

i. The name, organization, mailing address, telephone number, facsimile number, and e-mail address of the proponent of the proposed code change;

ii. The primary section of the rehabilitation subcode proposed for change and any other section(s) where corresponding changes are required. Language proposed for deletion shall be presented in brackets and language proposed for addition shall be underlined; and

iii. A description and supporting statement for the proposed code change.

3. Rehabilitation subcode code change proposals may be submitted on the form provided in subchapter Appendix 3 A, incorporated herein by reference.

4. Rehabilitation subcode code change proposals shall be submitted to the Code Development Unit, Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625. Code change proposals may be faxed to the Code Development Unit at (609) 984-7717 or (609) 633-6729.

5. A public hearing for rehabilitation subcode code change proposals shall be held prior to a scheduled Code Advisory Board meeting. The date and time of the public hearing on rehabilitation subcode code change proposals may be obtained by contacting the Code Development Unit at (609) 984-7609.

Amended by R.2004 d.261, effective July 6, 2004.  
See: 35 N.J.R. 1267(a), 36 N.J.R. 3275(a).  
Rewrote the section.

### 5:23-3.14 Building subside

(a) Rules concerning the building subcode 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 International Code Council, International Building Code, known as the "IBC/2000." This code is hereby adopted by reference as the building subcode for New Jersey subject to the modifications stated in (b) below.

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

ii. The IBC/2000, as amended, may be known and cited as the "building subcode."

2. Any references to the mechanical code, plumbing code, International Residential Code, ICC A117.1 standard (including reference to Chapter 11) or the ICC Electrical Code listed in Chapter 35 shall be considered a reference to the appropriate adopted mechanical, plumbing, one- and two-family dwelling or electrical subcode referenced in N.J.A.C. 5:23-3 or to the barrier free subcode, N.J.A.C. 5:23-7, as appropriate.

(b) The following chapters of the building subside are modified as follows:

1. Chapter 1, Administration, shall be deleted in its entirety. In addition, any referenced section of Chapter 1 shall be deleted throughout the code and "the administrative provisions of the Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

2. Chapter 2, Definitions, shall be amended as follows:

i. The definition of "addition," shall be deleted.

ii. In the definition of agricultural buildings, "A structure qualifying under the Uniform Construction Code definition of a Commercial Farm Building may be built according to the regulations at N.J.A.C. 5:23-3.2(d)" shall be inserted after the last sentence.

iii. The definition of "alteration" shall be deleted.

iv. The definition of "building" shall be deleted and the following shall be inserted: "BUILDING. A structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individuals, animals or property of any kind. When used herein, building and structure shall be interchangeable except where the context clearly indicates otherwise."

v. The definition of "building line" shall be deleted.

vi. The definition of "building official" shall be deleted and the following shall be inserted: "BUILDING SUBCODE OFFICIAL. A qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce the provisions of the building subcode within the jurisdiction of the enforcing agency."

vii. The definitions of "existing structure," "historic building," and "jurisdiction" shall be deleted.

viii. The definition of "owner" shall be deleted and the following shall be inserted: "OWNER. The owner or owners in fee of the property of a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation, directly or indirectly in control of a building, structure or real property and shall include any subdivision thereof of the State."

ix. The definitions of "permit," "person," and "repair" shall be deleted.

x. The definition of "structure" shall be deleted and the following shall be inserted: "STRUCTURE. A combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided the word "structure" shall be construed when used herein as though followed by the phrase "or part or

parts thereof and all equipment therein” unless the context clearly requires a different meaning.

3. Chapter 3, Use and Occupancy Classification, shall be amended as follows:

i. In Section 302.3.3, Separated uses, the first sentence of Exception 2 shall be deleted and the following shall be inserted: “A private garage located beneath a room(s) shall have walls, partitions, floors, and ceilings separating the garage from the adjacent interior spaces constructed with not less than a one-hour fire resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by a means of ½-inch gypsum board or equivalent applied to the garage side.”

ii. In Table 302.3.3, Required Separation of Occupancies (Hours)<sup>a</sup>, Use Group U shall be deleted.

iii. Section 308.2, Group I-1, shall be amended as follows: In the first sentence, “16” shall be deleted and “5” shall be inserted. In the second sentence, “responding to” shall be deleted and “slow evacuation as defined in Section 22-1.3 of NFPA 101-97, referenced in Chapter 35, in” shall be inserted. In the third sentence, “residential board and care facilities, assisted living facilities” shall be deleted and “boarding houses” shall be inserted. In the same sentence, “abuse” shall be inserted after “drug.” Also, “A facility such as above, housing at least six and not more than 16 persons shall be classified as a Group R-4” shall be deleted and the following definition of “boarding house” shall be inserted:

“Boarding House: A building arranged or used for single occupancy where meals or personal or financial services are provided to the residents.”

iv. In Section 308.3, Group I-2, “who are not capable of self-preservation” shall be deleted and “where evacuation is impractical as defined in Section 22-1.3 of NFPA 101-97, referenced in Chapter 35” shall be inserted. In the second sentence, a comma shall be inserted after “to” and “assisted living facilities” shall be inserted before “mental hospitals.”

v. In Section 308.5, Group I-4, in the second sentence, “with” shall be deleted and “accessory to a dwelling unit and having” shall be inserted.

vi. In Section 308.5.1, Adult Care Facility, “accommodations for less than 24 hours for more than five unrelated adults and provides” shall be deleted, “services” shall be deleted after “care,” and the following shall be inserted: “on less than a 24-hour basis where evacuation is slow or impractical as defined in Section 22-1.3 of NFPA 101-97, referenced in Chapter 35, shall be classified as Group I-4. Where evacuation is prompt, the facility shall be classified as Group A-3.”

vii. Section 308.5.2, Child Care Facility, shall be deleted and the following shall be inserted: “A facility that provides supervision and personal care on less than a 24-hour basis for children 2½ years of age or less shall be classified as Group I-4.” In the same section, the exception shall be deleted.

viii. Section 310, Residential Group R, shall be deleted and the following definitions shall be inserted:

“(1) R-1 Residential occupancies where the occupants are primarily transient (less than 30 days) including:

Hotels (including motels) having transient occupancy

Rooming houses, with more than five residents, having transient occupancy

(2) R-2 Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses

Convents

Dormitories

Fraternity and sorority houses

Monasteries

Rooming houses with more than five residents, not having transient occupancy

Therapeutic residences with more than 16 residents

(3) R-3 Detached one- and two-family dwellings greater than three stories in height, multiple single-family townhouses greater than three stories in height, attached two-family dwellings separated from adjacent units by firewalls, and other single-family dwellings that are outside the scope of the one- and two-family dwelling subcode. Group R-3 includes:

Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.)

