

UNIFORM CONSTRUCTION CODE

- 5:23-4A.4 Definition
- 5:23-4A.5 Standards
- 5:23-4A.6 Amendments
- 5:23-4A.7 Uniform Administrative Procedures
- 5:23-4A.8 Appeals
- 5:23-4A.9 Hearings
- 5:23-4A.10 through 5:23-4A.27 (Reserved)

SUBCHAPTER 4B. MANUFACTURED HOMES AND MANUFACTURED HOME ADD-ON UNITS

- 5:23-4B.1 Scope
- 5:23-4B.2 Applicability
- 5:23-4B.3 Standards
- 5:23-4B.4 Administration and enforcement
- 5:23-4B.5 Acceptability
- 5:23-4B.6 Approvals of building systems and compliance assurance program
- 5:23-4B.7 Certification
- 5:23-4B.8 Labels; fees
- 5:23-4B.9 Requirements for submission of compliance assurance documents
- 5:23-4B.10 Appeals
- 5:23-4B.11 Conduct of hearings

SUBCHAPTER 4C. ENFORCEMENT OF FEDERAL MANUFACTURED HOME STANDARDS

- 5:23-4C.1 Delegation of authority
- 5:23-4C.2 Relation to Federal law
- 5:23-4C.3 Complaint procedure
- 5:23-4C.4 Hearing and appeal procedures
- 5:23-4C.5 Monitoring inspection fee

SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS

- 5:23-4D.1 Scope
- 5:23-4D.2 Definition of "recreational park trailer"
- 5:23-4D.3 Standards
- 5:23-4D.4 Certification
- 5:23-4D.5 (Reserved)
- 5:23-4D.6 Approval of compliance assurance documents
- 5:23-4D.7 Enforcement
- 5:23-4D.8 Appeals: State
- 5:23-4D.9 Appeals: Local

SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS

- 5:23-5.1 Title; scope; intent
- 5:23-5.2 Licensing unit; hearings
- 5:23-5.3 Types of licenses and certifications
- 5:23-5.4 Licenses and certifications required
- 5:23-5.5 General license requirements
- 5:23-5.6 Construction official requirements
- 5:23-5.7 Subcode official requirements
- 5:23-5.8 Building inspector H.H.S. requirements
- 5:23-5.9 Building inspector I.C.S. requirements
- 5:23-5.10 Building inspector R.C.S. requirements
- 5:23-5.11 Electrical inspector H.H.S. requirements
- 5:23-5.12 Electrical inspector I.C.S. requirements
- 5:23-5.13 Fire protection inspector H.H.S. requirements
- 5:23-5.14 Fire protection inspector I.C.S. requirements
- 5:23-5.15 Fire protection inspector R.C.S. requirements
- 5:23-5.16 Plumbing inspector H.H.S. requirements
- 5:23-5.17 Plumbing inspector I.C.S. requirements
- 5:23-5.18 Inplant inspector requirements
- 5:23-5.19 Elevator inspector H.H.S. requirements
- 5:23-5.19A Mechanical inspector requirements
- 5:23-5.19B Amusement ride inspector I.C.S. requirements
- 5:23-5.19C Amusement ride inspector H.H.S. requirements
- 5:23-5.19D Boiler, pressure vessel and refrigeration inspector R.C.S. requirements

- 5:23-5.19E Boiler, pressure vessel and refrigeration inspector I.C.S. requirements
- 5:23-5.19F Boiler, pressure vessel and refrigeration inspector H.H.S. requirements
- 5:23-5.19G Special inspector requirements
- 5:23-5.20 Standards for educational programs
- 5:23-5.21 Renewal of license or certification
- 5:23-5.22 Fees
- 5:23-5.23 Examination requirements
- 5:23-5.23A Examination requirements for State-jurisdiction subcode technical licensure
- 5:23-5.23B Examination requirements for special inspectors
- 5:23-5.24 Procedure for approving educational programs
- 5:23-5.25 Revocation of licenses and certifications and alternative sanctions

SUBCHAPTER 6. REHABILITATION SUBCODE

- 5:23-6.1 Introduction; using this subcode
- 5:23-6.2 Applicability and compliance
- 5:23-6.3 Definitions
- 5:23-6.3A Flood-resistant construction
- 5:23-6.4 Repairs
- 5:23-6.5 Renovations
- 5:23-6.6 Alterations
- 5:23-6.7 Reconstruction
- 5:23-6.8 Materials and methods
- 5:23-6.9 New building elements
- 5:23-6.10 Basic requirements and supplemental requirements—general
- 5:23-6.11 Basic requirements in all Groups
- 5:23-6.11A Supplemental requirements in all Groups
- 5:23-6.12 Basic requirements—Group A-1
- 5:23-6.12A Supplemental requirements—Group A-1
- 5:23-6.13 Basic requirements—Group A-2 Nightclubs
- 5:23-6.13A Supplemental requirements—Group A-2 Nightclubs
- 5:23-6.14 Basic requirements—Groups A-2 other than Nightclubs, A-3 and A-4
- 5:23-6.14A Supplemental requirements—Groups A-2 other than Nightclubs, A-3 and A-4
- 5:23-6.15 Basic requirements—Group A-3 Places of Worship
- 5:23-6.15A Supplemental requirements—Group A-3 Places of Worship
- 5:23-6.16 Basic requirements—Group A-5
- 5:23-6.16A Supplemental requirements—Groups A-5
- 5:23-6.17 Basic requirements—Group B
- 5:23-6.17A Supplemental requirements—Group B
- 5:23-6.18 Basic requirements—Group E
- 5:23-6.18A Supplemental requirements—Group E
- 5:23-6.19 Basic requirements—Group F
- 5:23-6.19A Supplemental requirements—Group F
- 5:23-6.20 Basic requirements—Group H
- 5:23-6.20A Supplemental requirements—Group H
- 5:23-6.21 Basic requirements—Group I-1
- 5:23-6.21A Supplemental requirements—Group I-1
- 5:23-6.22 Basic requirements—Groups I-2 and I-4
- 5:23-6.22A Supplemental requirements—Groups I-2 and I-4
- 5:23-6.23 Basic requirements—Group I-3
- 5:23-6.23A Supplemental requirements—Group I-3
- 5:23-6.24 Basic requirements—Group M
- 5:23-6.24A Supplemental requirements—Group M
- 5:23-6.25 Basic requirements—Group R-1
- 5:23-6.25A Supplemental requirements—Group R-1
- 5:23-6.26 Basic requirements—Groups R-2 and R-4
- 5:23-6.26A Supplemental requirements—Groups R-2 and R-4
- 5:23-6.27 Basic requirements—Groups R-3 and R-5
- 5:23-6.27A Supplemental requirements—Groups R-3 and R-5
- 5:23-6.28 Basic requirements—Group S
- 5:23-6.28A Supplemental requirements—Group S
- 5:23-6.29 Mixed use buildings
- 5:23-6.30 Special technical requirements—all groups
- 5:23-6.31 Change of use
- 5:23-6.32 Additions
- 5:23-6.33 Historic buildings

