

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) Such 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, other than wiring for a low voltage communication system in a one- or two-family dwelling; 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 permits 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;

ii. Repairs to any installed electrically operated equipment such as doorbells, communication systems, and any motor operated device. Provided, however, that if fire protection systems are interrupted for repairs the fire official shall be notified in accordance with the building subcode;

iii. Installation of communications wiring as covered by article 800 of the electrical subcode in one and two family dwellings, or the alteration/rearrangement of existing communications wiring in other occupancies provided however that the rearrangement does not involve penetration of a fire rated assembly and is not in a hazardous location as defined in chapter 5 of the electrical subcode; and

iv. Replacement of domestic dishwashers; and

v. Replacement of kitchen range hoods in single family dwellings.

4. Ordinary fire protection maintenance shall include:

i. The replacement of any sprinkler or smoke detector or heat detector head with a like device;

ii. The repair or replacement of any component of a fire alarm or smoke and heat detection equipment (other than the replacement of a fire alarm control panel);

iii. The installation of battery-powered smoke detectors; and

iv. The installation of battery-powered or plug-in type carbon monoxide alarms.

5. Ordinary heating, ventilation and air conditioning maintenance shall include:

i. Replacement of motors, pumps and fans of the same capacity;

ii. Repair and replacement of heating, supply and return piping and radiation elements, which does not require rearrangement of the piping system;

iii. Repair and replacement of duct work;

iv. Repair of air conditioning equipment and systems; and

v. Repair or replacement of control devices for heating and air conditioning equipment; and

vi. Replacement of kitchen range hoods in single family dwellings.

vii. Replacement of clothes dryers serving and located within dwelling units, provided that no change in fuel type or location or electrical characteristics is required.

viii. Replacement of stoves and ovens in dwelling units, provided no change in fuel type or location or electrical characteristics is required.

6. Ordinary elevator maintenance shall include:

i. The following work on elevator brakes:

(1) Installation of new linings;

(2) Replacement of brake switches, brake stand pivot bushings, and bearings or the reaming out and use of oversized pins. Replacement or repair of brake magnets, magnet coils and/or core sleeves;

(3) Renewal of phase splitting coils; and

(4) Re-babbiting of brake pin holes (gearless), and realigning of brake stands to pulleys.

ii. The following controller/selector repairs:

(1) Installation of overload relays and potential switches, and installation or replacement of reverse phase relays;

(2) Replacement of damaged resistance tubes, grids, broken controller panel sections, main power or brake rectifiers, power and light transformers, and microprocessor printed circuit boards. Replacement or reconditioning of dash pots and retarders. Replacement of a controller with a like or with the state of the art controller when only those features which are available on the existing controller will be made functional;

(3) Renewal of switch bases, armatures, hinge pins, coils, contacts and shunt leads; and

(4) Adjustment of controller to original design specifications.

iii. The following work on motor generators:

(1) Installation of four stem brush rigging on exciter, installation or renewal of bearing oil gauges, and renewal of sleeve or ball bearings;

(2) Replacement of generator armatures, commutators, commutator brushes, and turning down and undercutting of commutators;

(3) Rewinding of generator armatures, stators and field controls;

(4) Removal for testing on a work bench, reinsulating, banding and reinstallation of motor generators; and

(5) Repair of solid state drives and adjustments of generator compounding.

iv. The following work on hoist motors:

(1) Installation or renewal of bearing oil gauges, renewal of sleeve or ball bearings, and re-babbitting of sleeve bearings (gearless);

(2) Replacement of motor armatures, rotors, motor collector rings, commutators, commutator brushes, and turning down and undercutting of commutators;

(3) Rewinding of stators, armatures, and field coils; and

(4) Removal for testing on a work bench, reinsulating, banding and reinstallation of hoist motors and realignment of motors to worm shafts.

v. The following work on machines:

(1) Installation of new demountable drive sheave rims, new drive shafts, new integral drive sheaves, split couplings;