Adult and child day care facilities, accessory to a dwelling unit, serving five or fewer persons of any age for less than 24 hours.

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents.

(4) R-4 Therapeutic residences including more than five but not more than 16 occupants, excluding staff, capable of prompt evacuation as defined by Section 22-1.3 of NFPA 101-97, referenced in Chapter 35.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided in the code.

(5) R-5 Detached one- and two-family dwellings not more than three stories in height and multiple single-family townhouses not more than three stories in height designed and constructed in accordance with the one- and two-family dwelling subcode."

4. Section 310.2, Definitions, shall be amended as follows:

i. The definition of "Boarding House" shall be deleted in its entirety.

ii. In the first sentence of the definition of "Dwelling Unit," "living as a single housekeeping unit" shall be inserted after "persons" and before "including."

iii. The definition of "Personal Care Service" shall be deleted in its entirety.

iv. The definition of "Residential Care/Assisted Living Facilities" shall be deleted in its entirety.

v. The definition of "Rooming House" shall be inserted as follows: "Rooming House: A building arranged or used for single occupancy where no meals or personal or financial services are provided to the residents."

vi. The definition of "Single Residential Occupancy" shall be inserted as follows: "Single Residential Occupancy: A building arranged or used for individual residency by persons living independently of one another, regardless of whether the residents share the use of common facilities, such as kitchen or bathing facilities."

vii. The definition of "Therapeutic Residence" shall be inserted as follows: "Therapeutic Residence: A residence for adults, each of whom is capable of prompt evacuation as defined by Section 22-1.3 of NFPA 101-97, referenced in Chapter 35, and who live within a single dwelling unit for therapeutic purposes, without a resident landlord or operator, but with some government or private social service provider oversight."

viii. The definition of "Transient Occupancy" shall be inserted as follows: "Transient Occupancy: A residential occupancy where no more than fifteen percent of the residents occupy the residency for more than 90 days."

5. Chapter 4, Special Detailed Requirements Based on Use and Occupancy, shall be amended as follows:

i. In Section 402.4.2, Number of Means of Egress, "used by persons other than employees" shall be deleted.

ii. In Section 411.4, Automatic sprinklers, the exception shall be deleted in its entirety.

6. Chapter 5, General Building Heights and Areas, shall be amended as follows:

i. Table 503, Allowable Heights and Building Areas, shall be amended as follows:

(1) Under construction Type VA for Group A-1, "2" shall be deleted and "1" shall be inserted.

(2) Under construction Type IB for Group A-2, "11" shall be deleted and "3" shall be inserted. Under construction Types IIA and IIB for Group A-2, "3" and "2" shall be deleted and "2" and "1" shall be inserted, respectively. Under construction Types IIIA and IIIB for Group A-2, "3" and "2" shall be deleted and "2" and "1" shall be inserted, respectively. In addition, under construction Type IV for Group A-2, "3" shall be deleted and "2" shall be inserted. Finally, under construction Type VA for Group A-2, "2" shall be deleted and "1" shall be inserted.

(3) Under construction Type IB for Group A-3, "11" shall be deleted and "5" shall be inserted. In addition, under construction Type VA for Group A-3, "2" shall be deleted and "1" shall be inserted.

(4) Under construction Type IB for Group A-4, "11" shall be deleted and "5" shall be inserted. In addition, under construction Type VA for Group A-4, "2" shall be deleted and "1" shall be inserted.

(5) The maximum number of stories and maximum allowable area for Group A-5, construction Types IIIB, IV, VA and VB shall be deleted.

(6) Under construction Type IB for Group B, "11" shall be deleted and "7" shall be inserted. In addition, under construction Type IIB for Group B, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type IIIA and IIIB for Group B, "5" and "4" shall be deleted and "4" and "3" shall be inserted, respectively.

(7) Under construction Type IB for Group F-1, "11" shall be deleted and "6" shall be inserted.

(8) Under construction Type IB for Group F-2, "11" shall be deleted and "7" shall be inserted.

(9) The maximum number of stories and maximum allowable area for Group H-2, construction Type VB shall be deleted and "NP" shall be inserted.

(10) Under construction Type IIIA for Group H-3, "4" shall be deleted and "3" shall be inserted.

(11) Under construction Type IIIA for Group H-4, "5" shall be deleted and "4" shall be inserted.

(12) The maximum number of stories and the maximum allowable area for Group I-3, construction Type VB shall be deleted and "NP" shall be inserted.

(13) Under construction Type IB for Group M, "11" shall be deleted and "6" shall be inserted. Under construction Type IIB for Group M, "4" shall be deleted and "2" shall be inserted. In addition, under construction Types IIIA and IIIB, "4" shall be deleted and "3" and "2" shall be inserted, respectively. Finally, under construction Type VA, "3" shall be deleted and "2" shall be inserted.

(14) Under construction Type IB for Group R-1, "11" shall be deleted and "9" shall be inserted. In addition, under construction Type IIB for Group R-1, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type IIIB for Group R-1, "4" shall be deleted and "3" shall be inserted.

(15) Under construction Type IB for Group R-2, "11" shall be deleted and "9" shall be inserted. In addition, under construction Type IIB for R-2, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type IIIB for Group R-2, "4" shall be deleted and "3" shall be inserted.

(16) Under construction Type IB for Group R-3, "11" shall be deleted and "4" shall be inserted. Under construction Type IIB for Group R-3, "4" shall be deleted and "3" shall be inserted. In addition, under construction Type IIIB for Group R-3, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type VB for Group R-3, "3" shall be deleted and "2" shall be inserted.

(17) Under construction Type IB for Group R-4, "11" shall be deleted and "4" shall be inserted. Under construction Type IIB for Group R-4, "4" shall be deleted and "3" shall be inserted. In addition, under construction Type IIIB for Group R-4, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type VB for Group R-4, "3" shall be deleted and "2" shall be inserted.

(18) Under construction Type IB for Group S-1, "11" shall be deleted and "5" shall be inserted. Under construction Type IIB for Group S-1, "3" shall be deleted and "2" shall be inserted. In addition, under construction Type IIIB for Group S-1, "3" shall be deleted and "2" shall be inserted. Finally, under construction Type VA for Group S-1, "3" shall be deleted and "2" shall be inserted.

(19) Under construction Type IB for Group S-2, "11" shall be deleted and "7" shall be inserted. Under construction Type IIB for Group S-2, "4" shall be deleted and "3" shall be inserted. In addition, under construction Type IIIB for Group S-2, "4" shall be deleted and "3" shall be inserted. Finally, under construction Type VA for Group S-2, "4" shall be deleted and "3" shall be inserted.