SUBCHAPTER 7. BARRIER FREE SUBCODE

- 5:23-7.1 through 5:23-7.15 (Reserved)
- 5:23-7.16 Recreation
- 5:23-7.17 Recreation: definitions
- 5:23-7.18 Recreation: exceptions
- 5:23-7.19 Recreation: route of travel
- 5:23-7.20 (Reserved)
- 5:23-7.21 Recreation: swimming and skating areas
- 5:23-7.22 Recreation: boating areas
- 5:23-7.23 Recreation: fishing areas
- 5:23-7.24 Recreation: court games
- 5:23-7.25 Recreation: ice rinks and roller rinks
- 5:23-7.26 Recreation: playing fields
- 5:23-7.27 Recreation: golf facilities
- 5:23-7.28 Recreation: ski lifts, aerial tramways, and conveyors
- 5:23-7.29 Recreation: trails
- 5:23-7.30 Recreation: camping sites
- 5:23-7.31 Recreation: equipment
- 5:23-7.32 Recreation: equestrian facilities

SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE

- 5:23-8.1 Title; scope; intent
- 5:23-8.2 Definitions
- 5:23-8.3 Enforcement; licensing; special technical services
- 5:23-8.4 Variations
- 5:23-8.5 Construction permit for asbestos abatement
- 5:23-8.6 Coordination with other permits
- 5:23-8.7 Inspections; violations
- 5:23-8.8 Certificate of occupancy; certificate of completion
- 5:23-8.9 Fees
- 5:23-8.10 Asbestos safety technician
- 5:23-8.11 Asbestos safety control monitor
- 5:23-8.12 Application of asbestos
- 5:23-8.13 Pre-project procedures
- 5:23-8.14 Operations and maintenance activities
- 5:23-8.15 Asbestos hazard abatement projects
- 5:23-8.16 Asbestos encapsulation and enclosure
- 5:23-8.17 Limited containment removals
- 5:23-8.18 Demolition
- 5:23-8.19 Abatement in occupied buildings
- 5:23-8.20 Removal of non-friable asbestos-containing material
- 5:23-8.21 Air monitoring methodology
- 5:23-8.22 Disposal of asbestos waste

SUBCHAPTER 9. CODE INTERPRETATIONS

- 5:23-9.1 through 5:23-9.2 (Reserved)
- 5:23-9.3 Interpretation: Recreational park trailers
- 5:23-9.4 through 5:23-9.5 (Reserved)
- 5:23-9.6 Interpretations: Construction requirements for new and existing casinos
- 5:23-9.7 through 5:23-9.9 (Reserved)

SUBCHAPTER 10. RADON HAZARD SUBCODE

- 5:23-10.1 Title; scope; intent
- 5:23-10.2 Definitions
- 5:23-10.3 Enforcement
- 5:23-10.4 Construction techniques

APPENDIX 10-A. NEW JERSEY MUNICIPALITIES IN TIER 1

SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

- 5:23-11.1 Subcode adopted
- 5:23-11.2 Definition
- 5:23-11.3 Enforcement of subcode
- 5:23-11.4 Compliance schedule

SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

- 5:23-12.1 Title; scope; intent
- 5:23-12.2 Referenced standards
- 5:23-12.3 Inspection and test schedule
- 5:23-12.4 Registration of elevator devices
- 5:23-12.5 Registration fee
- 5:23-12.6 Test and inspection fees
- 5:23-12.7 Licensing
- 5:23-12.8 Alterations, minor work, ordinary elevator maintenance
- 5:23-12.9 Certificate of compliance requirements
- 5:23-12.10 Inspections in seasonal facilities
- 5:23-12.11 Notice concerning accidents
- 5:23-12.12 Special safety equipment

SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM

- 5:23-12A.1 Title; scope; intent
- 5:23-12A.2 Qualified elevator device inspection firms
- 5:23-12A.3 Qualified elevator device inspector
- 5:23-12A.4 Enrollment of devices
- 5:23-12A.5 Permit process and monitoring
- 5:23-12A.6 Special inspection and compliance procedures

SUBCHAPTER 1. GENERAL PROVISIONS

5:23-1.1 Title; division into subchapters

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

(b) The chapter consists of the following subchapters:

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

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

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

i. N.J.A.C. 5:23-3.11B contains references to the Department of Environmental Protection's rules concerning underground storage tanks, codified at N.J.A.C.

