

10. Site plans signed and sealed by a registered architect or a licensed engineer, pursuant to N.J.A.C. 5:23-2.15(e)1viii, shall not be required, provided that a sketch plan of the site is submitted to the construction official.

Amended by R.1981 d.132, effective May 7, 1981.
 See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).
 Amended by R.1986 d.448, effective November 3, 1986.
 See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).
 Deleted (b)1 and 4; recodified (b)2 and 3 to (b)1 and 2.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 (b)1: model subcode revisions.
 Amended by R.1988 d.144, effective April 4, 1988.
 See: 19 N.J.R. 1778(a), 20 N.J.R. 783(a).
 Changed (b)2 to (c) and (d).
 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.603, effective November 20, 1995 (operative March 20, 1996).
 See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).
 Amended by R.1997 d.269, effective July 7, 1997.
 See: 29 N.J.R. 968(a), 29 N.J.R. 2817(a).
 Inserted (d)5i; in (d)6vi, amended N.J.A.C. reference; in (d)8, inserted reference to construction type and inserted “, except as follows:”; deleted (d)8i; recodified former (d)8i(1) through (3) as (d)8i through iii; inserted new (d)9iv; recodified former (d)9iv through vi as (d)9v through vii; and recodified former (e) as (d)10.
 Amended by R.1997 d.417, effective October 6, 1997.
 See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).
 Substantially amended (b)1.
 Amended by R.1999 d.424, effective December 6, 1999.
 See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).
 In (a)1, substituted a reference to rehabilitation for a reference to alteration, and changed guideline reference.
 Administrative correction.
 See: 33 N.J.R. 3735(a).
 Amended by R.2003 d.157, effective April 21, 2003.
 See: 34 N.J.R. 4247(a), 35 N.J.R. 1663(b).
 In (d)5, added ii.

5:23-3.3 Enforcement

(a) In accordance with the delineation of responsibility for enforcement specified herein, subject to specific reservations by the Department to itself, the appropriate official(s) shall enforce the subcode and shall act on any question relative to the mode or manner of construction, and the materials to be used in the erection, addition to, repair, renovation, alteration, reconstruction, removal, demolition, installation of service equipment, and the location, use and occupancy of all buildings and structures, except as may be otherwise specifically provided for in the regulations, including, but not limited to:

1. Applications, certificates and permits: Such official(s) shall review applications for permits for the erection, repair (other than ordinary maintenance), renovation, alteration and reconstruction of buildings and structures; indicate approval or denial to the construction official; and inspect the premises for which such permits have been issued and enforce compliance with the provisions of the regulations.

2. Notices and orders: Such official(s) shall issue all necessary notices or orders to remove illegal or unsafe conditions; to require the necessary safeguards during

construction; and to insure compliance with all requirements for the safety, health and general welfare of the public.

3. Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.

4. Enforcing agency records: Such official(s) shall assist in the keeping of official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued as may be required by the construction official.

Amended by R.1998 d.28, effective January 5, 1998.
 See: 29 N.J.R. 3603(a), 30 N.J.R. 129(a).
 Amended by R.1999 d.424, effective December 6, 1999.
 See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

In (a), deleted a reference to other State agencies in the introductory paragraph, and substituted a reference to ordinary maintenance for a reference to ordinary repairs in 1.

5:23-3.4 Responsibilities

(a) An individual acting as a building subcode official or building inspector shall have responsibility for enforcing the adopted subcodes listed below.

1. Plan review for the sections listed below shall be the responsibility of the building subcode official:

BUILDING SUBCODE

Chapter 3 ^F	Chapters 22-25
Chapter 4 as follows:	Chapter 26 as follows:
401.0-403.7 ^F	2601.0-2601.2
403.10-405.6 ^F	2603.0-2605.0 ^F
406.0 ^F	2606.0-2609.0
407.0	Chapter 28
408.0-414.4 ^F	Chapter 30 as follows:
416.0-416.10 ^F	3001.0 ^{EL}
416.12-416.14.5 ^F	3006.0-3011.0 ^{EL, F}
416.15-417.5.3 ^F	Chapter 31 as follows:
417.5.5-419.3 ^F	3101.0-3105.0
420.0-421.11	3106.0 ^F
Chapters 5-6	3107.0-3111.0
Chapters 7-8 ^F	Chapter 32
Chapter 10 ^F	Chapter 33 as follows:
Chapter 12	3301.0-3304.0
Chapter 14-20	3305.0 ^F
Chapter 21 as follows:	3306.0-3315.0
2101.0-2112.0	Chapter 34 as follows:
2113.0-2117.0 ^F	3406.0 ^F
2118.0	

ELECTRICAL SUBCODE

Section 250-50(c)^EConcrete-Encased Electrode—as applicable

MECHANICAL SUBCODE

Chapter 3 as follows:

301^F
 302
 308^F
 310^F
 311^F
 Chapter 4
 Chapter 5 as follows:
 501
 502^F through 511^F
 512
 513^F
 Chapter 6^F
 Chapter 8^F
 Chapter 9^F (All except 908.5,
 908.6 and 908.7)
 Chapter 13 as follows:
 1301.2^{F, P}
 1301.3^F
 1301.4^{F, P}
 1306^F
 Chapter 14^P

ENERGY SUBCODE

Chapter 1 as applicable	Chapter 6 as follows:
Chapters 3-4	602
Chapter 5 as follows:	603
502	
503	

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.8
 301.10
 301.11
 301.12
 301.13^F
 301.14
 301.15
 302
 308^F
 Chapter 5^F
 Chapter 6^F
 (All except 623, 625,
 626.2, 626.3, 626.8,
 626.9, 627.4 & 630)

E = Joint with Electrical Subcode Official
 EL = Joint with Elevator Subcode Official for devices covered
 by N.J.A.C. 5:23-12 except those installed in Use Group R-3,
 R-4, or in R-2 structures where the elevator devices are wholly
 within dwelling units and not accessible to the general public.
 F = Joint with Fire Protection Subcode Official
 P = Joint with Plumbing Subcode Official

2. Field inspection for the sections listed below shall
 be performed by an inspector possessing a building tech-
 nical license.