(20) Use Group U shall be deleted.

(21) At the end of the table, after "UL = Unlimited," "NP = Not permitted" shall be inserted.

ii. Section 507.1, Unsprinklered, one story, shall be deleted in its entirety.

iii. Section 507.3, Two-story, shall be amended as follows: In the first sentence, "building of Type I or Type II construction under " shall be inserted after "two-story."

7. Chapter 6, Types of Construction, shall be amended as follows:

i. In Table 602, Fire Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance<sup>a</sup>, "U" shall be deleted from the heading of the fifth column. In addition, in the same table, at Note b, "and Group U when used as an accessory to Group R3" shall be deleted.

ii. In Section 602.3, Type III, the last sentence shall be deleted.

8. Chapter 7, Fire-Resistance-Rated Construction, shall be amended as follows:

i. In Table 705.4, Fire Wall Fire Resistance Ratings, under the heading "Group," "U" shall be deleted.

ii. Section 705.5, Horizontal continuity, shall be deleted in its entirety. Section 707.6 of the 1996 BOCA National Building Code shall be inserted as follows: "Horizontal Continuity. Firewalls shall be made smoke tight at the junction of exterior walls. In exterior wall construction employing studs, the wall shall extend through the stud space to the exterior sheathing."

iii. Section 707.14.1, Elevator lobby, shall be amended as follows: In the first sentence, "In buildings having occupied floors greater than 75 feet above the lowest level of fire department vehicle access" shall be inserted before "elevators." In the same section, Exception 4 shall be deleted in its entirety.

9. Chapter 9, Fire Protection Systems, shall be amended as follows:

i. In Section 903.2.5, Group I, the exception shall be deleted and the following shall be inserted: "Exceptions

1. For other than buildings of construction Types IIIB and VB, an automatic fire sprinkler system installed in accordance with Section 903.3.1.2. shall be allowed in Group I-1 facilities.

2. An automatic fire sprinkler system shall not be required for Group I-4 child care facilities that are located at the level of exit discharge and that accommodate 100 or fewer children and in which each child care room has an exit door directly to the exterior."

ii. Section 903.2.8, Group R-2, shall be deleted in its entirety. Section 904.9 of the 1996 BOCA National Building Code shall be inserted as follows: "Group R-2: An automatic fire sprinkler system shall be provided throughout all buildings with an occupancy in Group R-2 in accordance with Section 903.3.1.1 or 903.3.1.2:

Exception: Buildings that do not exceed two stories including basements, which are not considered a story above grade, and with a maximum of 12 dwelling units per fire area. Each dwelling unit shall have at least one door opening to an exterior exit access that leads directly to the exits required to serve the dwelling unit.

iii. In Section 903.2.9, Group R-4, the reference to "Section 903.3.1.3" shall be deleted.

iv. Section 903.2.12.1, Stories and basements without openings, shall be deleted in its entirety and Section 904.10 of the 1996 BOCA National Building Code shall be inserted as follows: "Windowless story: An automatic fire sprinkler system shall be provided throughout every story or basement of all buildings where there is not provided at least one of the following types of openings:

1. An exterior stairway that conforms to the requirements of Section 1005.3.6, or an outside ramp that conforms to the requirements of Section 1003.3.4, leading directly to grade in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building.

2. Openings entirely above the adjoining ground level totaling 20 square feet (1.9 m<sup>2</sup>) in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building. Openings shall have a least dimension of not less than 22 inches (559 mm), and shall have a minimum net clear opening of 5 square feet (0.5 m<sup>2</sup>). Access to such openings from the exterior shall be provided to the fire department and such openings shall be unobstructed to allow fire fighting and rescue operations from the exterior.

Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22860 mm) from such openings, the story shall be equipped throughout with an automatic fire sprinkler system or openings as specified herein shall be provided on at least two sides of the exterior walls of the story. If any portion of a basement is located more than 75 feet (22860 mm) from the openings required in this section, the basement shall be equipped throughout with an automatic sprinkler system.

Exception: Occupancies in Group R-3."

v. New Section 903.2.16, Automatic sprinkler system thresholds, shall be inserted as follows: "An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups

B, F-2, and S-2 according to table 903.2.16, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in the IBC/2000."

"Automatic Sprinkler System Thresholds

Group B		IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area	Max. Area
1	36,000	*	*	*
2	72,000 (36,000 per floor)	*	*	*
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*
Group F-2		IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area	Max. Area
1	36,000	*	*	18,000
2	72,000 (36,000 per floor)	*	*	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*
Group S-2a		IIB	IIIB	VB
Story	Max. Area	Max. Area	Max. Area	Max. Area
1	36,000	36,000	36,000	18,000
2	72,000 (36,000 per floor)	72,000 (36,000 per floor)	72,000 (36,000 per floor)	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	99,360 (36,000 per floor)	99,360 (36,000 per floor)	*

a. Exception—Open parking structures in accordance with Section 406.3

\*Requirements as set forth in the IBC/2000"

vi. Section 903.3.2, Quick response and residential sprinklers, shall be deleted in its entirety.

vii. In Section 905.2, Installation standards, Sections 915.4, 915.5, and 915.6 of the 1996 BOCA National Building Code shall be inserted as follows: "905.2.1 Piping design. The riser piping, supply piping and the water service piping shall be sized to maintain a residual pressure of at least 65 psi (448 kPa) at the topmost outlet of each riser while flowing the minimum quantities of water specified in Sections 905.2.1.1 and 905.2.1.2. The pipe size shall be based on the capacity of the automatic water supply system or, where an automatic water supply is neither required nor provided to maintain the residual pressure of 65 psi (448 kPa), the pipe size shall be based on a pressure of 150 psi (1,034 kPa) available at the fire department connection.

Exception: The residual pressure of 65 psi (448 kPa) is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section

903.3.1.1 and where the highest floor level is not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access.

905.2.1.1 Riser sizing: The riser size shall be based on hydraulic calculations for a minimum flow of 500 gallons per minute (gpm) (1892 L/min.).

Exceptions:

1. Where only 1½-inch valves are provided, the riser(s) shall be sized to provide a minimum flow of 100 gpm (378 L/min.).

2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the riser shall be sized to satisfy total demand.

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 906.2.1, each riser shall be sized for a minimum flow of 250 gpm (945 L/min.).

4. Risers that are sized in accordance with the pipe schedule requirements of NFPA 14 listed in Chapter 35 are not subject to this requirement.

