan review—Building, Fire. Inspection—Building)

(c) Emergency Egress Windows: When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

1. Be operable;
2. Have a sill height of not more than 44 inches;
3. Have a width of at least 20 inches, a height of at least 24 inches, and have a minimum total area of 5.7 square feet measured from head to sill and side to side.
4. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

(d) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1 $\frac{3}{4}$  inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{4}$  inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{4}$  inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings equipped with an automatic sprinkler system, doors are required only to provide a smoke

barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices. (Plan review—Building, Fire. Inspection—Building)

(e) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(f) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(g) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review—Building, Fire, Electric. Inspection—Building)

(h) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (h)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminat-

ed letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review—Building, Fire. Inspection—Building)

(i) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(j) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(k) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exceptions:

i. Vertical opening protection shall not be required in buildings not exceeding three stories with an automatic sprinkler system throughout; or

ii. In buildings with not more than 25 guests when the following conditions are met:

(1) Every sleeping room is provided with an operable window having a sill height not greater than 44 inches;

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

(3) 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, is separated from the vertical opening by a one-hour UFC fire barrier; and

(4) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(l) Transoms and Other Interior Openings: All transoms shall be either glazed with  $\frac{1}{8}$  inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air shall be sealed with materials consistent with the corridor construction. (Plan review—Building, Fire. Inspection—Building)

(m) Boiler/Furnace Equipment Rooms: Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.5.1.1 of the Building subcode. (Plan review—Building, Fire. Inspection—Building)

(n) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(o) Electrical Equipment and Wiring: Guestrooms shall be provided with one switch-controlled ceiling or wall type outlet or equivalent to illuminate entrances and exits. Additionally, each guest bathroom shall be provided with at least one duplex receptacle outlet which is GFCI protected and at least one switch-controlled lighting outlet.

(p) **Plumbing Fixtures:** Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(q) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(r) **Interior finishes** shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(s) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection.

1. **Exception:** Specific occupancy areas within and serving a dwelling unit are not required to comply with this section. (Building)

(t) **Accessibility of Sleeping Rooms:** At least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be made accessible unless the facility already provides the number of accessible sleeping rooms

required by the barrier free subcode. (N.J.A.C. 5:23-7.1(b)7) In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by the barrier free subcode. (Building)

(u) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

Inserted a new (c); recodified former (c) through (s) as (d) through (t); in the new (g), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in the new (h), made an internal reference change in the introductory paragraph, and rewrote the second sentence in 2.

Administrative change.

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 (g), added second sentence; and added (u).

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

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

In (m)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (q)2i and in the first sentence of (q)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (u), substituted "Section 716" for "Section 721.0".

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout; in (k), inserted "UFC" following "one-hour" throughout.

#### 5:23-6.25A Supplemental requirements—Group R-1

(a) **Automatic Sprinkler System:** In buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic sprinkler system shall be installed throughout the work area. (Fire)

(b) **Automatic Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire alarm system shall be required throughout the building. System smoke detectors are not required in guestrooms provided that the single-station detectors required by Section 920.3.1 are connected to the emergency electrical system and are annunciated by guestroom at a constantly attended location from which the fire alarm system is capable of being manually activated.

1. **Exception:** An automatic fire detection system is not required in buildings that do not have interior corridors serving guestrooms and where all guestrooms have a means of egress door opening directly to an exterior exit access which leads directly to the exits. (Note: Single station smoke detectors are still required in individual guest rooms in such buildings in accordance with N.J.A.C. 5:23-6.25(b) or 6.25A(d), as applicable). (Fire)



(c) **Manual Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, a manual fire alarm system shall be required throughout the building.