(2) Replacement of worms, gears, worm shaft housings, thrust bearings, thrust housings, external ring gears and pinions, machine drums, solid drive sheaves with demountable drive sheaves, and sheave bearing. Replacement or repair of stop motion switches, slack cable switches, replacement of drive sheave linings. Regrooving of drive sheaves;

(3) Re-babbitting of main bearings, external gears and bearings, and worm shaft housings;

(4) Renewal of sleeve bearings, drum buffers, and drum shafts;

(5) Re-securing of loose brake pulleys and realignment of brake pulleys, with motor gear shaft; and

(6) Removal of bearing shims.

vi. The following work on hoist ropes, compensating ropes and compensating chains:

(1) Replacement or re-socketing of hoist ropes and replacement of compensating ropes or chains, governor ropes, and hitches; and

(2) Shortening of hoist ropes due to a rope stretch.

vii. The following work on governors:

(1) Re-calibration, sealing, and reconditioning of governors, or replacement of governors with like equipment; and

(2) Replacement or reconditioning of governor rope tension sheaves.

viii. The following work on overhead, deflector, car and counterweight sheaves:

(1) Replacement or repair of sheaves, sheave bearings and sheave shafts; and

(2) Re-babbitting of sheave bearings.

ix. The following work on hoistways:

(1) Replacement of traveling cables and other hoistway wiring;

(2) Repair of counterweights, hoistway switches, hydraulic pistons, oil lines in the pit, and repacking of packing glands; and

(3) Repair or replacement of hoistway door equipment, rollers relating cables, gibs, hall buttons, lanterns, position indicator stations, and all existing related equipment, selector tapes, cables, dust covers, toe guards and hoistway fascia, and repair or replacement of all existing pit equipment with like equipment.

x. The following work on rails and guides:

(1) Realignment or replacement of main or counterweight rail sections with like products; and

(2) Repair or replacement of guide shoe liners or car and counterweight guides with like product.

xi. The following work on cabs:

(1) Installation or replacement of main and auxiliary car operating panels, emergency lighting, communication devices, door protective and reopening devices, car position indicators, and in-car lanterns;

(2) Repair or replacement of operating station on top of cars, door operating devices, motors, linkages, hangers, etc., hoistway door drive mechanisms, clutches, etc., side emergency exit latching devices and electrical switches, floor leveling and selector drive devices, terminal slow down and limiting devices, load weighing devices (on top of car and under

car isolation), keyless entry and security devices, top of car intrusion devices, closed-circuit TV surveillance devices, lighting fixtures in the car on top of the car and under the car; and

(3) Replacement of ceilings with code approved materials, and of door saddles, cab flooring, walls and panels with materials equivalent to those being replaced in respect to weight and fire resistance.

Amended by R.1993 d.487, effective October 4, 1993.

See: 25 N.J.R. 2159(a), 25 N.J.R. 4592(a).

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

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.1999 d.424, effective December 6, 1999.

See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Substituted references to ordinary maintenance for references to ordinary repairs throughout; and in (a), substituted a reference to permit applications for a reference to applications.

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

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

Recodified former 5:23-9.3(a) as new (c), and inserted "building" preceding "maintenance" in the introductory paragraph of 1, inserted "or replacement" preceding "of any non-structural member" in vi, substituted "shall" for "will" preceding "be permitted under" in viii and substituted "maintenance" for "repairs" in 3i.

#### Case Notes

Municipal order under zoning ordinance to remove sleeping trailers and disconnect utilities used by a refinery repair crew proper exercise of police power; action not preempted by Occupational Safety and Health Act. *Twp. of Greenwich v. Mobil Oil Corp.*, 504 F.Supp. 1275 (D.N.J. 1981).

#### 5:23-2.8 Installation of equipment

(a) When the installation, extension or alteration of mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing, gas piping, electric wiring, heating system or other equipment is specifically controlled by the provisions of this chapter, it shall be unlawful to use such equipment until a certificate of occupancy or certificate of approval, as the case may be, has been issued therefor by the construction official having jurisdiction. Use of elevator devices shall be subject to N.J.A.C. 5:23-12.9.

(b) The Department shall have exclusive authority to approve systems for indirect apportionment of heating costs in multiple dwellings.

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Stylistic changes.