905.2.1.2 System pipe sizing: The system piping, including the horizontal or common feeder lines shall be sized for a minimum flow of 500 gpm (1,892 L/min.). Where more than one standpipe riser is required or provided, all common system piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

Exceptions

1. Where only 1½-inch valves are provided, the supply piping shall be sized for a minimum flow of 100 gpm (378 L/min.) for each riser, and the total shall not be required to exceed 500 gpm (1892 L/min.).

2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the supply piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) plus the sprinkler demand for the first riser, plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, all common supply piping shall be sized for a minimum flow of 250 gpm (945 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 750 gpm (2838 L/min.).

905.2.2 Water supply: A water supply for fire department equipment shall be available to the building site. The water supply shall be capable of a minimum flow as required by Section 905.2.1.2 for a duration of 30 minutes.

905.2.2.1 Automatic water supply: An automatic water supply is required for all standpipe systems. The automatic water supply and supply piping shall be capable of delivering a flow of 500 gpm (1892 L/min.) at the residual pressure specified in Section 905.2.1 for a duration of 30 minutes.

Exceptions

1. In buildings equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 where the highest floor is located not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access, the automatic water supply is not required to exceed the requirements of NFPA 13 listed in Chapter 35.

2. Dry standpipe systems installed in open parking structures.

905.2.2.2 Interconnection: The required water supply shall be connected to the base of each standpipe riser. Where more than one standpipe riser is required, all risers shall be interconnected with a common supply line. An approved indicating valve shall be installed to permit individual risers to be taken out of service."

905.2.3 Control valves: Where a standpipe system riser also serves as the automatic sprinkler system riser in building required to have both systems or in buildings having both systems, sprinkler control valves shall be installed at each floor level at the connection to the riser.

viii. In Section 905.4, Location of class I standpipe hose connections, Items 1 and 2 shall be deleted in their entirety. Section 915.7 of the 1996 BOCA National Building Code shall be inserted as follows: "A standpipe hose connection shall be located at each floor level at every exit stairway, and on each side of the wall adjacent to the exit opening of a horizontal exit.

Exceptions

1. Where the floor areas adjacent to a horizontal exit are reachable from exit stairway outlets by a 30-foot (9,144 mm) hose stream from a nozzle attached to 100 feet (30,480 mm) of hose, a hose connection shall not be required at the horizontal exit.

2. Standpipe hose connections for systems required by Section 905.3.2. shall be permitted to be located only at exits such that all portions of the building floor area are not more than 200 feet (60,960 mm) from a hose connection or 200 feet (122 m) from the nearest point of fire department vehicle access."

ix. Section 905.4.2, Interconnection, shall be deleted in its entirety and Section 915.7.1 of the 1996 BOCA National Building Code shall be inserted as follows: "905.4.2 Location: At each floor level and not more than 5 feet (1,524 mm) above the floor, there shall be connected to each standpipe a 2½ inch hose connection with valves and threads compatible with the connections used by the local fire department."

x. Section 906.0, Portable Fire Extinguishers, shall be deleted in its entirety and new Section 906.0, entitled "Fire Department Connections," from Section 916.0 of the 1996 BOCA National Building Code shall be inserted as follows: "906.1 Required: All required water fire-extinguishing and standpipe systems shall be provided with a fire department connection in accordance with the applicable standards. Standpipes in buildings under construction or demolition shall conform to Section 3311."

#### Exceptions

1. Limited area sprinkler systems supplied from the domestic water system.

2. Where the local fire department approves a single connection for a large diameter hose of at least four inches (102 mm).

3. An automatic sprinkler system with less than 20 sprinklers.

906.2 Connections: Fire department connections shall be arranged in such a manner that the attachment to any one sprinkler connection will serve all sprinklers, and the attachment to any one standpipe connection will serve all standpipes within the building.

Exception: Fire protection systems in high rise buildings designed with a low zone and a high zone may be provided with a connection for each zone.

906.3 Location: Fire department connections shall be located and shall be visible on a street front or on a location approved by the fire department. Such connections shall be located so that immediate access is provided to the fire department. Fire department connections shall not be obstructed by fences, bushes, trees, walls, or any other similar object.

906.4 Height: Fire department connections shall not be less than 18 inches (457 mm) and more than 42 inches (1,067 mm) in elevation, measured from the ground level to the centerline of the inlets.

906.5 Projection: Where the fire department connection will otherwise project beyond the property line or into the public way, a flush-type fire department connection shall be provided.

906.6 Hose thread: Hose thread in the fire department connection shall be uniform with that used by the local fire department.

906.7 Fittings: Fire department inlet connection shall be fitted with check valves, ball drip valves and plugs with chains or frangible clips.

906.8 Signs: A metal sign with raised letters at least one inch (25 mm) in height shall be mounted on all fire department connections serving sprinklers or standpipes. Such signs shall read "Automatic Sprinklers" or "Standpipes," or both, as applicable."

xi. Sections 907.2.6 and 907.2.8 are amended as indicated at N.J.A.C. 5:23-3.17(a)1i(5).

xii. Section 907.2.10.1.4, Additions, alterations, or repairs to Group R, shall be deleted in its entirety.

xiii. In Section 907.2.10.3, Interconnection, Exception 2 shall be deleted in its entirety.

xiv. In Section 909.18.8.3, Reports, "The report shall be reviewed by the registered design professional and, when satisfied that the design intent has been achieved, the responsible registered design professional shall seal, sign, and date the report" shall be deleted.

10. Chapter 10, Means of Egress, shall be amended as follows:

i. In Section 1003.2.12.1, delete the exception and insert the following text: "For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height. Open sides of stairs with a total rise of more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 34 inches (864 mm) in height measured vertically from the nosing of the treads."

ii. In Section 1003.2.12.2, at the end of the second sentence, insert the following text: "except for occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2."

iii. In Section 1003.3.1.3.5, Security grilles, "In Groups B, F, M, and S" shall be deleted and "horizontal" shall be capitalized.

iv. In Section 1003.3.1.4, in Exception 1, the text "more than three stories high" shall be deleted.

v. Section 1003.3.1.8, Locks and latches, shall be amended as follows: In Exception 2, "Group A having an occupant load of 300 or less" shall be deleted. In the same section, Exception 5 shall be inserted as follows: "5. Key operation shall be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is made."

vi. In Section 1003.3.1.8.2, Delayed egress locks, "E" shall be deleted.

vii. In Section 1003.3.3.3, Exception 5, change the maximum riser height from "7.75 inches (197 mm)" to "8.25 inches (210 mm)" and change the minimum tread depth from "10 inches (254 mm)" to "9 inches (229 mm)."

viii. In Section 1003.3.3.7, delete the exception and insert the following text: "Exception: For occupancies in Group R-3, and within individual dwelling units in occupancies in Group R-2, circular stairways shall have a tread depth at a point not more than 12 inches (305 mm) from the side where the treads are narrower of not less than 11 inches (279 mm) and the minimum depth of any tread shall not be less than 9 inches (229 mm)."