1. No manual fire alarms shall be required for buildings with less than 25 occupants and less than 10 guest-rooms. (Fire)

(d) **Smoke Detectors:** When the work area exceeds 25 percent of the gross enclosed floor area of the building, smoke detectors within guestrooms that meet the specifications of the building subcode shall be required throughout the building. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

(e) **Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hours fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one-hour UFC fire barrier required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:
  - i. For buildings with an automatic sprinkler system throughout;
  - ii. For buildings with not more than 25 guests when the following conditions are met:
    - (1) Every sleeping room is provided with an approved, operable window having a sill height not greater than 44 inches;
    - (2) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;
    - (3) 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 UFC fire barrier; and
    - (4) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(f) **Requirements for high-rise buildings:** Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)
2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:
  - i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;
  - ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;
    - (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and
    - iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)
3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:
  - i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. When the work area is one entire floor or more, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each corridor and in each room and tenant space exceeding 1,000 square feet, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

5. Automatic Sprinkler System: When the work area is an entire floor, an automatic sprinkler system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

(g) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

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

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

Inserted (e); and recodified existing (e) through (g) as (f) through (h).

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

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

In (d), substituted "25 percent" for "50 percent" following "exceeds" in the first 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 (e), substituted "detectors" for "alarms" preceding "shall be installed" in the introductory paragraph; and in (g)2i, updated N.J.A.C. reference.

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 (e), substituted "alarms" for "detectors", inserted "located" preceding "in a building", and added the last sentence in the introductory paragraph, and rewrote 1.

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

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

Deleted former (e); recodified former (f) through (h) as (e) through (g).

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout; in (e), inserted "UFC" following "one-hour" throughout.

#### 5:23-6.26 Basic requirements—Groups R-2 and R-4

(a) Automatic Fire Sprinkler System: In Group R-2 dormitories, an automatic fire sprinkler system shall be installed throughout the work area.

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

ii. Window access to fire escapes shall be permitted from individual units.

iii. For rooming houses, ladders shall be prohibited on fire escapes used as a required means of egress.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. Dwelling units in basements (stories below grade) shall have two means of egress unless the building has an automatic sprinkler system. (An operable window with a net clear opening of at least five square feet, a minimum net clear opening of 24 inches in height and 20 inches in width, and a sill height of not more than 44 inches above the finished floor is acceptable as one of the means of egress.)

4. For rooming houses, a single exit shall be prohibited.

5. Multilevel dwelling units do not require an exit from each level within the dwelling unit provided that these conditions are met: The building is Type 1 or Type 2 construction, with travel distance within the dwelling unit not exceeding 75 feet or the building is not more than three stories and all third floor space is part of a dwelling unit located in part on the second floor and no

habitable room has a travel distance of greater than 50 feet from the door of the room to the entrance of the dwelling unit.

6. A single exit is permitted from floor(s) are not more than 16 feet above grade provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.)

7. A single exit is permitted in buildings that are not more than two stories in height from floors that are more than 16 feet above grade with not more than four dwelling units per floor and exit access travel distance not exceeding 50 feet and with a minimum fire resistance rating of one hour for the exit enclosure and opening protectives and provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.)

8. As used in this subsection, "rooming house" means any building and any part thereof, which contains two or more units of dwelling space which do not provide a private, secure dwelling space arranged for independent living and containing both full bath and kitchen facilities (exclusive of any such unit occupied by an owner or operator), including any residential hotel. The term does not include any hotel, motel or established guest house in which a minimum of 85 percent of the units of dwelling space are offered on a temporary basis only, for periods lasting no more than 90 days, to guests who either maintain or intend to maintain a primary residence at a location other than the hotel, motel or established guest house. The term also does not include one-family residential dwellings made available for occupancy by not more than five roomers. (Plan review—Building, Fire. Inspection—Building)

(c) Emergency Egress Windows: When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

1. Be operable;
2. Have a sill height of not more than 44 inches; and
3. Have a width of at least 20 inches, a height of at least 24 inches, and have a minimum total area of 5.7 square feet measured from head to sill and side to side.
4. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system. For dwelling units in basements, one of the two remote exits may be as per (b)3 above.

(d) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1 $\frac{3}{8}$  inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{8}$  inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$  inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings with an automatic sprinkler system, doors are required only to provide a smoke barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices.

i. Exception: Group homes with a maximum of 15 occupants and an approved automatic detection system shall not be required to have self-closing doors. (Plan review—Building, Fire. Inspection—Building)

(e) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(f) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(g) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. Means of egress lighting shall be wired on a circuit independent of circuits within any dwelling unit. The disconnecting means and over current protection device shall not be located within a dwelling unit or such that access must be obtained by going through a dwelling unit. (Plan review—Building, Fire, Electric. Inspection—Building)

(h) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (h)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.