BUILDING SUBCODE

Chapter 3	Chapters 5-8
Chapter 4 as follows:	Chapter 10
401.0-402.9	Chapter 12

402.14-403.1	Chapters 14-20
403.3.3	Chapter 21
404.1	Chapters 22-26
404.3	Chapter 28
404.5	Chapter 30 as follows:
404.7-405.2	3007.1
405.4	3007.4-3007.6
406.0-408.3	3008.1-3008.3
408.3.2-409.4	3010.1-3010.2.1
410.0-412.5	3010.2.3
413.1-413.2	3010.4
413.5.3-414.4	3011.2
415.0-416.3	3011.2.1
416.6-416.10	Chapters 31-32
416.12-416.14.5	Chapter 33 as follows:
416.16-416.15.1	3301.0-3304.0
416.15.3	3306.0-3315.0
417.6.4-417.6.5	Chapter 34 as follows:
418.1-418.3.1.6	3406.0
418.3.3.3-421.11	

ELECTRICAL SUBCODE

Section 250-50(c) Concrete-Encased Electrode—as applicable

MECHANICAL SUBCODE

Chapter 3 as follows:
 301
 302
 Chapter 4
 Chapter 5 as follows:
 501
 502
 504
 510 through 512
 Chapter 6
 Chapter 8 as follows:
 801.3
 Chapter 9
 (All except:
 908.5, 908.6 and
 908.7)
 Chapter 13 as follows:
 1301.2
 1301.3
 1301.4^P
 1306

ENERGY SUBCODE

Chapter 1 as applicable	Chapter 6 as follows:
Chapters 3-4	602
Chapter 5 as follows:	603
502	
503	

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.8
 301.10 through 301.15
 302
 Chapter 5 as follows:
 501.3
 501.7
 501.11

- 501.15.3
- 503.5.3
- Chapter 6 as follows:
 - 602
 - 608 through 613
 - 614 (All except 614.4 and 614.5)
 - 616 through 618
 - 619 (All except 619.4)
 - 620 through 622
 - 624
 - 626.1
 - 626.4 through 626.7
 - 627 (All except 627.4)
 - 628
 - 629
 - 632

- 626.2
- 626.3
- 626.8
- 626.9
- 627.4
- 630

B = Joint with Building Subcode Official
 F = Joint with Fire Subcode Official

2. Field inspection for the sections listed below shall be performed by an inspector possessing a plumbing technical license.

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

- Chapter 3 as follows:
 - 305
 - 307
- Chapter 9 as follows:
 - 908.5 through 908.7
- Chapter 10
- Chapter 11
- Chapter 12
- Chapter 13 as follows:
 - 1301.4^B
 - 1302 through 1305
 - 1307
 - 1308
- Chapter 14

ENERGY SUBCODE

- Chapter 1 as applicable
- Chapter 5 as follows:
 - 504
- Chapter 6 as follows:
 - 604

FUEL GAS SUBCODE

- Chapter 3 as follows:
 - 301.6
 - 307
- Chapter 4
- Chapter 6 as follows:
 - 623
 - 625
 - 626.2
 - 626.3
 - 626.8
 - 626.9
 - 627.4
 - 630

B = Joint with Building Subcode Official

(c) An individual acting as an electrical subcode official or electrical inspector shall have responsibility for enforcing the adopted subcodes as listed below:

1. Plan review for the sections listed below shall be the responsibility of the electrical subcode official:

P = Joint with Plumbing Subcode Official

(b) An individual acting as a plumbing subcode official or plumbing inspector shall have the responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the plumbing subcode official:

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

- Chapter 3 as follows:
 - 305
 - 307
- Chapter 9 as follows:
 - 908.5
 - 908.6
 - 908.7^F
- Chapter 10
- Chapter 11
- Chapter 12
- Chapter 13 as follows:
 - 1301.2^{B, F}
 - 1301.4^{B, F}
 - 1302 through 1305
 - 1307
 - 1308
- Chapter 14^B

ENERGY SUBCODE

- Chapter 1 as applicable
- Chapter 5 as follows:
 - 504
- Chapter 6 as follows:
 - 604

B = Joint with Building Subcode Official

FUEL GAS SUBCODE

- Chapter 3 as follows:
 - 301.6
 - 307
- Chapter 4
- Chapter 6 as follows:
 - 623
 - 625

BUILDING SUBCODE

Chapter 4 as follows: 416.11^F
 403.9^F 416.14.6^F
 405.7-405.9^F 417.5.4^F
 414.5^F

ELECTRICAL SUBCODE

Article 90—Introduction

Chapter 1	Chapter 5 ^F
Chapter 2 as follows:	Chapter 6 as follows:
200-1 to 250-50(b)	600 to 610
250-50(c) ^B	620 ^{EL}
250-50(d) to 280-25	625 to 690
Chapter 3 as follows:	695 ^F
300-1 to 300-20	Chapter 7 as follows:
300-21 ^F	700 to 727
300-22 to 384	760 ^F
Chapter 4 as follows:	770 to 780
400 to 450 part B	Chapter 8
450 part C ^F	Chapter 9
455 to 480	

ENERGY SUBCODE

Chapter 1 as applicable	Chapter 6 as follows:
Chapter 5 as follows:	605
505	

F = Joint with Fire Subcode Official
 E = Joint with Electrical Subcode Official
 EL = Joint with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Use Group R-3, R-4, or in R-2 structures in which the elevator devices are wholly within dwelling units and are not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing an electrical technical license.

ELECTRICAL SUBCODE

Article 90—Introduction

Chapter 1
 Chapter 2 (except for section 250-50(c) Concrete-Encased Electrode)
 Chapter 3-5
 Chapter 6 as follows:
 600-610
 620 (Note: The following sections are enforced by the electrical inspector when N.J.A.C. 5:23-12 devices are installed in any use group structures excluding installations in Use Group R-3, R-4, or R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.)
 620-13 (on the line side of the machine room/machinery space disconnect(s))
 620-22 (on the line side of the machine room/machinery space disconnect(s))

620-23
 620-24
 620-38 (for elect. equipment and materials only)
 620-51 (except for (b), (c) and (d))
 620-61(c) and 620-61(d) (on the line side of the machine room/ machinery space disconnect(s))
 620-85 (except for cartop receptacles)
 620-91(b)
 625-695
 Chapters 7-9

ENERGY SUBCODE

Chapter 1 as applicable	Chapter 6 as follows:
Chapter 5 as follows:	605
505	

(d) An individual acting as a fire protection subcode official or fire protection inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the fire protection subcode official:

BUILDING SUBCODE

Chapter 3 ^B	Chapters 7-8 ^B
Chapter 4 as follows:	Chapter 9
401.0-403.7 ^B	Chapter 10 ^B
403.9 ^E	Chapter 21 as follows:
403.10-405.6 ^B	2113.0-2117.0 ^B
405.7-405.9 ^E	Chapter 26 as follows:
406.0 ^B	2603.0-2605.0 ^B
408.0-414.4 ^B	Chapter 30 as follows:
414.5 ^E	3006.0-3011.0 ^{B, EL}
416.0-416.10 ^B	Chapter 31 as follows:
416.11 ^E	3106.0 ^B
416.12-416.14.5 ^B	Chapter 33 as follows:
416.14.6 ^E	3305.0 ^B
416.15-417.5.3 ^B	Chapter 34 as follows:
417.5.4 ^E	3406.0 ^B
417.5.5-419.3 ^B	

MECHANICAL SUBCODE

Chapter 3 as follows:
 301^B
 303
 304
 306
 308^B
 310^B
 311^B
 Chapter 5 as follows:
 502^B through 511^B
 513^B
 Chapter 6^B
 Chapter 7
 Chapter 8^B
 (All except 801.3)
 Chapter 9^B
 (All except 908.5 and 908.6)
 908.7^F
 Chapter 13 as follows:

1301.2^{B, P}
1301.3^B
1301.4^{B, P}

1306^B

N.J.A.C. 5:23-3.20(c) Carbon monoxide alarms

ELECTRICAL SUBCODE

Chapter 3 as follows: 300-21^E
 Chapter 4 as follows: 450 Part C^E
 Chapter 5^E
 Chapter 6 as follows: 695^E
 Chapter 7 as follows: 760^E

503
 505 through 509
 513
 Chapter 7
 Chapter 8
 (All except 801.3)
 N.J.A.C. 5:23-3.20(c) Carbon monoxide alarms

FUEL GAS SUBCODE

Chapter 3 as follows:
 301.1.1
 301.2 through 301.4
 301.4.1
 301.5
 301.7
 301.13^B
 303 through 306
 308^B
 Chapter 5^B
 Chapter 6^B
 (All except 623, 625,
 626.2, 626.3, 626.8,
 626.9, 627.4 and 630)

Chapter 3 as follows:
 301.1.1
 301.2
 301.3
 301.4
 301.4.1
 301.5
 301.7
 303 through 306
 308
 Chapter 5
 (All except
 501.3
 501.7
 501.11
 501.15.3
 503.5.3)
 Chapter 6 as follows:
 603 through 607
 614.4
 614.5
 615
 619.4

B = Joint with Building Subcode Official
 P = Joint with Plumbing Subcode Official
 E = Joint with Electrical Subcode Official
 EL = Joint with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Use Group R-3, R-4, or in R-2 structures in which the elevator devices are wholly within dwelling units and not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing a fire protection technical license.

(e) An individual acting as an elevator subcode official or elevator inspector shall have responsibility for enforcing the adopted subcodes as listed below.

1. Plan review for the sections listed below shall be the responsibility of the elevator subcode official:

BUILDING SUBCODE

Chapter 4 as follows: 416.4-416.5
 402.10-402.13 416.11
 403.2-403.3.2 416.14.6
 403.4-403.7 416.15.2
 403.9-403.10 417.1-417.6.3
 404.2 417.6.6
 404.4 418.3.2-418.3.3.2
 404.6 Chapter 9
 405.3 Chapter 30 as follows:
 405.5-405.9 3007.3
 408.3.1 3010.2.2
 409.5 3011.2.2
 412.6-412.8 Chapter 33 as follows:
 413.3-413.5.2 3305.0
 414.5

BUILDING SUBCODE

Chapter 4 as follows[†]:
 403.8
 Chapter 30 as follows[†]:
 3001.0^B
 3003.3
 3006.0-3011.0^{B, F}

ELECTRICAL SUBCODE

Chapter 6 as follows[†]:
 620^E

MECHANICAL SUBCODE

Chapter 3 as follows:
 303
 304
 306
 308
 310
 311
 Chapter 5 as follows:

ELEVATOR SUBCODE

All (except as otherwise provided for in N.J.A.C. 5:23-12)

B = Joint with Building Subcode Official
 E = Joint with Electrical Subcode Official

F = Joint with Fire Protection Subcode Official

†These sections are enforced by the elevator subcode official when elevator devices covered by N.J.A.C. 5:23-12 are installed in any use group structures excluding installations in Use Group R-3, R-4, or R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.

2. Field inspection for the sections listed below shall be performed by an inspector possessing an elevator technical license:

BUILDING SUBCODE

Chapter 4 as follows†:	3007.7
403.8	3008.4
Chapter 30 as follows†:	3009.0
3001.0	3010.3
3003.3	3010.5
3006.0	3011.1
3007.2	

ELECTRICAL SUBCODE

Article 620 as follows†:

Part A and B excluding Sections 620-13 and 620-22 on the line side of the machine room/machinery space disconnect(s)

Part C (except Sections 620-23 and 620-24)

Part D (except Section 620-38)

Part E

Part F excluding Sections 620-51 and 620-51(a)

Part G excluding Sections 620-61(c) and 620-61(d) on the line side of the machine room/machinery space disconnect(s)

Part H

Part J (except Section 620-85 with the provision that the car top receptacles remains the responsibility of the elevator inspector)

Part K except section 620-91(b)

ELEVATOR SUBCODE

All (except as otherwise provided for in N.J.A.C. 5:23-12)

†These sections are enforced by the elevator inspector when elevator devices covered by N.J.A.C. 5:23-12 are installed in any use group structures excluding installations in Use Group R-3, R-4, or R-2 where the elevator devices are located wholly within dwelling units and are not accessible to the general public.

(f) Where responsibility for enforcement of a section is joint between two officials and there are conflicting opinions regarding enforcement, the construction official shall rule as to which interpretation or application shall be followed.

(g) Responsibility for enforcement of the barrier free and radon hazard subcodes shall be as delineated in N.J.A.C. 5:23-7.6A and 10.3, respectively.

(h) A mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have responsibility for enforcement of all provisions of the code, except electrical, relating to the installation of mechanical equipment, such as refrigeration, air conditioning or ventilating apparatus, gas piping or heating systems, in Use Group R-3 or R-4 structures.

1. When assigned by the construction official, a plumbing subcode official shall have responsibility for the enforcement of all provisions of the code, except electrical, for the replacement of heating or cooling equipment or water heaters in Use Group R-3 and R-4 structures. A plumbing subcode official need not be a mechanical inspector to perform these inspections.

Amended by R.1981 d.132, effective May 7, 1981.
See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).
Amended by R.1986 d.380, effective September 22, 1986.
See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a), 18 N.J.R. 2063(a).

Substantially amended.
Amended by R.1987 d.14, effective January 5, 1987.
See: 18 N.J.R. 2083(a), 19 N.J.R. 63(a).

(f)4 added; old (f)4-6 renumbered (f)5-7.
Amended by R.1987 d.374, effective September 21, 1987.
See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).

(a)1 through 4: model subcode revisions.
Amended by R.1990 d.226, effective May 7, 1990.
See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Provisions for enforcement of radon subcode added at (g).
Amended by R.1990 d.507, effective October 15, 1990.
See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.
Amended by R.1991 d.325, effective July 1, 1991.
See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Other elevator devices covered; enforcement responsibilities clarified.

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.183, effective April 20, 1992.
See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

Enforcement of indoor air quality subcode assigned to building subcode official.

Amended by R.1993 d.187, effective May 3, 1993.
See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).

Added subsection (j); deleted "Allocation of enforcement" from heading.

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.143, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4872(a), 27 N.J.R. 1179(b).
Amended by R.1997 d.409, effective October 6, 1997.
See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

In (g), deleted reference to exception to exclusive authority provided in N.J.A.C. 5:23-3.11(h).

Amended by R.1997 d.418, effective October 6, 1997.
See: 29 N.J.R. 3402(a), 29 N.J.R. 4286(a).

In (f), inserted reference to (j); and added (j)1.
Amended by R.1998 d.28, effective January 5, 1998.

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

Inserted (k) stating responsibility for the enforcement of the rehabilitation subcode.

Repeal and New Rule, R.1998 d.332, effective July 6, 1998.
See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Section was "Responsibility".

Amended by R.1999 d.259, effective August 16, 1999.