Amended by R.1996 d.323, effective July 15, 1996, (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

Amended by R.2003 d.384, effective October 6, 2003.

See: 35 N.J.R. 2422(a), 35 N.J.R. 4712(a).

Designated the existing paragraph as (a) and added (b).

#### 5:23-2.9 Variations and exceptions

(a) No variations or exceptions from the requirements of any subcode of these regulations may be made, except upon the following findings:

1. That strict compliance with any specific subcode provision, if required, would result in practical difficulty to such owner; and

2. That the exception, if granted, will not jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) Except as may be otherwise specified in this chapter, no variations shall be granted from any of the requirements of N.J.A.C. 5:23-2, 4 or 5.

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: 27 N.J.R. 4050(a), 28 N.J.R. 2586(a).

Added (b).

#### 5:23-2.10 Applications for variations

(a) An application for a variation pursuant to this section shall be filed in writing with the construction official and shall state specifically:

1. A statement of the requirements of the subcode from which a variation is sought;

2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties;

3. A statement of the nature and extent of such practical difficulties; and

4. A statement of feasible alternatives to the requirements of the subcode which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

Administrative Correction to (a): Changed "set" to "state".

See: 22 N.J.R. 2503(b).

#### 5:23-2.11 Review of variation applications

Within 20 business days next succeeding the receipt by the construction official of the application, it shall be denied or granted by written order stating the reasons therefor. The application shall be deemed denied for purposes of appeal if no decision is forthcoming within such 20-day period. Records of all applications for variation, and actions taken thereon shall be available for public inspection at the enforcing agency during normal business hours.

#### 5:23-2.12 Final decision on variations

The appropriate subcode official(s) shall make the final determination with respect to matters within their jurisdiction. The construction official shall notify the applicant of that determination. Whenever an application for a variation shall result in contradictory or inconsistent determinations by different subcode officials having jurisdiction pursuant to N.J.A.C. 5:23-3, the construction official shall rule as to which subcode official's determination shall be final, and shall notify the applicant of that ruling. Whenever the construction official shall be certified in a particular subcode, he may modify the determination of the subcode official.

(h) Posting of permit: A true copy of the construction permit shall be kept on the site of operations open to inspection during the entire time of prosecution of the work and until the completion of the same.

(i) Notice of start: At least 24 hours notice of start of work under a construction permit shall be given to the construction official.

(j) Conditions of permit: The issuance of the construction permit shall be conditioned upon the following:

1. The payment of appropriate fees;
2. That work will conform to the requirements of the code applicable to the work for which the permit has been issued including prior approvals and any approved amendments thereto;
3. That the permit is a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the regulations;
4. That the owner, his agent, contractor or other employees will assist the enforcing agency in its inspection work, if requested.

(k) Upon request of the local health department, the construction official shall supply copies of permits issued for lead abatement work.

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(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.409, effective October 6, 1997.

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

Amended by R.1998 d.36, effective January 5, 1998.

See: 29 N.J.R. 4214(a), 30 N.J.R. 193(a).

Deleted (k); recodified existing (l) as (k).

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).

In (a), rewrote 1 and added 2.

#### Case Notes

Construction permit could be voided by developer suspending construction for period of more than six months. *Palatine I v. Planning Bd. of Tp. of Montville*, 133 N.J. 546, 628 A.2d 321 (1993).

#### 5:23-2.17 Demolition or removal of structures; abandoned wells

(a) Service connections: Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until releases are obtained from all utilities that provided service to the property, stating that their respective service

connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

#### (b) Abandoned wells:

1. In the event that there is a well on the property that has been abandoned, or that will be abandoned in conjunction with the proposed demolition, a permit to demolish or remove a structure on that property shall not be issued until a certification has been obtained from a well driller licensed by the Department of Environmental Protection indicating that the well has been sealed in accordance with N.J.A.C. 7:9-9. If such certification is not presented within 15 days of the application for the permit, the construction official shall give notice of the absence of such certification to the Bureau of Water Allocation, Department of Environmental Protection, PO Box 029, Trenton, NJ 08625-0029.