14. Electrical junction boxes shall be installed near the provided area, such as an accessible attic space, where a future in-line vent pipe fan and system failure alarms may be installed.

15. In combination basement/crawl space or slab-on-grade/crawl space buildings a three-inch minimum solid vent pipe shall be provided between the areas and interconnected into the independent vent stack to permit use of a single in-line vent pipe fan if activation of the system is desired.

16. In order to reduce stack effect, air passages that penetrate the conditioned envelope of the building, such as attic access openings, or other openings installed in top-floor ceilings, shall be closed, gasketed or otherwise sealed with materials approved for such applications.

Amended by R.1994 d.609, effective December 19, 1994 (operative April 1, 1995).

See: 26 N.J.R. 2704(a), 26 N.J.R. 5007(b).

APPENDIX 10-A

New Jersey Municipalities in Tier 1

<u>County</u>	<u>Municipality</u>	<u>Municipality</u>
Burlington	Chesterfield Mansfield	Washington
Camden	Lawnside Borough Magnolia	Runnemede Somerdale
Cumberland	Bridgeton Greenwich	Lawrence Township Upper Deerfield Township
Gloucester	Deptford East Greenwich Greenwich Harrison	South Harrison Township Swedesboro Wenonah Woolwich
Hunterdon	All municipalities except Union	
Mercer	Ewing Hopewell Borough Hopewell Township Lawrence	Pennington Princeton Borough Princeton Township
Middlesex	Highland Park North Brunswick	Piscataway
Monmouth	Allentown Colts Neck Freehold Borough Freehold Township Holmdel Little Silver	Marlboro Millstone Township Roosevelt Shrewsbury Borough Shrewsbury Township Upper Freehold
Morris	Chester Borough Chester Township Dover Harding Jefferson Kinnelon Borough Long Hill Mendham Borough Mendham Township Mine Hill	Morris Morris Plains Morristown Mount Olive Randolph Riverdale Roxbury Victory Gardens Washington Wharton

County

Passaic

Salem

Somerset

Sussex

Warren

Municipality

Pompton Lakes

Mannington Township

Pilesgrove

Bernardsville

Bernards

Branchburg

Bridgewater Township

Far Hills

Hillsborough

Franklin

All municipalities

All municipalities

West Milford

Woodstown

Millstone

Montgomery

Peapack & Gladstone

Rocky Hill

Somerville

Warren

Watchung

Public Notice.

See: 23 N.J.R. 3745(a).

Revised Tier I list issued.

Administrative change.

See: 26 N.J.R. 3707(b).

Administrative change.

See: 27 N.J.R. 3600(a).

Administrative change.

See: 28 N.J.R. 4783(a).

Administrative change.

See: 37 N.J.R. 885(b).

Administrative change.

See: 47 N.J.R. 2061(a).

SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

5:23-11.1 Subcode adopted

(a) Pursuant to authority of P.L. 1999, c.50 (N.J.S.A. 52:27D-123.9 et seq.), the Commissioner hereby adopts the playground safety guidelines of the United States Consumer Product Safety Commission, known as the 2010 edition of the "Handbook for Public Playground Safety" (Pub. No. 325). These guidelines are hereby adopted by reference as the Playground Safety Subcode for New Jersey.

1. Copies of these guidelines may be obtained from the United States Consumer Product Safety Commission, Office of Information and Public Affairs, Washington, DC 20207, www.cpsc.gov/CPSC/PUBS/325.pdf.

2. The "Handbook for Public Playground Safety" may be known and cited as the "Playground Safety Subcode."

(b) Only those guidelines that govern design, installation, inspection and maintenance of playgrounds and playground equipment shall be deemed to be mandatory. Guidelines concerning supervision and training of personnel shall be deemed to be advisory only.

Amended by R.2011 d.135, effective May 16, 2011.

See: 43 N.J.R. 244(a), 43 N.J.R. 1255(a).

In the introductory paragraph of (a), substituted "2010" for "1997"; and in (a)1, inserted ", www.cpsc.gov/CPSC/PUBS/325.pdf".

5:23-11.2 Definition

For purposes of this subchapter, "playground" shall mean an improved area designed, equipped, and set aside for play of six or more children, which is not intended for use as an

athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

5:23-11.3 Enforcement of subcode

(a) No permit shall be required for any element of playground construction that is not otherwise subject to the permit requirements of the State Uniform Construction Code.

(b) Compliance with the requirements of this subcode shall be the responsibility of the manager of the facility, of the owner of the facility and of the agency responsible for the administration of the facility.

(c) The facility manager and/or facility owner or agency responsible for administration of the facility shall certify in writing that any work performed complies with, and the facility is maintained in accordance with, all applicable provisions of this subcode and shall retain this certification on file.

(d) Complaints regarding lack of compliance with this subcode shall be in writing and shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager or owner or administering agency shall respond in writing within 30 days to any written complaint received detailing the position taken with respect to the complaint. If the facility manager or owner or administering agency fails to respond in a manner satisfactory to the party registering the complaint, then the party shall have recourse to the appeals process as set forth at N.J.A.C. 5:23-2.38.

5:23-11.4 Compliance schedule

(a) All governmental and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2007 for all other elements, or, in the case of governmental entities, at such earlier date as State funds are made available for such purpose.

(b) All nonprofit entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2014 for all other elements.

(c) All newly constructed playgrounds built, and all new and replacement equipment installed, by a governmental, nonprofit or private for-profit entity more than six months after October 18, 1999 shall conform to the requirements of this subcode.

(d) All construction or alteration of playgrounds, playground equipment and surfacing that are subject to the Playground Safety Subcode shall comply with the applicable provisions of the Barrier-Free Subcode (N.J.A.C. 5:23-7).