3. Exceptions: Illuminated exit signs shall not be required for buildings with an occupant load, excluding staff, of 20 or less or when the second means of egress is a fire escape that is accessed directly from the individual sleeping room. (Plan review—Building, Fire. Inspection—Building)

(i) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least

one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(j) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(k) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required, with the following exceptions:

i. Buildings with an automatic sprinkler system throughout; or

ii. When the vertical opening connects not more than two floor levels and not more than four dwelling units per floor provided that each dwelling unit has access to a fire escape or other approved secondary exit; or

iii. Owner-occupied buildings with not more than four dwelling units per floor, and in which the following conditions are met:

(1) Every sleeping room is provided with an operable window having a sill height not greater than 44 inches;

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

(3) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(l) Transoms and Other Interior Openings: All 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. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air shall be

sealed with materials consistent with the corridor construction. (Plan review—Building, Fire. Inspection—Building)

(m) **Boiler/Furnace Equipment Rooms:** Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.5.1.1 of the Building subcode.

3. For group homes and supervised transitional living homes heated by oil-burning equipment, an emergency shutoff switch is required at top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review—Building, Fire. Inspection—Building)

(n) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(o) **Electrical Equipment and Wiring:**

1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.

2. Kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and a switch-controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

6. Electrical service equipment (overcurrent devices) shall be located where they will not be subject to physical damage and shall not be located in the vicinity of easily ignitable material.

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210.8(A) of the electrical subcode shall have ground-fault circuit protection for personnel. (Electrical)

(p) **Plumbing Fixtures:** Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(q) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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



(r) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(s) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection.

1. Exception: Specific occupancy areas within and serving a dwelling unit are not required to comply with this section. (Building)

(t) Accessibility: Accessible features shall be provided for all items that are part of the scope of work in those buildings with four or more dwelling units that are required by the barrier free subcode to be accessible.

(u) Communicating Attic Spaces: Where adjacent dwelling units have communicating space in the attic, a wall shall be constructed to provide a continuous one hour fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be performed on the side of the wall of the dwelling unit that is undergoing reconstruction. (Plan review—Building, Fire. Inspection—Building)

(v) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

Inserted a new (b); recodified former (b) through (s) as (c) through (t); in the new (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and inserted a reference to electric plan review in 1; in the new (g), made an internal reference change in the introductory paragraph, and rewrote the second sentence in 2; and rewrote the new (s).

Administrative change.

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 (f), added second sentence in the introductory paragraph; and added (u).

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

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

In (a)7, substituted "opening protectives and" for "opening protection"; in (f)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (n)7, substituted "210.8(A)" for "210-8(a)"; in (p)2i and in the first sentence of (p)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (u), substituted "Section 716" for "Section 721.0".

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

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

Added a new (a); recodified former (a) to (u) as (b) to (v); in (k)3, inserted "UFC" following "30-minute"; substituted references to automatic sprinkler for references to fire suppression throughout.

#### 5:23-6.26A Supplemental requirements—Groups R-2 and R-4

(a) Automatic Sprinkler System: Automatic fire sprinkler systems shall be installed in Group R-2 and R-4 as follows:

1. In Group R-2 buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic fire sprinkler system shall be installed throughout the work area.

2. In Group R-4 buildings where the occupant load of the work area exceeds eight occupants. (Fire)

(b) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a manual fire alarm system shall be required throughout the building.

1. Exception: No manual fire alarm system shall be required for buildings where all dwelling units are located fewer than three stories above the lowest level of exit discharge or one story or less below the highest level of exit discharge serving the dwelling unit(s). (Fire)

(c) Smoke Detection Systems: When the work area exceeds 25 percent of the gross enclosed floor area of the building, approved smoke detection systems shall be located in all interior common areas. Such systems shall be powered by an alternating current (AC) constantly active electric circuit that cannot be deactivated by the operation of any interconnected switching device and shall comply with NFPA 70-93 (National Electric Code) requirements, except as otherwise provided in this section. Such systems shall be on circuitry that is connected into the building owner's electric meter.