2. Notice shall also be given by the construction official to the Bureau of Water Allocation in the event of any demolition activity found to have been undertaken without a permit at a building or premises currently or previously served by a well and in any other case in which no permit application for demolition has been made but the construction official becomes aware that a well has been, or is about to be, abandoned without having been sealed by a licensed well driller.

(c) Notice to adjoining owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the demolition or removal of a building or structure.

(d) Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the appropriate subcodes.

(e) Asbestos abatement: Before a structure can be demolished or removed, the owner or agent shall document that the requirements of USEPA 40 CFR 61 subpart M have been or shall be met. A permit to demolish or remove the structure shall not be issued until the owner or agent notifies the enforcing agency that all friable asbestos or asbestos-containing material that will become friable during demolition or removal has been or will be properly abated prior to demolition.

Amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(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.1998 d.36, effective January 5, 1998.

See: 29 N.J.R. 4214(a), 30 N.J.R. 193(a).

Added (b); and recodified existing (b) through (d) as (c) through (e).

**5:23-2.17A Minor work**

(a) The issuance of a permit shall not be required before minor work may proceed. The owner, or an architect or contractor acting on behalf of the owner, shall, however, provide notice of the work to the enforcing agency before work begins.

(b) Notice of work; application:

1. Notice of minor work shall be a personal or telephoned oral notice before work commences. This oral notice shall be provided to the enforcing agency between 9:00 A.M. and 5:00 P.M., Monday through Friday, except holidays. In those cases where the local enforcing agency is not open and available to receive notice at those times then notice shall be provided to the municipal clerk;

2. In addition to oral notice, the owner or his agent shall be required to file an application. The completed application with the fee shall be delivered in person or by mail to the enforcing agency, within five business days from the date of the oral notice.

(c) Minor work:

1. Minor work shall mean and include:

i. The construction or total replacement of any porch or stoop which does not provide structural support for any roof or portion of a building;

ii. Renovation or alteration work in an existing one or two-family dwelling, provided that no primary structural members are altered in any way, and further provided that the work does not constitute reconstruction; and

iii. The removal and replacement of more than 25 percent of the exterior siding of a one or two-family dwelling;

2. Minor work shall also mean and include the replacement of any existing plumbing piping work with new and approved material of like capacity; the installation of drinking fountains and condensate drains in existing structures; the replacement of existing low pressure hot water heaters with new ones of like capacity; and the new installation of lavatories, water closets, tubs, showers, washers or dishwashers, and garbage disposers in existing space of one and two-family dwellings where the new installation of additional fixtures can be accommodated with no increase in the size of the water distribution system, water service or house drain;

3. Minor work shall also mean and include new electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or ovens in one and two-family dwellings; the installation of five or less 110 or 220 volt receptacles or fixtures where existing circuits and/or available space circuits and service are adequate to support the load; the replacement of existing wiring with new wiring of the same capacity provided that the new wiring shall be of a type approved for the use by the code;

4. Minor work shall also mean and include the installation of any fire detection or suppression device in any one- or two-family dwelling; installation of a radon mitigation system in an existing detached one or two-family dwelling; the installation of a burglar alarm or security system in any structure and the installation of a low voltage communication system in any structure other than a one- or two-family dwelling;

5. Minor work shall not include lead abatement.

6. Minor work on elevator devices shall also mean and include work as outlined below and not involving any structural alteration to a building and as scoped within the

applicable sections of Part XII of ASME A17.1 referenced in the building subcode:

i. Alteration to hoistway enclosures (ASME A17.1 Part XII, Rule 1201.1a, 1203.1a);

ii. Alteration to construction at top of hoistways (1201.1c) and at bottom of hoistways (1201.1d);

iii. Alteration to hoistways which affects control of smoke and hot gases (1201.1e);

iv. Construction and alteration of machine room and machinery spaces (1201.2, 1203.1b);

v. Installation and alteration of electrical equipment, wiring, pipes and ducts in hoistway and machine rooms (1201.3, 1203.1c);

vi. Alteration to pits (1201.6, 1203.1f);