1. In accordance with N.J.A.C. 5:23-7.18(d) and ICC/ANSI A117.1, Sections 302 and 303, surfaces of all routes and spaces required to be accessible shall be stable, firm

and slip-resistant. Sand and gravel shall therefore not be used as surfacing materials when new equipment is being installed, or a new safety surface is being put in place, and the barrier-free subcode is therefore applicable.

Administrative correction.
See: 36 N.J.R. 170(a).

SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

5:23-12.1 Title; scope; intent

(a) This subchapter of the rules adopted pursuant to the authority of the Uniform Construction Code Act, entitled "Elevator Safety Subcode," shall be known and cited throughout this chapter as subchapter 12 or N.J.A.C. 5:23-12, and when referred to in this subchapter may be cited as "this subchapter."

(b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.

(c) This subchapter shall control all matters relating to administration of tests and inspections of elevator devices as defined in (e) below.

(d) It is the purpose of this subchapter to enhance the public safety, health and welfare by ensuring that elevator devices as defined in this subchapter are periodically inspected and maintained in accordance with nationally recognized, referenced standards.

(e) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure; or, a power driven, inclined, continuous stairway used for raising or lowering passengers; or, a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted. This includes, without limitation, elevators, escalators, moving walks, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts, and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators), ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts), or ASME A90.1 (Safety Standard for Belt Manlifts).

1. This definition shall not apply to any conveying devices and process equipment. Conveying devices include special purpose personnel elevators, mine elevators, marine elevators, wind turbine tower elevators, outside emergency elevators, material hoists, conveyors, and any other device outside of the scope of ASME A17.1, A18.1, or A90.1.

Amended by R.2008 d.369, effective December 15, 2008.
See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In the introductory paragraph of (e), inserted "ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts)"; and in (e)1,

substituted "conveying devices," for "conveyor devices that are", inserted ", and mine elevators" and inserted the last sentence.

Amended by R.2016 d.116, effective September 19, 2016.

See: 48 N.J.R. 531(a), 48 N.J.R. 1908(a).

In the introductory paragraph of (e), inserted a comma following "chairlifts"; and rewrote (e)1.

5:23-12.2 Referenced standards

(a) Periodic, routine and acceptance tests and inspections, if applicable, shall be required on all new, altered and existing power elevators, escalators, dumbwaiters, moving walks, wheelchair lifts, manlifts and stairway chairlifts in accordance with the most recent edition of ASME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode. This subsection shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

(b) All operating and electrical parts and accessory equipment for elevator devices shall be maintained in safe operating condition. The elevator devices shall be maintained to conform to the applicable safety standard at the time of the installation and/or alteration. The maintenance of elevator devices shall conform to the most recent edition of ASME A18.1 or ASME A90.1 referenced in the building subcode, or ASME A17.1 (1996-1998), Section 1206 (except 1206.1h). Maintenance of ASME A17.1 elevator devices shall be in accordance with (c) below.

(c) Maintenance of elevator devices installed under ASME A17.1 shall conform with the following:

1. Maintenance of elevator devices installed under ASME A17.1 shall comply with Sections 8.6.1 through 8.6.12 except for: 8.6.1.2.1, 8.6.1.3, 8.6.1.4, 8.6.1.6.3(a), 8.6.1.6.5, 8.6.5.8, 8.6.7.3, 8.6.7.4, 8.6.7.8, 8.6.7.9, 8.6.8.2, 8.6.8.3, 8.6.11.3, 8.6.11.4, 8.6.11.6, 8.6.11.7, 8.6.11.8, 8.6.12.1.2, 8.6.12.2.2, 8.6.12.2.4, 8.6.12.2.5, 8.6.12.2.6, and 8.6.12.3.4.

2. Additionally, escalators installed under ASME A17.1-2000 and later editions shall comply with sections 8.6.8.2(d) and 8.6.8.3.

3. Where unique or product-specific procedures or methods are required to inspect or test equipment, such procedures or methods shall be made available to the owners and kept where they are readily available to the authority having jurisdiction, authorized and elevator personnel.

(d) If, upon inspection of any elevator device subject to the requirements of this subchapter, the equipment is found to be in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, or if the design, or the method of operation in combination with the design, of the device is determined to be inherently dangerous by the elevator subcode official, the elevator subcode official shall so advise the construction official so that a notice of unsafe structure may be issued pursuant to N.J.A.C. 5:23-2.32.

(e) Inspection and testing procedures for equipment within the scope (section 1) of the ASME A17.1 Safety Code for Elevators and Escalators shall be performed in accordance with the latest edition of ASME A17.2.

(f) Any education, experience or training requirements included or cited in reference standards shall not be binding in this State.

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.564, effective November 6, 1995 (operative March 1, 1996).

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

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

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

In (a), added R-5 to the list of groups.

Amended by R.2008 d.369, effective December 15, 2008.

See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In (a) and (b), inserted ", ASME A18.1, or ASME A90.1"; and in (b), substituted "elevator devices" for "elevators, dumbwaiters and escalators".

Amended by R.2009 d.255, effective August 17, 2009.

See: 41 N.J.R. 1919(a), 41 N.J.R. 3065(a).

Rewrote (b).

Amended by R.2010 d.195, effective September 7, 2010.

See: 41 N.J.R. 3140(a), 42 N.J.R. 2043(a).

In (b), deleted "or devices" following "equipment" and inserted the last sentence; and added new (c) to replace reserved (c).

5:23-12.3 Inspection and test schedule

(a) Routine, periodic and acceptance inspections and test of elevators shall be conducted as follows:

1. Routine and periodic inspections shall be made at intervals of not more than six months for all manlifts, and at intervals not exceeding those set forth in Appendix N-1 of ASME A17.1 referenced in the most recent edition of the building subcode for elevators, escalators, dumbwaiters, and moving walks. Stairway chairlifts and wheelchair lifts shall be inspected at intervals not exceeding one year.