1. In multiple dwellings six stories or more in height and having 30 or more dwelling units, such systems:

i. Shall be connected to a supervisory type listed control panel conforming to U.L. 864 requirements and NFPA 72-90 standards, except as otherwise provided in this section;

ii. Shall be powered by an approved emergency power source as installed in conformance with NFPA 70-93 (National Electrical Code);

iii. Shall have a control panel of the multi-zoned type that will visually indicate the floor or zone from which the alarm is activated, which panel shall be located in accordance with NFPA 72-90 standards or as directed by the local fire subcode official.

2. A pre-signal alarm feature is not permitted.

3. The separate zoning of floors in high-rise buildings for selective floor evacuation is permitted at the discretion of the fire subcode official in consultation with the fire department.

4. Alarms shall be located so as to be effectively heard above all other sounds, by all the occupants, in every occupied space within the building not separated by fire walls having a fire-resistance rating of at least two hours.

5. With the approval of the fire subcode official, fixed temperature heat detectors in those locations where fre-

quent nuisance alarms would be likely to occur. Such building spaces include, but are not limited to, garages, crawl spaces, uninhabitable attics, heater and boiler rooms, laundry rooms, kitchens, restaurant service areas, and other rooms where the ambient temperatures are below 40 degrees Fahrenheit or above 100 degrees Fahrenheit and/or have a relative humidity either below 20 percent or above 85 percent or where environmental conditions are likely to produce nuisance alarms.

6. Existing common area smoke detection systems that were installed in compliance with this subchapter or with the Regulations Governing Rooming and Boarding Houses or Regulations for the Maintenance of Hotels and Multiple Dwellings and maintained in accordance with N.J.A.C. 5:70-3, for which a construction permit was issued subject to plan review approval, shall be accepted as conforming to this section. (Fire)

(d) Smoke Detection within Dwelling Units: Smoke detectors shall be provided within dwelling units as follows:

1. When the work area is an entire dwelling unit, smoke detectors that meet the specifications of the building subcode shall be installed. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72.

2. When any work is undertaken within a dwelling unit, single station smoke detectors shall be installed. (Battery-powered units shall be permitted.) The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

(e) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. Buildings with an automatic sprinkler system throughout;

ii. When the vertical opening connects not more than two floor levels with not more than four dwelling units per floor and each dwelling unit has access to a fire escape or other approved secondary exit; or

iii. Owner-occupied buildings with not more than four dwelling units per floor, and in which the following conditions are met:

(1) Every sleeping room is provided with an approved, operable window having a sill height not greater than 44 inches;

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

(3) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

(f) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shut-down is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each common corridor, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

(g) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g).

1. Exception: Elevator devices wholly within individual dwelling units and not accessible to the general public shall not be required to comply. (Elevator)

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

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

Inserted (e); and recodified existing (e) through (g) as (f) through (h).

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (c)6 and in (g)2i, updated N.J.A.C. reference.

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 (e), substituted "alarms" for "detectors" and added the last sentence in the introductory paragraph, and rewrote 1.

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

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

Deleted former (e); recodified former (f) through (h) as (e) through (g).

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

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

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

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

Substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (a); in (e)3, inserted "UFC" following "30-minute".

## 5:23-6.27 Basic requirements—Groups R-3 and R-5

(a) Smoke Detection within Dwelling Units: Smoke detectors that meet the specifications of the building subcode shall be installed. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire.)

### (b) Egress Windows:

1. When the building is used as a bed and breakfast, every sleeping room below the fourth story shall be provided with an operable window having a sill height of not more than 44 inches.

i. Windows in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system. (Plan review—Building, Fire, Inspection—Building)

2. When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

i. Be operable;

ii. Have a sill height of not more than 44 inches; and

iii. Have a width of at least 20 inches, a height of at least 24 inches, and have a minimum total area of 5.7 square feet measured from head to sill and side to side.

iv. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic sprinkler system.