See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

In (d)1 and (d)2, under "MECHANICAL SUBCODE", added references to N.J.A.C. 5:23-3.20(c).

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

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

In (b)2, changed Chapter 21 and Chapter 31 through 33 references in the Building Subcode, and inserted Chapter 12 reference in the Mechanical Subcode; and in (d)2, deleted a former Chapter 21 reference in the Building Subcode, and changed Chapter 12 reference in the Mechanical Subcode.

Amended by R.2001 d.141, effective May 7, 2001.

See: 32 N.J.R. 3917(a), 33 N.J.R. 746(a), 33 N.J.R. 1399(d).

In (b)1 and (b)2, deleted "as follows: (All except M-801.2)" following "Chapter 8" in the Mechanical Code; in (d)1, deleted "Chapter 8 as follows: M-801.2" in the Mechanical Code; in (d)2, deleted "3007.3" following "413.5.2", inserted "3305.0" following "414.5", and deleted "408.3.1", "3305.0" and "414.5" at the end of the Building Subcode, and deleted "Chapter 8 as follows: M-801.2" in the Mechanical Subcode.

Amended by R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

In (a)1, (a)2, (b)1, (b)2, (d)1 and (d)2, rewrote Mechanical Subcode and inserted Fuel Gas Subcode.

Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).

See: 33 N.J.R. 1241(a), 33 N.J.R. 2471(a).

In "ENERGY SUBCODE" categories of (a) through (c), listed specific sections of Chapters 5 and 6, relating to building subcode official responsibility.

Administrative correction.

See: 33 N.J.R. 3308(a).

Amended by R.2002 d.6, effective January 7, 2002.

See: 33 N.J.R. 2570(a), 33 N.J.R. 3883(a), 34 N.J.R. 268(a).

In (a), inserted "ELECTRICAL SUBCODE" in categories 1 and 2, and updated references to officials in "ENERGY SUBCODE" category 1; in (c)1 and 2, updated "ELECTRICAL SUBCODE" chapter references.

5:23-3.5 Posting structures

(a) Posted use and occupancy: Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use, (use groups B, F, H, M and S) as defined in article 2 of the building subcode shall be posted on all floors by the owner with a suitably designed placard in a form designated by the building subcode official, which shall be securely fastened to the structure in a readily visible place, stating the use group and the live load and occupancy load.

(b) Posted occupancy load: Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment (use groups A, E and I) shall be posted with an approved placard designating the maximum occupancy load.

(c) Replacement of posted signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

(d) Posted hydraulic system data plate: In lieu of the nameplate of the referenced NFPA standard(s), fire sprinkler system contractors are required to identify hydraulically designed fire sprinkler systems by affixing a permanently

marked weatherproof metal or rigid plastic sign at the alarm valve. The nameplate shall contain information relative to the design parameters of the system as indicated on Form No. F380. The plate shall be secured at the alarm valve with corrosion resistant wire, chain, or other approved means.

(e) Identifying emblems for structures with truss construction: Identifying emblems shall be permanently affixed to the front of structures with truss construction as required by N.J.A.C. 5:70-2.20.

1. The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by six inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem:

- i. "F" to signify a floor with truss construction;
- ii. "R" to signify a roof with truss construction; or
- iii. "F/R" to signify both a floor and roof with truss construction.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

3. Detached one and two-family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (e) above, unless required by municipal ordinance.

4. Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

(f) Swimming pools, spas and hot tubs: A valid electrical certificate of compliance and a bonding and grounding certificate shall be posted by the owner in a conspicuous place in or around the pool pump house or equipment control room.

Amended by R.1989 d.555, effective November 6, 1989.

See: 21 N.J.R. 2783(a), 21 N.J.R. 3460(a).

Added reference to E Use Group (educational facilities) at (b).

Amended by R.1990 d.507, effective October 15, 1990.

See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

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

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

Added (f).

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

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

Rewrote (d) and (e).

5:23-3.6 Standards; accepted practice

(a) This chapter, together with the subcodes, national standards and appendices it adopts by reference, shall be the

primary guide to accepted engineering practice in respect to any material, equipment, system or method of construction therein specified.

(b) When this chapter and the subcodes, national standards and appendices it adopts by reference are silent, a manufacturer's recommendations for the installation of any material or assembly may be considered to be accepted engineering practice; provided, however, that a manufacturer's recommendations shall not be read to overrule this chapter or any subcode, national standard or appendix which it adopts by reference.

New Rule, R.1988 d.283, effective June 20, 1988.

See: 20 N.J.R. 699(a), 20 N.J.R. 1343(c).

Old text repealed and new text substituted.

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

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

Case Notes

Contractor not liable for injuries caused by failure of subcontractor to provide and install material in conformance with State building code. *Miltz v. Borroughs—Shelving, a Div. of Lear Siegler, Inc.*, 203 N.J. Super. 451, 497 A.2d 516 (App.Div.1985).

5:23-3.7 Municipal approvals of nonconforming materials

(a) Approvals: Except as otherwise provided in N.J.A.C. 5:23-3.8, the appropriate subcode official may approve the use of fixtures, appurtenance, materials and methods of a type not conforming with the requirements of, nor expressly prohibited by, the regulations after determination that such fixture, appurtenance, material or method is of such design or quality, or both, as to appear to be suitable and safe for the use for which it is intended. A record of such approvals shall be maintained and shall be available to the public.

1. Any person desiring to install or use a fixture, appurtenance, material or method of a type not conforming with the requirements of, nor expressly prohibited by, the regulations shall, prior to such installation or use, submit to the appropriate subcode official such proof as may be required to determine whether such fixture, appurtenance, material or method is of such design or quality, or both, as to appear to be suitable and safe for the use for which it is intended.

(b) Research and investigations: The appropriate subcode official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of the regulations. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

(c) Research reports: The appropriate subcode official may accept, as supporting data to assist in this determination, duly authenticated research reports from approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in the regulations.

Amended by R.1992 d.390, effective October 5, 1992.

See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).

Reference to exception in 3.8 added.

5:23-3.8 Departmental approval of nonconforming materials

(a) Approval: Whenever the commissioner shall approve any fixture, appurtenance, material or method, such shall be binding and accepted in each municipality.

(b) Notice: Notice of intention to approve any such fixture, appurtenance, material or method shall be published in the New Jersey Register at least 45 calendar days prior to its final approval. Thereafter, notice of final approval, stating operative date, shall be published in the New Jersey Register.

(c) Prospective effect: Any approval issued pursuant to this section shall be prospective in nature and shall not alter the ruling of a subcode official already rendered in a specific instance relating to a specific permit or structure.

vi. Section 18.8.4 is amended to add the phrase "for dependent trailers" after the word "park" on line 1.

vii. Section 18.9 is deleted.

viii. Section 18.10 is deleted.

17. Appendix A entitled "Sizing Storm Drainage Systems," is deleted in its entirety.

18. Appendix E of the plumbing subcode, entitled "Special Design Plumbing Systems," is amended as follows:

i. Section E.2.1 is amended to delete the words "local administrative authority" on line 1 and in lieu thereof, substitute "authority having jurisdiction."

ii. Section E.4.2 is amended to delete the term "Administrative Authority" and substitute in lieu thereof "Authority Having Jurisdiction."