2. Routine tests shall be made and periodic tests shall be witnessed at intervals not exceeding those set forth in Appendix N-1 of the most recent edition of ASME A17.1 referenced in the building subcode. Manlifts, stairway chairlifts and wheelchair lifts shall be tested at intervals not exceeding one year.

3. Routine and periodic inspections, including any applicable acceptance inspections, shall be made by the elevator subcode official or elevator inspector. Routine tests shall be made and periodic tests, including any applicable acceptance tests, shall be witnessed by the elevator subcode official or elevator inspector.

4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by N.J.A.C. 5:23-12.9.

i. When a need to modify an existing inspection cycle exists, upon request of a construction official, where such needs are outlined, and approved by the Department, the existing inspection cycle can be changed. Such change shall not increase the intervals between inspections/tests required by this section, and any additional inspection that may be required as a result of the adjustment shall not be subject to a fee.

ii. Elevator devices that have been temporarily taken out of operation for alteration work to be performed shall be exempt from routine and periodic inspection and test requirements as long as the elevator device is not accessible to the public or placed back in operation. Those devices that are still in operation, even though they are included in the alteration permit, shall be subject to routine and periodic inspections within the cycle of inspections in the building.

iii. Elevator devices that have been removed from service as per ASME A17.1, A18.1 or A90.1 as applicable are exempt from routine and periodic inspections and tests until the device is placed back in service as per the applicable safety code, which is referenced in the building subcode. Taking a device in or out of service by Code shall be considered minor work within the meaning of N.J.A.C. 5:23-2.17A.

iv. Elevator devices that are used for construction purposes as per ASME A17.1 referenced in the building subcode are subject to inspections and tests required by ASME A17.1 for elevators used for construction. Such devices shall not be accessible to the public. During the operation of the device for construction purposes the owner shall assure that the device is used only for construction purposes by providing a designated operator, authorizing of key operation or by other methods acceptable to the elevator subcode official.

5. Elevator devices in structures of Group R-3, R-4, or R-5, except those elevator devices accessible to the public, shall be exempt from periodic inspection and test requirements. Elevator devices wholly within the dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt. In addition, signed statements and supporting inspection and acceptance test reports, filed by an approved qualified agent or agency for elevator devices in such structures, other than elevator devices accessible to the public, may be accepted by the construction official, in accordance with N.J.A.C. 5:23-2.19 and 2.20, in lieu of inspections performed by and acceptance tests witnessed by the enforcing agency for work requiring a permit. If the construction official designates the elevator subcode official to perform the inspection and to witness the acceptance test for work under a permit in such structures, those inspections and tests shall ensure compliance with the requirements of the code(s) under which the permit was issued.

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).

Added (a)4 and 5.

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

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

In (a)5, substituted "structures of Group R-3, R-4, or R-5" for "structures classified as Use Group R-3 and R-4", inserted "the" preceding "acceptance test for work" and substituted "ensure" for "assure" preceding "compliance".

Amended by R.2008 d.369, effective December 15, 2008.

See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In (a)1, inserted "Appendix N-1 of", substituted a comma for "and" following "escalators" and inserted a comma following "dumbwaiters"; in (a)2, inserted "Appendix N-1 of" and inserted the last sentence; in (a)4ii, inserted ", A18.1 or A90.1 as applicable" and substituted "the applicable safety code" for "ASME A17.1".

Amended by R.2012 d.134, effective July 16, 2012.

See: 44 N.J.R. 613(a), 44 N.J.R. 1970(a).

Added new (a)4i; and recodified former (a)4i through (a)4iii as (a)4ii through (a)4iv.

5:23-12.4 Registration of elevator devices

(a) On or before July 1, 1992, and thereafter as required by (e) below, the owner of every existing structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or other than an elevator device wholly within a dwelling unit in a structure of Group R-2 that is not accessible to the general public, shall register each elevator device with the Department on a form provided by the Commissioner.

(b) The owner of every new structure containing one or more elevator devices or with a newly installed elevator in an existing building shall register each elevator device with the Department, on a form provided by the Commissioner, prior to the issuance of a certificate of occupancy or certificate of approval as the case may be.

1. Exception: Elevators within a building of Group R-3, R-4, or R-5 shall not be required to be registered.

(c) Each filed registration form shall contain the following information for each elevator device:

1. The identification or code number for each individual device;

2. The name, and the address of the New Jersey office or New Jersey residence, of the device's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept service of process;

3. The mailing address and phone number of the person listed in (c)2 above;

4. The street address of the building or structure, including lot and block number, where the device is located;

5. The type of device;

6. The vertical travel of the device in number of feet and stories, or horizontal feet of travel of the walk or other device;

7. The rating load of the device in pounds;
8. The occupancy load in number of persons;
9. The speed of the elevator in feet per minute;
10. The manufacturer of the device;

11. The date of installation, if known, and date of last inspection performed; and

12. Special devices, such as, but not limited to, oil buffers, counterweights, governors and safeties, and auxiliary power generators.

(d) Each construction official shall provide the Department with the following information concerning each device within the municipality:

1. The name and mailing address of the owner or owner's representative of each device; and
2. The street address, including lot and block number, where the device is located.

(e) If the ownership of a structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or a device in a structure of Group R-2 exempted under (a) above, is transferred, whether by sale, gift, assignment, interstate succession, testate devolution, reorganization, receivership, foreclosure or execution process, the new owner shall file a notice of change of ownership, with the appropriate re-registration fee, with the Department within 60 days of the date of transfer. A device in a structure of Group R-2 exempted by (a) above, which, because of alterations in design or changes in ownership or management, is no longer wholly within one residential unit, or which otherwise becomes accessible to the general public, shall be registered within 60 days of its change in status.