(c) When the work being performed creates living space over a private garage, the private garage shall comply with

Section R309 of the building subcode for fire resistance rating.

(d) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(e) When the work being performed creates an additional dwelling unit within the building, the new dwelling unit shall be separated from the existing dwelling unit(s) with fire partitions or horizontal assemblies having a fire resistance rating of not less than one hour constructed in accordance with Sections 708 and 710 of the building subcode or R321.1 of the one- and two-family dwelling subcode, as applicable.

**(f) Electrical Equipment and Wiring:**

1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.

2. Kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and one switch controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

6. Electrical service equipment (overcurrent devices) shall be located where they will not be subject to physical damage and shall not be located in the vicinity of easily ignitable material.

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210.8(A) of the electrical subcode shall have ground-fault circuit protection for personnel. (Electrical)

(g) **Communicating Attic Spaces:** Where adjacent dwelling units have communicating space in the attic, a wall shall be constructed to provide a continuous one hour fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be performed on the side of the wall of the dwelling unit that is undergoing reconstruction. (Plan review—Building, Fire. Inspection—Building)

(h) **Plumbing Fixtures:** Each dwelling unit shall be provided with a minimum of one kitchen sink, one water closet, one lavatory, and one bathtub or shower or bathtub/shower combination.

(i) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

Inserted (b); and recodified existing (b) through (e) as (c) through (f).

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

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

Rewrote (c); inserted a new (d); recodified former (d) through (f) as (e) through (g); and added (h).

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

Added (i).

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

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

Deleted former (b); recodified former (c) through (i) as (b) through (h).

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

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

In (c), substituted "Section R309" for "section 407"; in (e)7, substituted "Section 210.8(A)" for "Section 210-8(a)"; in (h), substituted "Section 716" for "Section 721.0".

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

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

In (b), substituted "sprinkler" for "fire suppression" in 1i and 2iv; added a new (e) and recodified former (e) through (h) as (f) through (i).

**5:23-6.27A Supplemental requirements—Groups R-3 and R-5**

There are no supplemental requirements applicable to Groups R-3 and R-5.

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

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

Substituted "R-3 and R-5" for "R-3/R-4".

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

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

Deleted "Use" preceding "Groups".

**5:23-6.28 Basic requirements—Group S**

(a) **Exits:** Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 30 and with an exit travel distance greater than 100 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 30 and the exit access travel distance does not exceed 100 feet.

3. A single exit is permitted in open parking structures where vehicles are mechanically parked.

4. A single exit is permitted in buildings of Group S-2 not more than two stories in height, with not more than 3,000 square feet per floor when the exit access travel distance does not exceed 50 feet and a minimum fire resistance rating of one hour is provided for the exit enclosure and the opening protection. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 30 or in which the travel distance exceeds 100 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review—Building, Fire. Inspection—Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). (Plan review—Building, Fire. Inspection—Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. Exception: Lighting to illuminate the exit discharge shall not be required. (Plan review—Building, Fire, Electric. Inspection—Building)

(f) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke  $\frac{3}{4}$  inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(h) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided



with guards. (Plan review—Building, Fire. Inspection—Building)

(i) **Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required. (Plan review—Building, Fire. Inspection—Building)

(j) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy <sup>1</sup>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
1-15	1 Unisex	1	1	1
16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

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

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the International Mechanical Code, 2000 edition.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the International Mechanical Code, 2000 edition, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(m) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(o) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

Administrative correction.

See: 30 N.J.R. 539(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 (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and inserted a reference to electric plan review in 1; and in (f)2, rewrote the 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).

Added (o).

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

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

In (f)2i and in the first sentence of (f)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

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

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

In (a), inserted "an" preceding "exit" in the last sentence of the introductory paragraph, and deleted "Use" preceding "Group" in 4; in (b), substituted "30" for "50" following "load greater than" and "100" for "75" preceding "feet"; in (d)2, substituted "an automatic sprinkler" for "a suppression" preceding "system".

#### 5:23-6.28A Supplemental requirements—Group S

(a) **Automatic Sprinkler System:** In buildings with a Group S-1 fire area greater than 12,000 square feet or a Group S-1 fire area more than three stories in height, when the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic sprinkler system shall be provided throughout the entire building.