ix. In Section 1003.3.3.8, add the following text: "Exception: For occupancies of Group R-3, and within individual dwelling units of Group R-2, winders are permitted, provided that the width of the tread at a point not more than 12 inches (305 mm) from the side where the treads are narrower is not less than 9 inches (229 mm) and the minimum width of any tread is not less than 6 inches (152 mm). The continuous handrail required by Section 1003.3.3.11 shall be located on the side where the tread is narrower."

x. In Section 1003.3.3.11, delete Exception 4, and insert the following text: "4. For occupancies of Group R-3, and within the individual dwelling units of Group R-2, handrails shall not be required for stairways with fewer than three risers."

xi. In Section 1003.3.3.11.1 add the following text: "Exception: For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2, handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads."

xii. After Section 1003.3.3.11.3, add the following text: "Exception: For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2, the handgrip portion of handrails shall have a maximum circular cross section of 2.625 inches (67 mm). Other handrail shapes that provide an equivalent grasping surface are permissible."

xiii. In Section 1004.2.2.1, Two exit or exit access doorways, the last sentence of Exception 1 shall be deleted.

xiv. Section 1004.2.3, Egress through intervening spaces, shall be deleted in its entirety. Section 1006.2.1 of the 1996 BOCA National Building Code shall be inserted as follows: "Egress through adjoining spaces: Egress from a room or a space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas are accessory to the area served; are not a high-hazard occupancy; and provide a discernable path of travel to an exit. A maximum of one exit access shall be permitted to pass through a kitchen, storeroom, restroom, closet or similar space provided that a passage through such space is not the only means of access to an exit. An exit access shall not pass through a room subject to locking. Means of egress from dwelling units or sleeping areas shall not lead through other dwelling units or sleeping areas and shall not lead through toilet rooms or bathrooms."

xv. In Section 1004.3.2, Corridors, "and passageways" shall be inserted after "corridors."

xvi. In Table 1004.3.2.1, Corridor Fire Resistance Rating, under the heading "Occupancy," "U" shall be deleted from the third row.

xvii. In the title of Section 1004.3.2.2, "and passageway" shall be inserted after "Corridor." In addition, in the first sentence, "or passageway" shall be inserted after "corridor."

xviii. Section 1004.3.2.3, Dead ends, shall be amended as follows: In the first sentence "and passageways" shall be inserted after "corridors." In Exception 1, "or passageway" shall be inserted after "corridor." In Exception 2, "and passageways" shall be inserted after "corridors." In Exception 3, "or passageway" shall be inserted after each "corridor."

xix. In Table 1005.2.2, Buildings with One Exit, under the heading "Occupancy," "U" shall be deleted from the first row.

xx. In Section 1005.3.2, Vertical exit enclosures, Exception 1 shall be deleted and the following shall be inserted: "1. In other than Group H and I occupancies, a stairway connecting not more than two floor levels, one of which is the level of exit discharge, which serves an occupant load of not more than 10 or serves four or fewer dwelling units is not required to be enclosed." In the same section, Exception 8 shall be deleted.

xxi. Section 1005.3.5, Horizontal exits, shall be deleted in its entirety. Section 1019.0 of the 1996 BOCA National Building Code shall be inserted as follows: "Horizontal Exits

1005.3.5 General: Horizontal exits shall be accepted as an approved exit element of a required means of egress. The connection between an area of a building that the horizontal exit serves and the area of refuge as herein required shall be accomplished by protected openings in a fire-resistance rated wall, or by an open-air balcony or bridge.

1005.3.5.1 Separation: The separation between buildings or areas of refuge connected by a horizontal exit shall be provided by at least a two-hour fire-resistance rated firewall or fire separation assembly with approved opening protectives complying with Chapter 7 and Table 602.

1005.3.5.2 Doors: All doors shall swing in the direction of egress travel. Where the horizontal exit serves as an exit from both sides of the wall, there shall be adjacent openings with swinging fire doors opening in opposite directions.

Exception: Horizontal sliding doors complying with Section 1003.3.1.3.3.

1005.3.5.3 Area of refuge: The discharge area of a horizontal exit shall be either public areas or spaces occupied by the same tenant, and each such area of refuge shall be adequate to hold the total occupant load of both connected areas. The capacity of areas of refuge shall be computed on a minimum net floor area allowance for each occupant to be accommodated therein, not including areas of stairways, elevators and other shafts or courts, as follows:

1. 30 square feet (3 m<sup>2</sup>) per patient for hospitals and nursing homes.
2. Six square feet (0.56 m<sup>2</sup>) per occupant on stories not housing patients confined to a bed or litter in an occupancy in Group I-2.
3. Six square feet (0.56 m<sup>2</sup>) per occupant in an occupancy in Group I-3.
4. Three square feet (0.28 m<sup>2</sup>) in all other cases.

1005.3.5.4 Egress from area of refuge: The path of egress travel from the horizontal exit through the area of refuge to another exit shall be continuously available. In other than occupancies in Group I-3, there shall be at least one exit on each side of the horizontal exit, which is not a horizontal exit. Any area of refuge not having access to an exit, other than a horizontal exit, shall be considered as part of an adjoining area of refuge with such exit. In the area(s) served by the horizontal exit, the length of exit access travel distance to the horizontal exit or another exit shall not exceed the requirements of Section 1004.2.4."

xxii. Section 1009.1, General, shall be amended as follows: In the second sentence, "Basements and" shall be deleted and "sleeping" shall be capitalized.

11. Chapter 11, Accessibility, shall be deleted in its entirety.

12. Chapter 13, Energy Efficiency, shall be deleted in its entirety.

13. Chapter 15, Roof Assemblies and Rooftop Structures, shall be amended as follows:

i. In Table 1505.1, Minimum Roof Covering Classification for Types of Construction, Note a shall be deleted in its entirety. In addition, at Note b, "and U occupancies" shall be deleted from the first sentence.