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1983 d.12, eff. February 7, 1983, operative February 22, 1983.

See: 14 N.J.R. 1326(a), 15 N.J.R. 141(c).

Added (a) 3 and (c).

Amended by R.1984 d.314, eff. August 6, 1984.

See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).

Section substantially amended.

Amended by R.1986 d.12, effective February 3, 1986.

See: 17 N.J.R. 2714(a), 18 N.J.R. 267(a).

(a)li had a change of address; (a)3 and (c) added.

Amended by R.1987 d.81, effective February 2, 1987.

See: 18 N.J.R. 2237(b), 19 N.J.R. 289(d).

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

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

Model subcode revisions.

Amended by R.1989 d.66, effective February 6, 1989.

See: 20 N.J.R. 2846(a), 21 N.J.R. 288(a).

Added (c).

Amended by R.1990 d.58, effective February 5, 1990.

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

Added (d) adopting the 1989 Supplement to the 1987 National Standard Plumbing Code.

Amended by R.1990 d.253, effective May 21, 1990.

See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).

Text added at (a)3; (d)3ii amended.

Amended by R.1990 d.507, effective October 15, 1990.

See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.326, effective July 1, 1991.

See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

GPF set at 1.6; gravity water closets not permitted in commercial uses.

Amended by R.1991 d.571, effective November 18, 1991.

See: 23 N.J.R. 2619(a), 23 N.J.R. 3444(b).

Added new (c).

Amended by R.1992 d.67, effective February 3, 1992.

See: 23 N.J.R. 3602(a), 24 N.J.R. 404(b).

Low volume water closet exception added at (b)18i(1).

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.122, effective March 6, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4874(a), 27 N.J.R. 894(a).

Amended by R.1998 d.136, effective March 16, 1998.

See: 30 N.J.R. 4(a), 30 N.J.R. 1038(a).

In (b)9, added xii.

Amended by R.1998 d.332, effective July 6, 1998.

See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Rewrote the section.

Amended by R.2001 d.340, effective September 17, 2001.

See: 33 N.J.R. 1245(a), 33 N.J.R. 3308(b).

Rewrote the section.

Amended by R.2002 d.393, effective December 16, 2002.

See: 34 N.J.R. 2914(a), 34 N.J.R. 4428(a).

In (b)8, deleted former (ii) and recodified existing (iii) to (ix) as (ii) to (viii).

Case Notes

Statute providing that only licensed master plumbers could be plumbing contractors was unconstitutional. *Mechanical Contractors Ass'n of New Jersey, Inc. v. State*, 255 N.J.Super. 488, 605 A.2d 743 (A.D.1992).

5:23-3.16 Electrical subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the National Fire Protection Association, known as "The National Electrical Code 2002" as the electrical subcode for New Jersey.

i. Copies of this code may be obtained from the sponsors at NFPA, One Batterymarch Park, Quincy, Massachusetts 02269.

2. The National Electrical Code 2002 may be known and cited as "the electrical subcode."

i. Codes and standards referenced in the Fine Print Notes (FPNs) of the electrical subcode (NEC 2002) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin #03-1, which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode.

3. The Commissioner hereby adopts the National Electrical Safety Code (ANSI C2-1997) for the installation of area lighting facilities by an electric utility on private property on metal poles with an underground electric feed.

i. Copies of the National Electrical Safety Code may be obtained from the Institute of Electrical and Electronic Engineers, Inc., PO Box 1331, 445 Hoes Lane, Piscataway, New Jersey 08855-1331.

(b) The following chapters or articles of the electrical subcode are amended as follows:

1. Article 80, entitled, "Administration and Enforcement," is deleted in its entirety.

2. Article 90 of the electrical subcode, entitled "Introduction," is amended as follows:

i. Section 90.4, entitled "Enforcement," is amended to delete in the first paragraph the phrase, "authority having jurisdiction for enforcement of the code" and substitute in lieu thereof, the term "electrical subcode official." And add a new last sentence in the first

paragraph: "Approval shall be in accordance with N.J.A.C. 5:23-2.9." Delete in the second paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and add after "effective safety" the phrase "as provided in N.J.A.C. 5:23-2.9." Delete in the third paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and delete the phrase "by the jurisdiction" after the word "adopted."

ii. Section 90.5, entitled "Mandatory Rules, Permissive Rules, and Explanatory Material," is amended to add "except as outlined under N.J.A.C. 5:23-3.16(a)2i" after the word "Code" in line 6 under paragraph (C).

3. Chapter 1 of the electrical subcode, Article 100, entitled "Definitions," is amended as follows:

i. The definition of the term "approved" is amended to delete the phrase "the authority having jurisdiction" and substitute in lieu thereof, the phrase "electrical subcode official. Approval shall be in accordance with N.J.A.C. 5:23-3.7, 3.8 and 3.8A."

ii. The definition of "Authority having jurisdiction" is replaced with "Unless otherwise specifically noted, the authority having jurisdiction for the Electrical Subcode shall be the Electrical Subcode Official."

iii. The definition of the term "building" is deleted and in lieu thereof, substitute the definition of the term "building" found in N.J.A.C. 5:23-1.4".

4. Chapter 2 of the electrical subcode, entitled "Wiring and Protection," is amended as follows:

i. Section 210.12(B) of Article 210, entitled "Branch Circuits," is amended to insert the following sentence at the end of the section, "This requirement shall be considered optional."

5. Chapter 3 of the electrical subcode, entitled "Wiring Methods and Materials," is amended as follows:

i. Section 300.4(A)(1) is amended to delete the words from "so that the edge . . ." on line four through ". . . cannot be maintained" on line six and in lieu thereof substitute "as required by the building subcode. Where the distance from the edge of the hole to the nearest edge of the wood member is less than 32 mm (1¼ inches)."

ii. Section 334.12(A)(1) is deleted in its entirety.

6. Chapter 5 of the electrical subcode, entitled "Special Occupancies," is amended as follows:

i. Sections 514.11(B) and 514.11(C) are amended to delete the phrase "authority having jurisdiction" and substitute in lieu thereof the phrase "fire protection subcode official."

ii. Part II of Article 550, entitled "Mobile Homes, Manufactured Homes, and Mobile Home Parks" comprising sections 550.11 through 550.25 is deleted. Section 550.10 shall be retained.

(1) Exception—Part II is retained in its entirety in the case of mobile/manufactured homes undergoing repair, renovation, or alteration.

(A) Section 550.25 is amended to add the following sentence at the end of the section: "This requirement shall be considered optional."

iii. In Article 551, entitled "Recreation Vehicles and Recreation Vehicle Parks," delete from the title the words "Recreational Vehicles and."

(1) Section 551.1 is amended to delete the phrase "within or on recreational vehicles" on line 2.

(2) Parts II, III, IV, V and VI, comprising sections 551.10 through 551.60, are deleted in their entirety, with the exception of Figure 551.46(C), which shall be retained.

iv. The following amendments are made to Article 552, entitled "Park Trailers":

(1) Parts II and III comprising sections 552.10 through 552.20 are deleted in their entirety.