vii. Alteration to bottom and top car counterweight clearances and runbys (1201.7, 1203.1g, 2508);

viii. Alteration to horizontal car and counterweight clearances (1201.8, 1203.1h);

ix. Additions, alterations or replacements of hoistway entrances (1201.10, 1203.1j);

x. Installation or alteration of hoistway door locking devices, access switches, parking devices and unlocking devices (1201.11, 1203.1k);

xi. Alteration or addition of power operation of hoistway doors (1201.12, 1203.1m);

xii. Alteration of spring buffers and bumpers (1202.2, 1203.2b);

xiii. Alteration of counterweights (1202.3; 1203.1d and 1203.2c);

xiv. Alteration of car frames and platforms (1202.4a, 1203.2d);

xv. Alteration of car enclosures, car doors, gates, and illumination of cars (1202.5 except installation of new cars, 1203.2e);

xvi. Use of freight elevators to carry passengers, hydraulic elevators only (1203.2j);

xvii. Relocation of power unit (1203.3f);

xviii. Replacement of tanks (1203.6);

xix. Addition or alteration of top-of-car operating devices (1202.12a, 1203.8a);

xx. Addition or alteration or car-leveling or truck-zoning devices (1202.12b, 1203.8b);

xxi. Alteration of anti-creep leveling devices (1203.8c);

xxii. Change of power supply, hydraulic elevators only (1203.8d);

xxiii. Addition of rope equalizers (1202.14c, 1203.9c);

xxiv. Addition of auxiliary rope-fastening devices (1202.14d);

xxv. Alteration of manual operating devices which are provided to manually operate elevators in case of power failure;

xxvi. Alteration of handrails on escalators and moving walks (1207.6, 1208.6);

xxvii. Alteration or addition of lighting and access to interiors and related electrical work (1207.14, 1208.14); and

xxviii. Alteration of entrances or egresses on escalators (1207.15).

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within 30 days of the request for inspection;

2. The construction official shall issue a certificate of approval stating that the work performed under a Minor Work Permit substantially complies with the UCC. The inspection shall be based upon what is visible at the time of said inspection and the certificate of approval shall so indicate.

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Stylistic changes.

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

Amended by R.1993 d.663, effective December 20, 1993.

See: 25 N.J.R. 4546(a), 25 N.J.R. 5927(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.476, effective September 5, 1995 (operative January 1, 1996).

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

Rewrote (d).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: 27 N.J.R. 2829(a), 27 N.J.R. 4281(b).

N.J.A.C. 5:23-2.17A(c)6xxv through xxvii, as added by R.1995 d.564, operative May 1, 1996.

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

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

Amended (c)1i through (c)1iii.

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

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

In (c)6, inserted a reference to 2508 in vii, inserted a new xxv, and recodified former xxv through xxvii as xxvi through xxviii.

### 5:23-2.18 Inspections

(a) Preliminary inspection: Before issuing a permit, the construction official and appropriate subcode official shall, where necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a construction permit.

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one-and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode;

ii. Foundations and all walls up to grade level prior to covering or back filling;

(1) For new construction, a foundation location survey showing all building corners of the foundation shall be submitted to the construction official as soon as possible after the installation of the foundation wall. A land surveyor licensed in the State of New Jersey shall prepare the survey. The proposed foundation location as shown on the original plot plan shall also be shown on the foundation location survey.

(A) Exception: A foundation location survey shall not be required for additions, decks, swimming pools, sheds as described in N.J.A.C. 5:23-9.9 or similar structures.

(2) For new construction and additions, the foundation location survey for a building that is located in a flood plain shall include flood hazard certificates as required by section 1612.5 of the building subcode or section R301.2.4 of the one-and two-family dwelling subcode.

iii. Utility services, including septic;

iv. Mid-point inspections shall include the following:

(1) Building Subcode: All structural framing, connections, wall and roof sheathing, and insulation.

(A) The framing inspection shall take place after the rough electrical and plumbing inspections and after the installation of the heating, ventilation and/or air conditioning duct system.