14. Chapter 16, Structural Design, shall be amended as follows:

i. Section 1603.3, Live loads posted, shall be deleted in its entirety.

ii. Section 1603.4, Occupancy permits for changed loads, shall be deleted in its entirety.

iii. New Section 1604.9, General structural integrity, from Section 1604.2 of the 1996 BOCA National Building Code, shall be inserted as follows: "The require-

ments for general structural integrity shall be in accordance with Section 1.4 of ASCE 7 listed in Chapter 35."

iv. In Table 1607.1, Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads, at Note g, "building official" shall be deleted and "design professional" shall be inserted.

v. Section 1607.9, Reduction in live loads, shall be amended as follows: In the first sentence, "and applied" shall be inserted after "reduced." After the first sentence, "The method chosen shall be applied throughout the building." shall be inserted.

vi. In Section 1607.9.1.3, Special occupancies, "or educational occupancies" shall be inserted after "public assembly occupancies."

vii. In Section 1607.9.2, Alternate floor live load reduction, Item 1, "or Group E" shall be inserted after "Group A."

viii. Section 1614.1.1, Addition to existing building, shall be deleted in its entirety.

ix. Section 1614.2, Change of Occupancy, shall be deleted in its entirety.

x. Section 1614.3, Alterations, shall be deleted in its entirety.

xi. In Section 1621.1.7, Component anchorage #1, Item 1 shall be deleted in its entirety.

xii. In Section 1621.3.14, Elevator design requirements, at the end of the section, the following shall be inserted: "The scope of Part XXIV of ASME A17.1, entitled "Elevator Safety Requirements for Seismic Risk Zone 2 or Greater," is deleted."

xiii. In Table 1622.2.5(2), Importance Factor (*I*) and Seismic Use Group Classification for Nonbuilding Structures, at Notes H-II and H-III, "authority having jurisdiction" shall be deleted and "construction official" shall be inserted.

15. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:

i. In Section 1701.1, Scope, "shall apply to Class I buildings and" shall be inserted after "chapter."

ii. Section 1702.1, General, shall be amended as follows: In the title, "/Special Inspector" shall be inserted after "Agency." In the first sentence, "or design professional acting as the approved agency" shall be inserted after "agency."

iii. Section 1703.1, Approved agency, shall be amended as follows: In the first sentence, "Upon the request of the construction official" shall be inserted before "An." In the same sentence, "building official" shall be deleted and "construction official" shall be

inserted and “applicable” shall be deleted and “following” shall be inserted.

iv. In Section 1703.7, Evaluation and follow-up inspection, “in accordance with N.J.A.C. 5:23-4.26” shall be inserted after the second “assembly.”

v. Section 1704.1, General, shall be amended as follows: In the first sentence, “of Class 1 buildings only” shall be inserted after “construction.” In the second sentence, “the registered design professional” shall be deleted and “person” shall be inserted.

vi. Section 1704.1.2, Report requirement, shall be amended as follows: In the second sentence, “building official” shall be deleted and “construction official” shall be inserted and “registered design professional” shall be deleted and “person” shall be inserted. In the same sentence, “in accordance with N.J.A.C. 5:23-2.21(c)” shall be inserted after “charge.”

vii. In Section 1704.3, Steel construction, “the on-site erection of” shall be inserted after “for.”

viii. In Table 1704.3, Required Verification and Inspection of Steel Construction, Items 1, 3, and 4 shall be deleted.

ix. In Section 1704.5, Masonry construction, “in Seismic Design Category D” shall be inserted after the second “construction.” In the same section, in Exception 2, the reference to “Table 1805.5(1)” shall be deleted.

x. Section 1704.6, Wood construction, shall be deleted in its entirety.

xi. Section 1704.9, Pier foundations, shall be deleted in its entirety.

xii. In Section 1705.1, Scope, “for Seismic Design Category D buildings” shall be inserted after “provided.”

xiii. Section 1706, Quality Assurance for Wind Regulations, shall be deleted in its entirety.

xiv. Sections 1708.1, Masonry, 1708.1.1, Empirically designed masonry and glass unit masonry in nonessential facilities, 1708.1.2, Empirically designed masonry and glass unit masonry in essential facilities, 1708.1.3, Engineered masonry in nonessential facilities, 1708.1.4, Engineered masonry in essential facilities, 1708.3, Reinforcing and pre-stressing steel, 1708.4, Structural tests, and 1708.5, Mechanical and electrical equipment, shall be deleted in their entirety.

xv. Section 1709, Structural Observations, shall be deleted in its entirety.

16. Chapter 18, Soils and Foundations, shall be amended as follows:

i. In the title of Section 1802.2.6, “Seismic Design Category C” shall be deleted and “Seismic Design Category D” shall be inserted. In the first sentence, the reference to “Seismic Design Category C” shall be deleted and “Seismic Design Category D” shall be inserted.

ii. New Section 1802.2.8 from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted as follows: “Building Height: For all buildings that are more than three stories or 40 feet (12,192 mm) in height, the building official shall request soil tests.”

iii. Section 1802.4.1, Exploratory boring, shall be amended as follows: After the first sentence, the following sentence from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted: “There shall be at least one exploratory boring to rock or to an adequate depth below the load-bearing strata for every 2,500 square feet (232.5 mm) of built-over area, and such additional tests as the code official requires.”

iv. In Section 1802.6, Reports, “soil borings are required” shall be inserted after “Where.”

v. In Section 1805.2.1, Frost protection, “400 square feet (37 m<sup>2</sup>)” shall be deleted and “100 square feet (9.25 m<sup>2</sup>)” shall be inserted.

vi. In Section 1806.3.1, Floors, “60” shall be deleted and “6” shall be inserted.

vii. New Section 1806.5 from Section 1813.8 of the 1996 BOCA National Building Code shall be inserted as follows: “1806.5 Erosion protection: Where water impacts the ground from the edge of the roof, downspout, scupper or other rain water collection or diversion device, provisions shall be made to prevent soil erosion and direct the water away from the foundation.”

viii. Section 1807.2.6, Spacing, shall be deleted in its entirety and Section 1816.9 of the 1996 BOCA National Building Code shall be inserted as follows: “Spacing: The minimum center-to-center spacing of piles shall not be less than twice the average diameter of a round pile, nor less than 1¾ times the diagonal dimension of a rectangular pile. Where driven to or penetrating into rock, the spacing shall not be less than 24 inches (610 mm). Where receiving principal support at the end from materials other than rock, or through friction resistance, the spacing shall not be less than 30 inches (762 mm) except that for piles having enlarged bases formed either by compacting concrete or driving a pre-cast base, the minimum center-to-center spacing shall be 4½ feet (1,372 mm). The spacing of piles shall be such that the average load on the supporting strata will not exceed the safe load-bearing value of those strata as determined by test borings or other approved methods.”

ix. In Section 1807.2.23.2, Seismic Design Category D, E, or F, the references to "Seismic Design Categories E and F" shall be deleted.

x. Section 1808.2.2.1, Materials, shall be deleted in its entirety and Section 1821.2.2 of the 1996 BOCA National Building Code shall be inserted as follows: "All concrete shall have a 28-day specified compressive strength ( $f'_c$ ) of not less than 4,000 psi (27579 kPa)."