(2) Part IV comprising sections 552.40 through 552.59 is deleted with the exception of sections 552.43, 552.44 and 552.47 which shall be retained.

(3) Part V is deleted in its entirety.

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1984 d.314, effective August 6, 1984.

See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).

Section substantially amended.

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

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

Model subcode revisions.

Amended by R.1990 d.253, effective May 21, 1990.

See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).

Amendments to (b)4i(2), ii(2).

Administrative Correction to (b)4i(2).

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

Amended by R.1990 d.507, effective October 15, 1990.

See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

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.1998 d.332, effective July 6, 1998.

See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Rewrote the section.

Amended by R.1998 d.362, effective July 20, 1998.

See: 30 N.J.R. 1122(a), 30 N.J.R. 2644(b).

In (a), inserted a new 3.

Amended by R.2000 d.48, effective February 7, 2000.

See: 31 N.J.R. 2317(a), 32 N.J.R. 445(a).

In (a), substituted references to 1999 for references to 1996 throughout, substituted a reference to One Batterymarch Park for a reference to Batterymarch Park in 1i, and inserted 2i; and in (b), inserted 1ii, inserted a new 3, recodified former 3 and 4 as 4 and 5, substituted a reference to line four for a reference to line three and substituted a reference to line six for a reference to line five in the new 4i, and substituted a reference to section 500-5(a)(4) for a reference to section 500-3(a)4 in the new 5i.

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.

Case Notes

Former N.J.A.C. 5:23-3.6 designated "National Electrical code of 1975" as controlling code; statute of limitations. *Brown v. Jersey Central Power and Light Co.*, 163 N.J.Super. 179 394 A.2d 397 (App. Div.1978) certification denied 79 N.J. 489 401 A.2d 244.

5:23-3.17 Fire protection subcode

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

1. Pursuant to the authority of P.L. 1975, c.217 as modified by P.L. 1996, c.53, the Commissioner hereby adopts the following portions of the building, electrical, mechanical and fuel gas subcodes, to the extent delineated in N.J.A.C. 5:23-3.4, as the fire protection subcode for New Jersey.

i. BOCA National Building Code/1996 of the Building Officials and Code Administrators International Inc. (N.J.A.C. 5:23-3.14):

- (1) Chapter 3 entitled, "Use or Occupancy"
- (2) Chapter 4—Special Use and Occupancy;
- (3) Chapter 7—Fire resistant Materials and Construction;
- (4) Chapter 8—Interior Finishes;
- (5) Chapter 9 Fire Protection Systems. Add the following to section 906.8: Hydraulic system data plates shall conform to N.J.A.C. 5:23-3.5(d);
- (6) Chapter 10—Means of Egress;
- (7) Sections 2113.0 through 2117.0 of Chapter 21—Masonry;
- (8) Sections 2603.0 through 2605.0 of Chapter 26—Plastic;
- (9) Section 3106.0 of Chapter 31—Special Construction;
- (10) Section 3305.0 of Chapter 33—Site Work, Demolition and Construction;
- (11) Section 3406.0 of Chapter 34—Existing Structures.

ii. National Electrical Code/1999 of the National Fire Protection Association (N.J.A.C. 5:23-3.16).

- (1) Section 300-21 of Chapter 3—Wiring Methods and Materials;

(2) Article 450, Part C—Transformer Vaults of Chapter 4—Equipment for General Use;

(3) Chapter 5—Special Occupancies;

(4) Article 695—Fire Pumps of Chapter 6—Special Equipment;

(5) Article 760—Fire Alarm Systems of Chapter 7—Special Conditions;

iii. International Mechanical Code/2000 of the International Code Council (N.J.A.C. 5:23-3.20):

- (1) Chapter 3—General Regulations;
- (2) Chapter 5—Exhaust Systems;
- (3) Chapter 6—Duct Systems;
- (4) Chapter 7—Combustion Air;
- (5) Chapter 8—Chimneys and Vents;
- (6) Chapter 9—Specific Appliances, Fireplaces and Solid Fuel Burning Equipment;
- (7) Chapter 13—Fuel Oil Piping and Storage;

iv. International Fuel Gas Code/2000 of the International Code Council (N.J.A.C. 5:23-3.22):

- (1) Chapter 3—General Regulations;
- (2) Chapter 5—Chimneys and Vans;
- (3) Chapter 6—Specific Appliances.

2. The model code portions listed above may be known as "the fire protection subcode."

(b) Rules concerning modifications to subcodes are as follows:

1. The modifications made to the appropriate portion of the adopted model code in N.J.A.C. 5:23-3.14 (Building Subcode), N.J.A.C. 5:23-3.16 (Electrical Subcode), N.J.A.C. 5:23-3.20 (Mechanical Subcode) and N.J.A.C. 5:23-3.22 (Fuel Gas Subcode) will apply also to those portions as regards this adoption.

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1984 d.314, effective August 6, 1984.

See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).

Section substantially amended.

Amended by R.1986 d.380, effective September 22, 1986.

See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).

Substantially amended.

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

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

Model subcode revisions.

Amended by R.1990 d.253, effective May 21, 1990.

See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).

Reference to 1989 Supplement added; (a)1i(7) amended.

Amended by R.1990 d.507, effective October 15, 1990.

See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).

Text conformed to BOCA National Code/1990.

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.1998 d.332, effective July 6, 1998.

See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).

Rewrote (a).

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

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

In (a)1i(5), added a second sentence.

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

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

In (a)1ii, changed "1996" to "1999".

Amended by R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

In (a)1, inserted reference to the fuel gas subcode in the introductory paragraph, rewrote iii and inserted iv; in (b)1, inserted reference to the Fuel Gas Subcode.

ii. Section 101.3 "Compliance" is amended to add the following sentence after the first bullet item: "Residential buildings provided with high efficiency equipment (90 percent AFUE for furnace 85 percent AFUE for boilers and 8.0 HSPF for air source heat pumps) shall be exempt from the requirement to insulate basement walls. Code requirements for other envelope components must meet the component performance approach requirements of Chapter 5."

iii. Subsection 101.4.3 "Application to existing buildings" is deleted.

iv. Subsections 102.1.2 and 102.1.3 are deleted.

v. Section 102.2 "Maintenance information" is deleted.

vi. Section 104 "Plans and specifications" is deleted.

vii. Section 105 "Inspection" is deleted.

viii. Section 106 "Validity" is deleted.

2. The following amendments are made to Chapter 2 of the energy subcode titled "definitions":

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

ii. The term "building project" is deleted.

3. The following amendments are made to Chapter 3 of the energy subcode, titled "Design Conditions":

i. Section 302.1 is amended to read as follows: "Design conditions shall be based on the values from the 97½ percent column for winter and the 2½ percent column for summer from climate tables in Standard RS-1 listed in Chapter 8 for the nearest listed location."

ii. Table 302.1 is deleted.