(f) No permit shall be issued for work to be performed on an existing device if that device is not registered as required by this section.

(g) Each construction official shall review the list of the registered buildings/devices provided by the Department, and shall notify the Department of any changes that need to be made.

(h) It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

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).

Added (f) and (g).

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

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

Inserted references to Group R-5 throughout.

Amended by R.2004 d.270, effective July 19, 2004.

See: 36 N.J.R. 1635(a), 36 N.J.R. 3397(c).

In (c), rewrote 2; added (h).

Amended by R.2008 d.369, effective December 15, 2008.

See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

In the introductory paragraph of (b), substituted "or with a newly installed elevator in an existing building" for "or with a newly installed elevator in an existing building", other than a structure of Group R-3, R-4, or R-5; and inserted "or certificate of approval as the case may be"; and added (b)1.

5:23-12.5 Registration fee

The initial registration fee for each elevator device in any structure that is not of Group R-3, R-4, or R-5, or that is not an exempted structure of Group R-2, shall be \$76.00. A reregistration fee of \$76.00 shall be required for each structure containing one or more elevator devices, upon change of ownership.

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

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

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

Fees increased by \$4.00.

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

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

Added R-5 to the list of groups.

Amended by R.2009 d.77, effective March 2, 2009.

See: 40 N.J.R. 5895(a), 41 N.J.R. 1009(b).

Substituted "\$68.00" for "\$54.00" twice.

Amended by R.2014 d.149, effective October 6, 2014.

See: 46 N.J.R. 898(a), 46 N.J.R. 2024(a).

Updated the fee amounts.

5:23-12.6 Test and inspection fees

(a) The Departmental fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:

1. The basic fees for elevator devices in structures not of Group R-3, R-4, or R-5, or in an exempted structure of Group R-2, shall be as follows:

- i. Traction and winding drum elevators:
 - (1) One to 10 floors \$340.00;
 - (2) Over 10 floors \$567.00;

- ii. Hydraulic elevators \$302.00;
- iii. Roped hydraulic elevators \$340.00;
- iv. Escalators, moving walks \$302.00;
- v. Dumbwaiters \$76.00;
- vi. Stairway chairlifts, inclined and vertical wheelchair lifts, and manlifts \$76.00.

2. Additional charges for devices equipped with the following features shall be as follows:

- i. Oil buffers (charge per oil buffer) \$60.00;
- ii. Counterweight governor and safeties \$151.00;
- iii. Auxiliary power generator \$114.00.

3. The Departmental fee for elevator devices in structures of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be \$227.00 except fees for dumbwaiters, stairway chairlifts, and inclined and vertical wheelchair lifts shall be \$76.00. These fees shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 5:23-2.19 and 2.20.

4. The fee for performing inspection of minor work shall be \$76.00.

(b) The Departmental fee for routine and periodic tests and inspections for elevator devices in structures not of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be as follows:

1. The fee for the six-month routine inspection of elevator devices shall be as follows:

- i. Traction and winding drum elevators:
 - (1) One to 10 floors \$211.00;
 - (2) Over 10 floors \$271.00;
- ii. Hydraulic elevators \$151.00;
- iii. Roped hydraulic elevators \$211.00;
- iv. Escalators, moving walks \$211.00.

2. The fee for the one-year periodic inspection and witnessing of tests of elevator devices, which shall include a six-month routine inspection, shall be as follows:

- i. Traction and winding drum elevators:
 - (1) One to 10 floors \$302.00;
 - (2) Over 10 floors \$362.00;
- ii. Hydraulic elevators \$227.00;
- iii. Roped hydraulic elevators \$302.00;
- iv. Escalators, moving walks \$484.00;
- v. Dumbwaiters \$120.00;
- vi. Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts \$183.00.

3. Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

- i. Oil buffers (charge per oil buffer) \$60.00;
- ii. Counterweight governor and safeties \$120.00;
- iii. Auxiliary power generator \$76.00.

4. The fee for the three-year or five-year inspection of elevator devices shall be as follows:

- i. Traction and winding drum elevators:
 - (1) One to 10 floors (five-year inspection) \$513.00;
 - (2) Over 10 floors (five-year inspection) \$646.00;
- ii. Hydraulic and roped hydraulic elevators:
 - (1) Three-year inspection \$387.00;
 - (2) Five-year inspection \$227.00.

(c) When the Department is the enforcing agency, the fees set forth in (b) above shall be paid annually in accordance with the following schedule, which is based on the average of the fees to be collected over a five-year period:

1. Basic annual fee as follows:

- i. Traction and winding drum elevators:
 - (1) One to 10 floors \$550.00;
 - (2) Over 10 floors \$680.00;
- ii. Hydraulic elevators \$409.00;
- iii. Roped hydraulic elevators \$443.00;
- iv. Escalators, moving walks \$695.00;
- v. Dumbwaiters \$120.00;
- vi. Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts \$182.00.

2. Additional charges for devices equipped with the following features as follows:

- i. Oil buffers (charge per oil buffer) \$60.00;
- ii. Counterweight governor and safeties \$120.00;
- iii. Auxiliary power generator \$76.00.

3. Annual fee for inspections at seasonal facilities shall be as follows:

- i. Traction and winding drum elevators:
 - (1) One to 10 floors \$345.00;
 - (2) Over 10 floors \$404.00;
- ii. Hydraulic elevators \$258.00;
- iii. Roped hydraulic elevators \$302.00;
- iv. Escalators, moving walks \$484.00;
- v. Dumbwaiters \$120.00;
- vi. Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts \$183.00.