17. Chapter 21, Masonry, shall be amended as follows:

i. In Figure 2111.1, Fireplace and Chimney Details, in the plan view illustration, Letter B is improperly dimensioned. The text of Section 2111.10 shall prevail.

18. Chapters 27, Electrical; 28, Mechanical Systems; and 29, Plumbing, shall be deleted in their entirety.

19. Chapter 30, Elevators and Conveying Systems, shall be amended as follows:

i. In Section 3001.1, Scope, "and where applicable N.J.A.C. 5:23-12" shall be inserted after "chapter."

ii. In Section 3001.2, Referenced standards, "this code" shall be deleted and "these rules" shall be inserted. In the same section, "with the exception of Rule 1206.1h, Part XX and Part XXI" shall be inserted after "ASME A17.1" and "ASME A18.1" shall be inserted after "ASME A90.1." In addition, at the end of the section, the following shall be inserted: "The scope of Part XXIV of ASME A17.1, entitled "Elevator Safety Requirements for Seismic Risk Zone 2 or Greater," is deleted."

iii. New Section 3002.4.1, Elevators in newly constructed multiple dwellings, shall be inserted as follows: "When an elevator is installed in a newly-constructed multiple dwelling, the elevator shall meet the dimensional requirements above."

iv. New Section 3003.3, Standardized fire service keys, shall be inserted as follows: "All new elevators shall be equipped to operate with a standardized fire service key."

v. In Section 3004.4, Closed vents, "annealed glass" shall be deleted and "plain glass" shall be inserted.

vi. In Section 3004.5, Plumbing and mechanical systems, the exception shall be deleted.

20. Chapter 31, Special Construction, shall be amended as follows:

i. New Section 3102.3.2, which shall be the text of Section 3104.6 of the 1996 BOCA National Building Code, shall be inserted as follows: "Certification: An affidavit or affirmation shall be submitted to the code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit or affirmation shall attest to the following

information relative to the flame-resistance of the fabric:

1. Names and addresses of the owners of the tent or air-supported structure.
2. Date the fabric was last treated with flame-resistant solution.
3. Trade name or kind of chemical used in treatment
4. Name of person or firm treating the material.
5. Name of testing agency and test standard by which the fabric was tested."

ii. Section 3103.1.1 shall be deleted in its entirety and the following shall be inserted:

"(1) Temporary structures: A construction permit is required for the erection, operation or maintenance of all temporary structures (excluding tents and tensioned membrane structures) covering an area in excess of 120 square feet, including all connecting areas or spaces with a common means of egress or entrance, or which are used or intended to be used for gatherings of 10 or more persons;

(2) Tents with appurtenances: A construction permit is required for the erection, operation or maintenance of all tents or tensioned membrane structures of any size if they contain appurtenances such as platforms or electrical equipment;

(3) Tents without appurtenances: No permit is required for the erection, operation or maintenance of any tent or tensioned membrane structure without appurtenances if the tent or structure is no more than 900 square feet in area and no more than 30 feet in any dimension (excluding canopies), whether it is one unit or composed of multiple units. Tents used exclusively for recreational camping purposes shall be exempt from the above requirements.

(4) A temporary greenhouse, also called a "hoop-house" or "polyhouse," used exclusively for the production or storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets the following criteria:

- (A) There is no permanent anchoring system or foundation;
- (B) There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;
- (C) The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area; and
- (D) The covering of the structure is of a material no greater than six nails (152.4 micrometers) in thickness,

conforming to NFPA 701 standard, that yields approximately four pounds of maximum impact resistance to provide egress through the wall.

(5) The provisions of the Uniform Construction Code at N.J.A.C. 5:23-3.14(b)20ii(4) notwithstanding, if a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only.

iii. Section 3109, Swimming Pool Enclosures, shall be deleted in its entirety and the following shall be inserted:

“3109

#### SWIMMING POOLS, SPAS AND HOT TUBS

3109.1 General. The provisions of this section shall control the design and construction of swimming pools, spas and hot tubs .

3109.2 Definitions. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

#### BARRIER.

A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

#### HOT TUB.

See “Swimming pool.”

#### IN-GROUND POOL.

See “Swimming pool.”

#### RESIDENTIAL.

That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

#### SPA, NONPORTABLE.

See “Swimming pool.”

#### SWIMMING POOL.

Any structure intended for swimming or recreational bathing that contains water, provided that these regulations shall not be applicable to any such pool less than 24 inches (610 mm) deep or having a surface area less than 250 square feet (23.25 m<sup>2</sup>). This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

#### SWIMMING POOL, INDOOR.

A swimming pool that is totally contained within a structure and surrounded on all four sides by walls of said structure.

#### SWIMMING POOL, OUTDOOR.

Any swimming pool, which is not an indoor pool.

3109.3 In-ground public pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-1 as listed in Chapter 35.

3109.4 In-ground Residential pools. In-ground residential pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Chapter 35.

3109.5 Permanently installed public spas and hot tubs. Permanently installed public spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-2 as listed in Chapter 35.

3109.6 Portable residential spas and hot tubs. Portable residential spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Chapter 35.

3109.7 Enclosures for private swimming pools, spas and hot tubs. The provisions of this section shall control the design of barriers for residential swimming pools, spas and hot tubs.

3109.7.1 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1,219 mm) above grade measured on the side of the barrier, which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (51 mm) measured on the side of the barrier, which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches (102 mm).

2. Openings in the barrier shall not allow passage of a four-inch-diameter (102 mm) sphere.

3. Solid barriers, which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1,143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1,143 mm) or more, spacing between vertical members shall not exceed four inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 1.25-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than 1.75 inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1,372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least three inches (76 mm) below the top of the gate, and

8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

9.1. The ladder or steps shall be surrounded by a barrier that meets the requirements of Section AG105.2, Items 1

through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch-diameter (102 mm) sphere.

3109.8 Barrier exceptions. Spas or hot tubs with a safety cover that complies with ASTM F 1346, as listed in Chapter 35, shall be exempt from the provisions of this section.

3109.9 Enclosures for public swimming pools, spas and hot tubs. Public swimming pools shall be completely enclosed by a fence at least four feet (1,290 mm) in height or a screen enclosure. Openings in the fence shall not permit the passage of a four-inch (102 mm) diameter sphere. The fence or screen enclosure shall be equipped with self-closing and self-latching gates."

21. Chapter 32, Encroachments into the Public Rights of Way, shall be amended as follows:

i. In Section 3202.1.2, Vaults and other enclosed spaces, "authority or legislative body having jurisdiction" shall be deleted and "Uniform Construction Code (N.J.A.C. 5:23)" shall be inserted.

ii. In Section 3202.3.4, Pedestrian walkways, "authority having jurisdiction" shall be deleted and "the construction official" shall be inserted.

iii. In Section 3202.4, Temporary encroachments, "local authority having jurisdiction" shall be deleted and "municipality" shall be inserted.