4. The following amendments are made to Chapter 5 of the energy subcode titled "Residential Building Design by Component Performance Approach":

i. Table 502.2.1a is amended as follows:

Case Notes

Zoning ordinance's definition of family violated Constitution. Cherry Hill Tp. v. Oxford House, Inc., 263 N.J.Super. 25, 621 A.2d 952 (A.D.1993).

5:23-3.18 Energy Subcode

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the Council of American Building Officials, Inc., known as the Model Energy Code/1995, as the energy subcode for New Jersey.

i. Copies of the CABO Model Energy Code/1995 may be obtained from BOCA International, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The model code listed above may be known and cited as the "energy subcode."

(b) The following chapters and sections of the energy subcode are amended as follows:

1. The following amendments are made to Chapter 1 of the energy subcode titled "Administration and Enforcement":

i. Section 101.1 "Title" is deleted.

Table 502.2.1a
Heating and Cooling Criteria

Heating degree days/county	Element	Mode	Type A1 Buildings Uo	Type A2 Buildings Uo
4,500 Atlantic, Camden, Cape May, Cumberland, Gloucester, Salem	Walls	Heating or Cooling	.150	.215
	Roof/Ceiling	Heating or Cooling	.033	.033
	Floors over unheated space	Heating or Cooling	.05	.05
	Unheated/heated slab on grade	Heating	R value-4/R-6	R value-4/R-6
5,000 Burlington, Essex,	Basement Wall see notes 2, 3, 4	Heating or Cooling	.1	.1
	Crawl Space Wall see notes 2, 3	Heating or Cooling	.075	.075
	Walls	Heating or Cooling	.141	.215
	Roof/Ceiling	Heating or Cooling	.031	.031

Heating degree days/county	Element	Mode	Type A1 Buildings Uo	Type A2 Buildings Uo
Hudson, Mercer, Middlesex, Monmouth, Ocean, Union	Floors over unheated space	Heating or Cooling	.050	.0500
	Unheated/heated slabs on grade	Heating	R value-4.3/6.4	R value-4.3/6.4
	Basement Wall see notes 2, 3, 4	Heating or Cooling	.1	.1
	Crawl Space Wall see notes 2, 3	Heating or Cooling	.060	.060
	Walls	Heating or Cooling	.134	.215
	Roof/Ceiling	Heating or Cooling	.028	.028
5,500 Bergen, Hunterdon, Morris, Passaic, Somerset Sussex, Warren	Floors over unheated space	Heating or Cooling	.050	.050
	Unheated/heated slabs on grade	Heating	R-4.7/6.7	R-4.7/6.7
	Basement Wall see notes 2, 3, 4	Heating or Cooling	.0975	.0975
	Crawl Space Wall see notes 2, 3	Heating or Cooling	.060	.060

1. Values were determined using the graphs (Figures 1, 2, 3, 4, 5 and 6) contained in Chapter 8.
2. Basement and crawl space wall U-values shall be based on the wall components and surface air film. Adjacent soil shall not be considered in the determination of the U-value.
3. Typical foundation wall techniques can be found in standard RS-20 found in Chapter 8.
4. The need for basement wall insulation shall be waived when the residential building is provided with high efficiency mechanical equipment (furnaces 90 percent AFUE or greater, boilers 85 percent AFUE or greater).

5. The following amendments are made to Chapter 7 of the energy subcode titled "Building Design for all Buildings Other than Residential Buildings":

i. Section 702.1 is amended to read "building designs shall meet the requirements of Sections 5.2, 6.2, 7.2, 9.2 and 10.2 in Standard RS-22 listed in Chapter 8."

ii. Section 702.2 is amended to read:

"In addition, building designs shall meet the prescriptive criteria of Sections 5.3, 6.3, 7.3 and 9.3."

The exception is amended to read:

"1. The system performance requirements of Standard RS-22 may be used in the following cases:

1.1 A building design meeting Section 6.1.3 instead of the Section 6.2 and 6.3 prescriptive requirements in Standard RS-22.

1.2 A building meeting Section 5.4 instead of the 5.3 prescriptive requirements in Standard RS-22.

2. A building design meeting the Section 11 building energy cost budget method in Standard RS-22."

6. Chapter 8 titled "Referenced Standards" is amended as follows:

i. RS-22 is amended to read "ASHRAE/IES 90.1-1999 Energy Efficient Design of New Buildings Except Low Rise Residential Buildings ©2000."

Amended by R.1987 d.387, effective October 5, 1987.

- See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).
Substantially amended.
- Amended by R.1988 d.50, effective February 1, 1988.
- See: 19 N.J.R. 1862(b), 20 N.J.R. 268(a).
Added (b)6; renumbered (b)6.-7. as (b)7.-8.
- Amended by R.1988 d.417, effective September 6, 1988.
- See: 20 N.J.R. 699(b), 20 N.J.R. 2274(a).
Substantially amended.
- Amended by R.1990 d.507, effective October 15, 1990.
- See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
Text conformed to BOCA National Code/1990.
- Amended by R.1991 d.326, effective July 1, 1991.
- See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).
Section E-502.1 deleted.
- Amended by R.1991 d.429, effective August 19, 1991.
- See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
In (b)5, deleted old and added new i.
- 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.143, effective March 20, 1995 (operative July 1, 1995).
- See: 26 N.J.R. 4872(a), 27 N.J.R. 1179(b).
Amended by R.1998 d.332, effective July 6, 1998.
- See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
Rewrote the section.
- Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).
- See: 33 N.J.R. 1241(a), 33 N.J.R. 2471(a).
Rewrote the section.
- Administrative change.
- See: 33 N.J.R. 3310(a).
Administrative correction.
- See: 35 N.J.R. 2494(b).

Case Notes

Registered architect retained to sign and seal drawings to comply with permit regulations entitled to approve as prepared or return for compliance modifications (citing Small Dwelling Energy Subcode). Deck House, Inc. v. New Jersey State Board of Architects, 531 F.Supp. 633 (D.N.J.1982).

Departments of Community Affairs and Energy could not amend state energy subcode. *New Jersey Builders Ass'n v. Coleman*, 227 N.J.Super. 23, 545 A.2d 783 (A.D.1988).

5:23-3.19 Manufactured home subcode

(a) Pursuant to authority of P.L. 1975, c.217, as amended, the Commissioner hereby adopts the Federal Manufactured Home Construction and Safety Standards, as set forth in Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, as the manufactured home subcode for New Jersey.

1. Copies of the volume of the Code of Federal Regulations containing Part 3280 of Title 24 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420.

2. Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, may be known and cited as the manufactured home subcode.

(b) The following sections of Subpart A of Part 3280 are deemed to be administrative in nature and are therefore excluded from the manufactured home subcode:

1. Section 3280.1, entitled "Scope";
2. Section 3280.5, entitled "Data plate";
3. Section 3280.6, entitled "Serial number";
4. Section 3280.7, entitled "Modular homes"; and
5. Section 3280.8, entitled "Certification label".

(c) Any manufactured home construction or safety issue not covered under the manufactured home subcode which is, however, covered under another subcode adopted pursuant to this subchapter shall be determined in accordance with such other subcode.