4. Additional charges for devices equipped with the following features as follows:

- i. Oil buffers (charge per oil buffer) \$60.00;
- ii. Counterweight governor and safeties \$120.00;
- iii. Auxiliary power generator \$76.00.

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

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

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

Fees increased.

Administrative Correction.

See: 27 N.J.R. 321(a).

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).

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.2004 d.67, effective February 17, 2004.

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

Inserted references to R-5 throughout.

Amended by R.2009 d.77, effective March 2, 2009.

See: 40 N.J.R. 5895(a), 41 N.J.R. 1009(b).

Updated the fees throughout; in the introductory paragraph of (a), deleted a comma following "new"; in the introductory paragraph of (b)1, substituted "six-month" for "six month"; in the introductory paragraph of (b)2, substituted "one-year" for "one year" and "six-month" for "six month"; in the introductory paragraph of (b)4, substituted "three-year" for "three year" and "five-year" for "five year"; and in (b)4i(1), (b)4i(2), and the introductory paragraph of (c), substituted "five-year" for "five year".

Amended by R.2014 d.149, effective October 6, 2014.

See: 46 N.J.R. 898(a), 46 N.J.R. 2024(a).

Updated the fee amounts throughout; in (b)4i(2), substituted "five-year" for "five year"; in (b)4ii(1), substituted "Three-year" for "Three year"; and in (b)4ii(2), substituted "Five-year" for "Five year".

Amended by R.2016 d.031, effective April 4, 2016.

See: 47 N.J.R. 2323(a), 48 N.J.R. 581(a).

In (a)3, inserted "except fees for dumbwaiters, stairway chairlifts, and inclined and vertical wheelchair lifts shall be \$76.00", and substituted "These fees" for "This fee".

5:23-12.7 Licensing

(a) All elevator subcode officials and inspectors shall be licensed according to N.J.A.C. 5:23-5.5.

(b) Any person aggrieved by any decision of the Department under these rules shall be entitled to a hearing pursuant to N.J.A.C. 5:23-5.2.

(c) A licensed elevator subcode official or inspector shall be responsible for completing any continuing educational requirements imposed by the Department pursuant to this chapter prior to license renewal pursuant to N.J.A.C. 5:23-5.

5:23-12.8 Alterations, minor work, ordinary elevator maintenance

(a) For the purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work as provided in (b) below and ordinary maintenance, as defined in N.J.A.C. 5:23-2.7(b)6. Alteration of an elevator device shall comply with the applicable requirements of Section 8.7 and Appendix L of the most recent edition of ASME A17.1, referenced in the building subcode, or with the applicable requirements of the most recent edition of ASME A18.1, or ASME A90.1 referenced in the building subcode.

1. For purposes of the elevator subcode, "alteration" shall mean stand-alone projects undertaken on elevator devices and shall not be used to trigger any additional requirements of N.J.A.C. 5:23-6.6. If work on an elevator device or devices is part of a larger scope of work, then the appropriate category of work, as determined under the Rehabilitation Subcode, and the accompanying requirements shall apply.

(b) For the purposes of this subchapter, minor work on an elevator device shall mean work as outlined below and meeting the applicable sections and Appendix L of ASME A17.1, adopted by reference in the building subcode:

1. Alteration to hoistway enclosures—Sections 8.7.2.1.1 and 8.7.3.1 only as it pertains to Section 8.7.2.1.1;
2. Alteration to construction at top of hoistways—Section 8.7.2.1.3. Exception: Section 5.2.1.4.4 for Limited-Use/Limited-Application elevators (LULA);
3. Alteration at the bottom of hoistways—Section 8.7.2.1.4. Exception: Section 5.2.1.4.2 for Limited-Use/Limited-Application elevators (LULA);
4. Alteration to hoistways that affect control of smoke and hot gases—Section 8.7.2.1.5;
5. Construction and alteration of machine room and machinery spaces—Sections 8.7.2.7 and 8.7.3.7;
6. Installation and alteration of electrical equipment, wiring, pipes and ducts in hoistway and machine rooms—Sections 8.7.2.8 and 8.7.3.8;
7. Replacement of a controller, without any change in the type of operation or control—N.J.A.C. 5:23-6.8(i)4;
8. Alteration to pits—Sections 8.7.2.2 and 8.7.3.2;
9. Alteration to bottom and top of car and counterweight clearances and runbys—Sections 8.7.2.4 and 8.7.3.4. Exception: Sections 5.2.1.4.2 and 5.2.1.4.4 for Limited-Use/Limited-Application elevators (LULA);
10. Alteration to horizontal car and counterweight clearances—Sections 8.7.2.5 and 8.7.3.5;
11. Additions, alterations or replacements of hoistway entrances—Sections 8.7.2.10 and 8.7.3.10;
12. Installation or alteration of hoistway door locking devices, access switches, parking devices and unlocking devices—Sections 8.7.2.11 and 8.7.3.11;
13. Alteration or addition of power operation of hoistway doors—Sections 8.7.2.12 and 8.7.3.12;
14. Alteration of spring buffers and bumpers—Sections 8.7.2.23 and 8.7.3.27;
15. Alteration of counterweights—Sections 8.7.2.22 and 8.7.3.26, with the exception of the addition of counterweights to previously uncounterweighted elevators;
16. Alteration of car frames and platforms—Sections 8.7.2.15.1 and 8.7.3.14;
17. Alteration of car enclosures, car doors, gates, and illumination of cars—Sections 8.7.2.14, with the exception of the installation of new cars, and 8.7.3.13;
18. Alteration to car emergency signaling devices—Sections 8.7.2.28 and 8.7.3.31.8(a);
19. Use of freight elevators to carry passengers, hydraulic elevators only—Section 8.7.2.16.3;
20. Relocation of power unit—Section 8.7.3.23.6;
21. Replacement or alteration of tanks — Section 8.7.3.29;
22. Addition or alteration of top-of-car operating devices—Sections 8.7.2.27.1 and 8.7.3.31.1;
23. Addition or alteration or car-leveling or truck-zoning—Section 8.7.2.27.2 and 8.7.3.31.2;
24. Alteration of anti-creep leveling devices—Section 8.7.3.31.3;
25. Change of power supply, hydraulic elevators only—Section 8.7.3.31.4;
26. Addition of rope equalizers — Sections 8.7.2.21.2 and 8.7.3.25.2;
27. Addition of auxiliary rope-fastening devices—Section 8.7.2.21.3;
28. Alteration of manual operating devices which are provided to manually operate elevators in case of power failure or an alteration to auxiliary power lowering operation—Section 8.7.3.31.9;
29. Alteration of handrails on escalators and moving walks—Sections 8.7.6.1.6 and 8.7.6.2.6;
30. Alteration or addition of lighting and access to interiors and related electrical work—Sections 8.7.6.1.14 and 8.7.6.2.14;
31. Alteration of entrances or egresses on escalators—Section 8.7.6.1.15;
32. Protection of Floor Openings—Sections 8.7.6.1.3 and 8.7.6.2.3; and
33. Protection of Trusses and Machinery Spaces Against Fire—Sections 8.7.6.1.4 and 8.7.6.2.4.