(B) For buildings containing roof or other truss systems, a truss system and permanent truss bracing inspection shall be performed prior to the installation of any interior roof truss covering material. Where the truss design utilizes the interior finish as bracing for the bottom cord, that portion of the bracing shall be part of the final inspection and shall be in addition to the components of the final inspection in (d) below.

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

In (c)4, substituted "more pressure than would be exerted by back-fill" for "lateral pressure from soils" following "subject to" in ii, and substituted "drainage" for "designated disposal" preceding "system" and added "according to the Unified Soil Classification System, Group I Soils" at the end of iii; and inserted (c)9iv.

Amended by R.2001 d.369, effective October 15, 2001.

See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).

In (b), inserted "that are" following "type 5B construction", "no more" preceding "than 4,800 square feet", and substituted "seven feet" for "7½ feet (2,235 mm.)".

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.420, effective November 3, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).

Rewrote (c).

### 5:23-3.22 Fuel gas subcode

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

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

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

ii. The International Fuel Gas Code/2000 may be known and cited as the "fuel gas subcode."

2. Any references to the International Building Code, International Plumbing Code, ICC Electrical Code, International Fire Code or the International Energy Conservation Code listed in Chapter 7 shall be considered a reference to the appropriate adopted building, plumbing, electrical, BOCA National Fire Prevention Code-1996 or energy subcode in N.J.A.C. 5:23-3.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Fuel Gas Code/2000 are amended as follows:

1. Chapter 1 of the fuel gas subcode, entitled "Administration" is deleted in its entirety.

2. Chapter 2 of the fuel gas subcode, entitled "Definitions," is amended as follows:

i. Section 201.3 is amended to delete the words "International Building Code, ICC Electrical Code, International Fire Code, International Plumbing Code," and in lieu thereof substitute "building, electrical, fire protection, and plumbing subcodes."

ii. The definition of the term "alteration" is deleted and the definition found in N.J.A.C. 5:23-1.4 is substituted;

iii. The definition of the term "approved" is deleted;

iv. The definition of the term "code" is deleted;

v. The definition of the term "code official" is deleted, and the following language is substituted: "For the purpose of the fuel gas subcode, the term "code official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."

vi. The definition of the term "unlisted boiler" is deleted.

3. Chapter 3 of the fuel gas subcode, entitled "General Regulations," is amended as follows:

i. Section 301.1 is amended to delete the words "in accordance with Section 101.2."

ii. Section 301.3 is amended to delete the words "in accordance with Section 105" on lines 2 and 4.

iii. Section 301.9 is deleted.

iv. Section 305.1. Delete the second paragraph in its entirety.

v. Section 306.2 is amended to delete the dimension 35 and substitute 36.

vi. Section 307.1 is amended to delete "approved plumbing fixture" on line 3 and insert the following: "drywell, sump pump, floor drain, or drainage system below floor."

vii. Section 307.2 is deleted.

viii. Section 308.3 is amended to delete the words "308.3.1 through 308.3.6" and substitute in lieu thereof "308.3.1, 308.3.2 and 308.3.4 through 308.3.6."

ix. Section 308.3.3 is deleted.

x. Section 308.4 is amended to delete the words "308.4.1 through 308.4.8" on line 3 and substitute in lieu thereof "308.4.1 through 308.4.6 and 308.4.8."

xi. Section 308.4.7 is deleted.

xii. Section 308.4.8. Delete "or 308.4.7" on line 2.

4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," is amended as follows:

i. Section 401.2 is amended to add the following: "Delete in its entirety Section 3-2.5 "Installation of Containers on Roofs of Buildings" in NFPA-58, 1998 Edition." Installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.

ii. Section 403.3 is deleted.

5. Chapter 5 of the fuel gas code, entitled "Chimneys and Vents," is amended as follows:

i. Section 503.5.6 is amended to replace the words "cleaned and free of obstructions" with the words

“inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(c).”

ii. Section 503.5.6, exception: Delete the exception in its entirety.

6. Chapter 6 of the fuel gas code, entitled “Specific Appliances” is amended as follows:

- i. Section 622.2 is deleted.
- ii. Section 622.3 is deleted.
- iii. Section 626.10 is deleted.