(d) The adoption of a manufactured home subcode shall not be construed as in any way limiting the power or duty of the Department of Community Affairs to enforce and comply with all applicable provisions of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto, including all subsequent revisions and amendments thereto, when authorized to do so by the Secretary of the United States Department of Housing and Urban Development.

Amended by R.1982 d.7, eff. February 1, 1982.
See: 13 N.J.R. 171(a), 14 N.J.R. 142(a).
This section was recodified from 5:23-3.9.

5:23-3.20 Mechanical 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 Mechanical Code/2000. This code is hereby adopted by reference as the Mechanical 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 Mechanical Code/2000 may be known and cited as the "mechanical 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 15 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 Mechanical Code/2000 are amended as follows:

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

2. Chapter 2 of the mechanical 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 substitute the definition found in N.J.A.C. 5:23-1.4.

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

iv. The definition of the term "building" is deleted and substitute the definition found in N.J.A.C. 5:23-1.4.

v. The definition of the term "code" is deleted.

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

3. Chapter 3 of the mechanical 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 301.4 is amended to delete the words "in accordance with Section 105."

iii. Section 301.11 is deleted.

iv. 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."

v. Section 307.2.1 is amended to add the following after the word "disposal" on line 3: "in accordance with the adopted plumbing subcode."

vi. Section 307.2.2 is deleted.

vii. Section 309 is deleted.

viii. Section 312 is deleted.

4. Chapter 4 of the mechanical subcode, entitled "Ventilation," is amended as follows:

i. Section 403.2 is amended to add the following language: "Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outside air shall be reduced in accordance with such engineered system design."

5. Chapter 5 of the mechanical subcode, entitled "Exhaust Systems," is amended as follows:

i. Section 503.1 is amended to replace the second sentence with the following: "The type and wiring methods for motors in areas that contain flammable vapors or dusts shall be in accordance with the electrical subcode."

ii. Section 512.1 is amended to add a sentence as follows: "This section shall not apply to radon construction techniques covered by subchapter 10 of the Uniform Construction Code."

iii. 513.11 is amended to replace the third sentence with the following: "Secondary power shall be from a legally required standby power source complying with the electrical subcode." Also, delete the following sentences: "Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure of the primary power."

iv. 513.12.1 is amended to delete the wording in its entirety and substitute the following: "Wiring. All wiring shall be in accordance with the electrical subcode."

6. Chapter 6 of the mechanical subcode, entitled "Duct Systems," is amended as follows:

i. Section 602.2.1 is amended to modify Exception 3 to read: "This section shall not apply to materials

exposed within plenums in one-and two-family dwellings. Wire exposed in plenums of one-and two-family dwellings shall conform to the requirements of the electrical subcode."

ii. Section 602.2.1.1 is deleted in its entirety and substitute the following language: "Wiring, cable and raceways installed in a plenum shall be listed and installed in accordance with the electrical subcode."

iii. Section 602.2.1.4 is deleted in its entirety and substitute the following language: "Combustible electrical equipment exposed within a plenum shall be listed and labeled and shall be installed in accordance with the requirements of the electrical subcode."

7. Chapter 9 of the mechanical subcode, entitled "Specific Appliances, Fireplaces and Solid Fuel Burning Equipment," is amended as follows:

i. Section 917.2 is deleted in its entirety.

ii. Section 917.3 is deleted in its entirety.

8. Chapter 10 of the mechanical subcode, entitled "Boilers, Water Heaters and Pressure Vessels," is amended as follows:

i. Section 1001.1 is amended to replace the words "installation, alteration, and repair of boilers," with the words "installation and alteration of boilers."

ii. Section 1003.1 is amended to add the following phase: "Pressure vessels shall be designed and constructed in accordance with the requirements of ASME "Rules for Construction of Pressure Vessels, Section VIII/1998"."

9. Chapter 11 of the mechanical subcode, entitled "Refrigeration," is amended as follows:

i. Section 1102.2.2 is deleted.

ii. Section 1109 is deleted.

10. Chapter 13 of the mechanical subcode, entitled "Fuel Oil Piping And Storage," is amended as follows:

i. Section 1301.2 is amended to add the following sentence: "Where the tank is of a size and type that is subject to the Department of Environmental Protection rules for the installation of Underground Storage Tanks at N.J.A.C. 7:14B, those rules shall apply."

11. Chapter 15 of the mechanical subcode, entitled "Referenced Standards," is amended as follows:

i. Under the heading "ICC," amend the following titles:

(1) Delete "IEC—2000 Electrical Code."

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

Amended by R.1984 d.260, effective July 2, 1984.
See: 16 N.J.R. 3(a), 16 N.J.R. 1714(c).

Section substantially amended.

Amended by R.1985 d.351, effective July 15, 1985.
See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Old (a)4 deleted and new text substituted.

Amended by R.1986 d.213, effective June 16, 1986.
See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

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

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

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

Minor technical changes made throughout section.

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

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

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

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

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

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

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

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

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

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

Form numbers changed in (a)5.

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

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

No inspection fee for gas service entrances.

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

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

Added (c)5.

Amended by R.1993 d.353, effective July 19, 1993.

See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1993 d.665, effective December 20, 1993.

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

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

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

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

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

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), 27 N.J.R. 2715(a).

Amended by R.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

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

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

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

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

Rewrote (f) and (g).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

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

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

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

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

In (c)5, inserted reference plumbing inspector.

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

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

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

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

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

Rewrote (f).

Case Notes

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

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

5:23-4.19 New Jersey State permit surcharge fees

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

(b) Amount: This fee shall be in the amount of \$0.0019 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The fee for all other construction shall be \$0.96 per \$1,000 of value of construction.

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

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

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

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

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

(c) Remitting and reporting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fees to be paid to Regulatory Affairs.

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

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

Fee amount amended at (b).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).

Administrative Correction.

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

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

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

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

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

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

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

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

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

In (b), added 5.

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

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

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

Administrative correction.

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

5:23-4.20 Departmental fees

(a) General:

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

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

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

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

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

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

(b) Departmental plan review fee:

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

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

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

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

2. The plan review fee for renovations, alterations, repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction and external utility connections for premanufactured construction shall be based upon the estimated cost of work.

i. For health care facilities in Use Groups B or I, the fee shall be \$14.00 per \$1,000 or part thereof for estimated cost not exceeding \$50,000, \$11.00 per \$1,000 or part thereof for estimated cost in excess of the first \$50,000 and not exceeding \$100,000, and \$9.00 per \$1,000 or part thereof for estimated cost in excess of the first \$100,000; and

ii. For all other buildings or structures, the fee shall be \$10.00 per \$1,000 or part thereof for estimated cost not exceeding \$50,000, \$8.00 per \$1,000 or part thereof for estimated cost in excess of the first \$50,000 and not exceeding \$100,000, and \$7.00 per \$1,000 or part thereof for estimated cost in excess of the first \$100,000.

3. The elevator device plan review fee shall be as set forth in (c)6 and 7 below.

4. There shall be an additional fee of \$45.00 per hour for review of any amendment or change to a plan that has already been released.