Group	Exterior Wall Requirements
A-1, A-2 Nightclubs, A-2 Other than Nightclubs, A-3, A-4, A-3 Churches, B, E, F-1, I-1, I-2, I-3, I-4, M, S-1, R-1	No openings permitted with a fire separation distance of three feet or less. Walls with a fire separation distance of 10 feet or less are permitted to have unprotected openings with an aggregate area not exceeding 10 percent of the area of the wall. Openings in excess of 10 percent of the aggregate wall area shall be protected.
F-2, S-2	No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of five feet or less.

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

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

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

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

Table G

Hazard Categories and Classifications  
Automatic Sprinkler Systems

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Exceptions: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

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

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

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

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

TABLE K  
Structural Load Categories

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Hazardous (classified) Locations;

ii. Commercial Garages, Repair and Storage;

iii. Aircraft Hangars;

iv. Gasoline Dispensing and Service Stations;

v. Bulk Storage Plants;

vi. Spray Application, Dipping, and Coating Processes;

vii. Health Care Facilities;

viii. Places of Assembly;

ix. Theaters, Audience Areas of Motion Picture and Television Studios and Similar Locations;

x. Motion Picture and Television Studios and Similar Locations; and

xi. Agricultural Buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TABLE N  
Outdoor Air Rates Based on Occupancy Type

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



Occupancy	P/1,000 sq. ft.	CFM/ person	Occupancy	P/1,000 sq. ft.	CFM/ person
Meat Processing <sup>a</sup>	10	15	Convalescent Homes		
Pharmacy	20	15	Operating Rooms	20	30
Photo Studios	10	15			
Sports and Amusement			Hotels, Motels, Resorts, Dormitories		
Spectator Areas	150	15	Gambling Casinos	120	30
Correctional Facilities				CFM/ sq. ft.	
Cells	20	20	Education		
Education			Corridors	0.1	
Laboratories	50	20	Locker Rooms	0.5	
Training Shops	30	20			
Food & Bev Service			Hospitals, Nursing and Convalescent Homes		
Cafeteria, fast food	100	20	Autopsy Rooms	0.5	
Hotels, Motels, Resorts, Dormitories			Public Spaces		
Conference Rooms	50	20	Corridors and Utilities	0.05	
Dry Cleaners			Elevators	1.0	
Commercial Laundry	10	25	Locker & Dressing Rooms	0.5	
			Public Restrooms	75 cfm per water closet or urinal	
Hospitals, Nursing and Convalescent Homes			Retail Stores, Sales Floors and Showroom Floors		
Patient Rooms	10	25	Basement and Street	0.3	
Specialty Shops			Dressing Rooms	0.2	
Beauty	25	25	Malls and Arcades	0.2	
Dry Cleaners, Laundries			Shipping and Receiving	0.15	
Commercial Dry Cleaner	30	30	Storage Rooms	0.15	
			Upper Floors	0.2	
Food & Bev Service			Warehouses	0.05	
Bars & Cocktail Lounges	100	30	Specialty Shops		
Dry Cleaners, Laundries			Automotive Service	1.5	
Storage, Pick-up	30	35	Clothes and Furniture	0.3	
Smoking Lounges	70	60	Pet Shops	1.0	
Offices			Sports & Amusement		
Conference Rooms	50	20	Ice Arenas	0.5	
Office Spaces	7	20	Swimming Pools		
Reception Areas	60	20	(Pool & Deck Area)	0.5	
Telecommunication Ctrs & Data Entry	60	20	Storage		
Theaters			Repair Garages/Public Garages	1.5	
Lobbies	150	20	Workrooms		
Ticket Booths	60	20	Darkrooms	0.5	
Sports and Amusement			Duplicating	0.5	
Playing floors (gym)	30	20			
Sports and Amusement			Note: P/1,000 sq. ft. = persons per 1,000 square feet of building area.		
Ballrooms and Discos	100	25	Note a. Spaces unheated or maintained below 50 degrees F are not covered by these requirements unless the occupancy is continuous.		
Bowling Alleys (Seating areas)	70	25	Where the ventilation rates in Table N are based on CFM/person		
Game Rooms	70	25	(1) $OL_n \times V_n$ is less than or equal to $OL_e \times V_e$ + no upgrade		
Hospitals, Nursing &			(2) $OL_n \times V_n$ is greater than $OL_e \times V_e$ + upgrade		
			Where the ventilation rates in Table N are based on CFM/square footage		
			(3) $SF_n \times V_n$ is less than or equal to $SF_e \times V_e$ + no upgrade		
			(4) $SF_n \times V_n$ is greater than $SF_e \times V_e$ + upgrade		
			Where the ventilation rates in Table N are based on CFM/square footage and CFM/person		
			(5) $OL_n \times V_n$ is less than or equal to $SF_e \times V_e$ + no upgrade		
			(6) $OL_n \times V_n$ is greater than $SF_e \times V_e$ + upgrade		
			(7) $SF_n \times V_n$ is less than or equal to $OL_e \times V_e$ + no upgrade		
			(8) $SF_n \times V_n$ is greater than $OL_e \times V_e$ + upgrade		
			Where:		