7. Chapter 7 of the fuel gas code, entitled “Referenced Standards,” is amended as follows:

i. Under the heading “Codes,” amend the following titles:

- (1) Delete “IBC-2000 International Building Code.”
- (2) Delete “IFC-2000 International Fire Code” and substitute the following: “BOCA National Fire Prevention Code/1996.”
- (3) Delete “IECC-2000 International Energy Conservation Code.”
- (4) Delete “IPC-2000 International Plumbing Code.”
- (5) Delete “IEC-2000 Electrical Code.”

8. Appendices A, B, and C of the fuel gas subcode are informative and are not part of the subcode itself.

New Rule, R.2001 d.196, effective June 18, 2001.  
See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).  
Administrative correction.  
See: 33 N.J.R. 3310(a).

**APPENDIX 3-A**

**NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS  
CODE CHANGE PROPOSAL  
REHABILITATION SUBCODE (N.J.A.C. 5:23-6)**

Proposals must be presented with language proposed for deletion in brackets [ ].  
Proposals must be presented with language proposed for addition underlined:

Mail code change proposals to: Code Development Unit Department of Community Affairs Division of Codes and Standards PO Box 802 Trenton, New Jersey 08625	Fax code change proposals to: Code Development Unit (609) 984-7717 or (609) 633-6729
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Direct questions to the Code Development or Code Assistance Units at (609) 984-7609.

Section (citation) proposed for change: \_\_\_\_\_  
Sections (companion changes) that might also need to be changed: \_\_\_\_\_

NAME: \_\_\_\_\_  
ORGANIZATION (if any): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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

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

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

**SUBCHAPTER 3A. STATE-JURISDICTION  
SUBCODES**

**5:23-3A.1 Scope**

This subchapter shall govern the enforcement by the Department of Community Affairs of the State Uniform Construction Code, in conjunction with other rules administered by the Department, in facilities and installations for which the Department is the sole enforcing agency, as set forth in N.J.A.C. 5:23-3.11(j).

**5:23-3A.2 Subcodes established**

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

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

(c) The amusement ride subcode and the boiler, pressure vessel and refrigeration subcode shall be known, and may be designated, as “State-jurisdiction subcodes.”

**SUBCHAPTER 4. ENFORCING AGENCIES;  
DUTIES; POWERS; PROCEDURES**

**5:23-4.1 Title; scope; intent**

(a) This subchapter, adopted pursuant to authority of the State Uniform Construction Code Act and entitled “Enforcing agencies; duties; powers; procedures”, shall be known and may be cited through the regulation as N.J.A.C. 5:23-4,” and when referred to in this part of the regulations, may be cited as “this subchapter”.

(b) Unless otherwise specifically provided, all references to article or section numbers or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.

(c) This subchapter and N.J.A.C. 5:23-4A, 4B, 4C shall control matters related to: the structure, organization, and procedures of municipal, State, and interlocal enforcing agencies; their interrelationships; the structure, organization, and procedures of boards of appeal; the approval of premanufactured construction; private enforcing agencies; and the establishment of fees.

(d) This subchapter seeks to provide an efficient administrative structure for enforcing agencies and boards of appeal, through which delay in the construction process can be reduced, uniformity of systems and procedures encouraged, and the public health and safety protected. Such intent shall be given full effect in the construction of any specific provision of this subchapter.

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

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

Reference to subchapter 4A added to (c).

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

See: 26 N.J.R. 1073(a).

#### Law Review and Journal Commentaries

Municipal employees—Construction Code Officials. Judith Nallin, 135 N.J.L.J. No. 14, 50 (1993).

#### Case Notes

Citation to former N.J.A.C. 5:23-2.9 on enforcement. Newark Health Welfare Dept. v. Rogers, 179 N.J.Super. 389, 432 A.2d 135 (Ch.Div.1981).

City must proceed against property through its own ordinances rather than seek common law public nuisance injunction where no local board of health established and nuisance not proven. Newark Health & Welfare Dept. v. Rogers, 179 N.J.Super. 389, 432 A.2d 135 (Ch.Div. 1981).