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).

Amended by R.2008 d.369, effective December 15, 2008.

See: 40 N.J.R. 4651(a), 40 N.J.R. 6958(a).

Section was "Alterations, replacements, damages, increases in size, changes in use group, minor work, ordinary repairs". Rewrote the section.

Amended by R.2017 d.077, effective May 1, 2017.

See: 48 N.J.R. 1854(a), 49 N.J.R. 1020(a).

Added (a)1.

5:23-12.9 Certificate of compliance requirements

(a) A device shall be granted a certificate of compliance by the construction official for the time period specified based upon N.J.A.C. 5:23-12.3. No device shall be operated unless a valid certificate of compliance has been issued except for the initial period after work under a permit has been completed as per (f) below. Any violation shall be corrected before a new certificate of compliance may be issued.

(b) A temporary certificate of compliance may be issued by the construction official for a device in order to keep the device in operation on which work, as a result of violations, is

being diligently performed, if the elevator subcode official finds that no hazard to the public is thereby created. A temporary certificate of compliance may be issued for no longer than 180 days, even if the device is inspected on an annual basis.

(c) The elevator subcode official shall provide written notice to the construction official whenever a temporary certificate of compliance or certificate of compliance is granted by the construction official.

(d) No certificate of compliance shall be issued for any elevator device in use on or before July 1, 1992 that is subject to these rules and is not registered with the Department in accordance with N.J.A.C. 5:23-12.4, except elevator devices in structures classified as Group R-3, R-4, or R-5 shall be exempt from registration. Elevator devices wholly within dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt.

(e) No certificate of compliance or temporary certificate of compliance shall be issued for any elevator device, as required by this section, which has been approved to operate during the initial period, after a permit, in accordance with (f) below if the device has not been registered pursuant to this subchapter by its first routine inspection, even if a certificate of occupancy, temporary certificate of occupancy or certificate of approval has been issued.

(f) Except as otherwise provided in (e) above, a new device or an existing device which has had work done under a permit shall be issued a certificate of compliance upon the first cyclical inspection based on the following:

1. A device has been approved following the inspection and witnessing of an acceptance test, as required by N.J.A.C. 5:23-12.2, by the application of an Inspection Sticker Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of occupancy or approval, as the case may be.

- i. The date of the approval shall begin the cycle of inspections and tests for new devices in a new building and for new devices in an existing building which did not have elevator devices previously.

- ii. The date of the approval of an existing device in an existing building shall not change the device's existing cycle of inspections and tests. The cycle shall remain consistent with the inspection cycle in the building, except the device shall not be subject to the five year test before it is due as long as the acceptance test performed under the permit was a full five year test.

2. A device has been approved following the inspection process, as required for minor work by N.J.A.C. 5:23-2.17A(d)2 and 12.2, by the application of an Inspection Sticker Approval for Elevator and a recommendation by

the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

- i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to a routine or periodic inspection the same as all other elevator devices in the building.

New Rule, 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).

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).

Amended by R.1996 d.512, effective November 4, 1996.

See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

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

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

In (d), added R-5 to the list of groups in the first sentence and rewrote the second sentence.

5:23-12.10 Inspections in seasonal facilities

(a) For purposes of this subchapter, a "seasonal facility" is defined as a building that is open, and available for use by members of the public, employees or maintenance personnel or any occupants, for a period of not more than 184 consecutive days and is then closed and not available for such use for at least 181 consecutive days.

(b) Elevator devices in seasonal facilities shall be subject only to the applicable periodic inspections and tests (one, three and five year). Such inspections and tests shall be performed prior to the building being used by employees, maintenance personnel, members of the public or occupants. A certificate of compliance or temporary certificate of compliance shall be granted only for the time period during which the device is allowed to operate in the seasonal facility.

1. The fees for performing such inspections and witnessing tests shall be in accordance with such provisions of N.J.A.C. 5:23-12.6 as may be applicable.

(c) An owner of a building with one or more elevator devices may obtain classification of the building as a "seasonal facility" from the local enforcing agency. A request for such classification shall contain the information in (d) below and shall be signed by the owner.

(d) An application for classification of a building as a seasonal facility shall include the following information:

1. The owner's name and address, the building address, the registration number, the device identification number(s), and the date of the last inspection;

2. That the total number of consecutive calendar days per year when the building is in use by the public, employees, maintenance personnel or occupants does not exceed 184 days and that the building is then closed for such use for at least 181 consecutive calendar days;