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

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

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

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

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

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

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

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

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

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

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

5. When an assisted living facility that was constructed with adaptable dwelling units or rooms pursuant to N.J.A.C. 5:23-7.5(f) because it provided accommodations for stays of 30 or more consecutive days makes any of those dwelling units or rooms available for less than 30 consecutive days, 50 percent of the accommodations or rooms made thus available shall be made fully accessible. The work needed to make those units accessible shall be completed and approved before any occupancy of less than 30 days.

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

Administrative correction.

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

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

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

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

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

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

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

Administrative correction.

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

Amended by R.2000 d.492, effective December 18, 2000.

See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote (k).

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

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

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

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

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

Rewrote the section.

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

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

Rewrote the section.

Administrative correction.

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

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

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

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

Administrative correction.

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

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

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

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

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.

## 5:23-6.32 Additions

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

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

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

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

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

(3) All new lighted signage on the casino floor shall be interlocked with the fire alarm system so that activation of an alarm results in disconnection of electrical power to the signage. All such signage shall be interconnected within five years of the installation of the first 75-inch height machine permitted by this section;

(4) 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

(5) 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.

(c) 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 build-

ing 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  $\frac{3}{4}$  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  $1\frac{1}{2}$  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.

#### 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 Interpretation: Manufacturing, production and process equipment

(a) Manufacturing, production and process equipment is not under the jurisdiction of the Uniform Construction Code. Manufacturing, production, and process equipment is defined as all equipment employed in a system of operations for the explicit purpose of the production of a product.

(b) Manufacturing, production, and process equipment shall include, but is not limited to, the following:

1. Electrical generation equipment, such as turbines, condensers, generators, and the like;

2. Electrical transmission equipment such as transformers, capacitors, regulators, switchgears, and the like;

3. Air pollution equipment, such as scrubbers;
4. Metal working equipment, such as castings, screen machines, grinders, lathes, presses, drills, welders, and the like;
5. Material handling equipment, such as rollers, control belts, and the like;
6. Packaging equipment, such as bottling machines;
7. Process drying equipment, such as ovens, kettles, fans, and the like;
8. Finishing equipment, used for such purposes as heat treatment, plating, painting, and the like;
9. Petrochemical refinery/plant equipment used for distillation, conversion, treatment and blending;
10. Electric, steam, pneumatic- or hydraulic-actuated equipment, such as motors, pumps, compressors, and the like;
11. Tanks which constitute part of a controlled industrial process, including those tanks containing flammable and combustible liquids, together with the dikes surrounding the tanks;
12. All piping used to transport products to and between industrial processes; any piping connected to the potable water supply downstream of an appropriate back-flow prevention device; any piping located upstream of the first joint at the outlet of the equipment or upstream of the indirect connection to the sanitary or storm sewer;
13. Pipe racks, hangers, and the like that support the process piping and the storage racks for the raw materials and finished products. Building structural systems supporting the racks, hangers, storage loads, and the like are excluded from the definition of process equipment, except that pipe support units that include a foundation and support steel shall be included as process equipment when they do not transfer loads to structures whose main function is other than supporting process pipe;
14. Boilers, pressure vessels, furnaces and the like used exclusively for industrial process;
15. Pre-wired and/or pre-engineered (bearing name plate) electro-mechanical equipment or machinery used exclusively for an industrial process;
16. Electrical work which forms a part of the power or control system of industrial process equipment, up to the point where that work connects to the plant electrical distribution system. Such a point shall be considered a suitable junction box, panel board, disconnect switch, or a terminal box which constitutes the final connection to the factory-installed equipment wiring. Where these items are not supplied as a part of the equipment, they shall be subject to local enforcing agency jurisdiction; and
17. (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).