#### 5:23-4.2 Matters covered; exceptions

(a) Except as otherwise provided in subsection (b) below, the provisions of this subchapter shall apply to all agencies with an enforcement responsibility under the act and regulations.

(b) Rules concerning exceptions are:

1. Interstate agencies: This subchapter shall not apply to agencies created by Interstate Compact. Such agencies shall administer and enforce the subcodes, under such rules and regulations as they may develop, pursuant to authority of the State Uniform Construction Code Act, and any other applicable law of this State.

2. Department of Education:

i. When final plans for the construction or alteration of a public school facility have been submitted to the Department of Education, and approved under the

standards for educational adequacy set forth at N.J.A.C. 6A:26, and have been submitted for review to, and released by, either the Department of Community Affairs or a construction official of an enforcing agency, such plans shall be filed with the enforcing agency of the municipality in which the public school facility is located.

ii. The enforcing agency shall inspect any construction or alteration of a public school facility in the same manner as any other building or structure subject to the code for the purpose of determining if there are any violations of the educational enhancement and adequacy requirements as set forth at N.J.A.C. 5:23-3.11A(c) and (d) or any other provision of the State Uniform Construction Code.

(c) Rules concerning matters not specifically provided for are:

1. Any type or class of enforcing agency or board of appeals, the procedures of which are developed in this subchapter, may individually adopt further rules for their internal governance, not inconsistent with any specific provision of this subchapter, or with its stated intent.

Amended by R.1991 d.309, effective June 17, 1991.

See: 23 N.J.R. 1084(a), 23 N.J.R. 1922(a).

Rule conformed to P.L. 1990 c.23; reference to N.J.A.C. 6:22 added.

Amended by R.1997 d.417, effective October 6, 1997.

See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).

In (b)2i, substituted "educational adequacy" for "facility adequacy", inserted "either the Department or" preceding "a construction official"; and substantially amended (b)2ii.

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

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

Rewrote (b)2ii.

Administrative change.

See: 34 N.J.R. 1022(a).

#### 5:23-4.3 Municipal enforcing agencies—establishment

(a) Notice of intention to establish:

1. Any municipality seeking to establish and operate an enforcing agency, pursuant to the act and the regulations, shall first notify the department of its intent to establish such an agency by registered and certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that enforcement will be carried out either by the municipal enforcing agency or by interlocal agreement. The resolution shall also state the extent to which the municipality anticipates that private on-site agencies will be utilized. The resolution shall state the address of the enforcing agency and the board of appeals, if different. Such resolution shall additionally state whether a board of appeals will be appointed within the municipality, whether an intermunicipal joint board of appeals will be established or whether appeals will be left to the jurisdiction of the county.

2. Any municipality which shall not choose to establish and operate an enforcing agency pursuant to the act and the regulations shall notify the department of this intent by registered or certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that the governing body requests that the department assume the task of administration and enforcement.

3. A municipality may, by resolution, provide for the employment of an elevator subcode official, licensed in accordance with N.J.A.C. 5:23-5, to perform inspections and witness tests within its jurisdiction. If a municipality fails to employ such an official by July 1, 1992, the Department shall have exclusive jurisdiction to review plans and witness tests for, and inspect elevators within, the municipality. Thereafter, a municipality may acquire such jurisdiction by enacting the necessary resolution and employing an elevator subcode official, but the transfer of jurisdiction to the municipality shall not be effective until 120 calendar days after a certified copy of the resolution is received by the Department.

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 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.

(1) 1 $\frac{3}{8}$  inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1 $\frac{3}{8}$  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.

(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)1ii, amended the N.J.A.C. reference.

### 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) 1¾ inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1¾ 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.

(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 open-

ings 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.

### 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 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.

- (1) 1 $\frac{3}{8}$  inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 1 $\frac{3}{8}$  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)

(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.

### 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, 906.1, 908.1, 908.2, 910.2, 911;
    - i. In buildings of Groups R and I-1, smoke detectors that are located closer than five feet to a kitchen or bathroom area shall be of photoelectric type only;
  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, 1003.12.2;
    - 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, 1613, 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."