#### **5:23-9.8 Interpretation: bed and breakfast guest houses—change in Group requirements**

(a) Single-family dwellings of Group R-3, R-4, or R-5 that are being converted to bed and breakfast guest houses shall meet the requirements of this section.

1. "Bed and breakfast guest house" shall mean a facility providing sleeping or dwelling accommodations to transient guests which:

i. Consists of a structure originally constructed for the purposes of a private residence;

ii. Includes individual sleeping accommodations for six to 12 guests;

iii. Has at least one dwelling unit occupied by the owner of the facility as his or her place of residence during any time this facility is being used for the lodging of guests;

iv. Has not less than 300 square feet of common area for the exclusive use of the guests, including but not limited to parlors, dining rooms, libraries and solariums;

v. Prohibits cooking and smoking in guest rooms;

vi. Provides a meal to the guests in the forenoon of each day but does not operate as a restaurant open to the general public;

vii. Is not a "rooming house" "or boarding house" as defined in N.J.S.A. 55:13B-3;

viii. Does not allow more than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days; and

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

(b) 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:

1. 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:



- i. In all guestrooms;
- ii. On each story in common areas;
- iii. In storage rooms;
- iv. In basements; and
- v. In utility and mechanical rooms.

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

i. 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.

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

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

(2) Except as otherwise provided in (b)2ii(3) below, no part of the building open to guests shall be on a floor that is more than 16 feet above exterior grade;

(3) 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.

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

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

5. 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.

6. 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 exists. 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.

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

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

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

8. 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.

9. 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.

10. Interior finish shall comply with the following:

i. 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);

ii. 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);

iii. 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).

11. 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:

i. 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:

(1) The building is provided throughout with an approved automatic fire suppression system;

(2) In buildings where the building is protected throughout by an automatic fire alarm system complying with the building subcode; or

(3) All of the following conditions exist:

(A) Every sleeping room has an approved window with a sill height of not more than 44 inches;

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

(C) 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

(D) The building is protected throughout with supervised fire alarm systems installed in accordance with the building subcode.

(c) Buildings meeting the requirements in (a) and (b) above shall be entitled to a certificate of occupancy for use group R-1. The certificate of occupancy shall be subject to the condition that it shall be valid for a bed and breakfast use only.

New Rule, R.1995 d.611, effective December 4, 1995 (operative April 4, 1996).

See: 27 N.J.R. 3257(a), 27 N.J.R. 4884(a).

Amended by R.2001 d.127, effective April 16, 2001.

See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).

In (b)2ii(3), inserted "not" preceding "more".

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

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

Rewrote the introductory paragraphs of (a) and (b).

### **5:23-9.9 Foundation systems for garden type utility sheds and similar structures**

(a) Garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height and accessory to structures of Group R-2, R-3, R-4, or R-5 shall not be required to have a foundation system that extends below the frost line. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

(b) Garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, 10 feet or less in height, and accessory to structures of Group R-2, R-3, R-4, or R-5 are not required to be provided with a foundation system that extends below the frost line provided the shed is dimensionally stable without the foundation system. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These sheds shall be placed on a bed of gravel not less than four inches in depth or shall have other frost protected design. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

New Rule, R.2000 d.166, effective April 17, 2000.

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

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

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

Inserted references to structures of Group R-2, R-3, R-4 or R-5 for references to Use Groups R-2, R-3 or R-4 throughout.

## **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 concentrations 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.