22. Chapter 33, Safeguards During Construction, shall be amended as follows:

i. Sections 3303.1, Construction documents; 3303.2, Pedestrian protection; 3303.4, Vacant lot; 3303.5, Water accumulation; and 3303.6, Utility connections, shall be deleted in their entirety.

ii. In the last sentence of Section 3309.1, Where required, "On construction sites," shall be inserted before "All." In addition, in the last sentence, "Section 906" shall be deleted and "the International Fire Code" shall be inserted.

23. Chapter 34, Existing Structures, shall be deleted in its entirety.

24. Chapter 35, Referenced Standards, shall be amended as follows:

i. Under the subheading "ASME," the following reference shall be inserted: "ASME A18.1-1999, Safety Standard for Platform Lifts and Stairway Chairlifts, with A18.1a-2001 addenda."

ii. Under the subheading "NFPA," "NFPA 13-96, Installation of Sprinkler Systems; NFPA 13D-96, Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes; and NFPA 13R-96, Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height" shall be deleted and "NFPA 13-99 Installation

of Sprinkler Systems; NFPA 13D-99, Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes; and NFPA 13R-99, Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height” shall be inserted. In addition, “NFPA 20-99, Installation of Centrifugal Fire Pumps” shall be inserted after “NFPA 17A-98, Wet Chemical Extinguishing Systems.”

iii. Under the subheading “NSPI” the following NSPI Standards shall be inserted: “ANSI/NSPI-1, Permanently Installed Public In-ground Public Pools, ANSI/NSPI-2, Permanently Installed Public Spas, ANSI/NSPI-3, Standard for Permanently Installed Residential Spas, ANSI/NSPI-4, Standard for Residential Above-Ground/One-Ground Swimming Pools, and ANSI/NSPI-5, Standard for Residential In-ground Swimming Pools.”

25. The Appendices shall be amended as follows:

i. Appendix A, Employee Qualifications; Appendix B, Board of Appeals; Appendix C, Group U—Agricultural Buildings; Appendix D, Fire Districts; Appendix E, Supplementary Accessibility Requirements; Appendix F, Rodent Proofing; and Appendix G, Flood Resistant Construction, shall be deleted in their entirety.

ii. In Appendix H, at the beginning of the Appendix, the sentence, “The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance,” shall be deleted in its entirety.

(1) In Appendix H, Section H101.2, Signs exempt from permits, shall be deleted in its entirety.

(2) In Appendix H, Section H105.2, Permits, drawings and specifications, “as provided in Chapter 1” shall be deleted and “as provided in N.J.A.C. 5:23-2.14” shall be inserted.

(3) In Appendix H, Section H106.1, Illumination, “ICC Electrical Code” shall be deleted and “electrical subcode” shall be inserted.

(4) In Appendix H, Section H106.2, Electrical service, “ICC Electrical Code” shall be deleted and “electrical subcode” shall be inserted.

iii. Appendix I, Patio Covers, and Appendix J, Supplementary Accessibility Requirements for Qualified Historic Buildings and Facilities, shall be deleted in their 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.1983 d.12, eff. February 7, 1983, operative February 22, 1983.

See: 14 N.J.R. 132(a), 15 N.J.R. 141(c).

Added (a)2 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).

This section was substantially amended.

Amended by R.1985 d.154, effective April 1, 1985 (operative July 1, 1985.)

See: 17 N.J.R. 239(a), 17 N.J.R. 810(a).

(a)2 added; subsection (c) added.

Correction: N.J.A.C. 5:23-3.14(c)5 was incorrect in adoption.

See: 17 N.J.R. 1409(a).

Amended by R.1985 d.324, effective July 1, 1985.

See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).

(b)3i: amended text.

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.1988 d.270, effective June 20, 1988.

See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).

Added (a)3 and (c).

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 (c)2ii, 4, 5 and 7.

Amended by R.1990 d.325, effective July 2, 1990.

See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).

Text added at (b)5xii(1) to conform to Fire Code.

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.1990 d.558, effective November 19, 1990.

See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).

Conditional exemption for hoopouses or polyhouses added.

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

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

Article 26 amended at (b)14.

Amended by R.1991 d.429, effective August 19, 1991.

See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).

In (a), added 3. Added (c).

Amended by R.1992 d.244, effective June 15, 1992.

See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).

Text added at (b)10v through viii.

Amended by R.1993 d.662, effective December 20, 1993.

See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1995 d.477, effective September 5, 1995.

See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).

Added (b)2v.

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.2000 d.492, effective December 18, 2000.

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

Rewrote (b)25.

Amended by R.2001 d.127, effective April 16, 2001.

See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).

In (a)9, added new ix and recodified former ix through xiii as new x through xiv.

Amended by R.2001 d.368, effective October 15, 2001.

See: 33 N.J.R. 1990(a), 33 N.J.R. 3673(b).

In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.

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

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

In (b), substituted “seven” for “7½ (2335 mm)” in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.

Amended by R.2002 d.215, effective July 1, 2002.

See: 34 N.J.R. 1078(a), 34 N.J.R. 2312(a).

In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.

Administrative correction.

See: 34 N.J.R. 3771(b).

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.

Administrative correction.

See: 35 N.J.R. 2864(b).

Amended by R.2003 d.351, effective September 2, 2003.

See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).

In (b)9, added xi; recodified existing xi to xiii as xii to xiv.

Amended by R.2003 d.420, effective November 3, 2003.

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

Rewrote (b).

Administrative correction.

See: 36 N.J.R. 3525(c).

Amended by R.2004 d.423, effective November 15, 2004.

See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).

In (b)5, added ii.

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

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

In (b)19, added new iv and recodified former iv and v as v and vi.

#### Case Notes

Set back provisions of borough zoning ordinance controlled conflicting state building code provisions. *Pfeuffer v. Sculco*, 242 N.J.Super. 181, 576 A.2d 309 (A.D.1990).

### 5:23-3.15 Plumbing subcode

(a) Rules concerning 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 Association of Plumbing Heating-Cooling Contractors, known as "The National Standards Plumbing Code/2003," as the plumbing subcode for New Jersey.

i. Copies of this code may be obtained from the sponsor at: NAPHCC, P.O. Box 6808, Falls Church, VA 22046.

2. "The National Standard Plumbing Code/2003," including appendices, may be known and cited as "the plumbing subcode."

(b) The following pages, chapters, sections or appendices of the plumbing subcode are amended as follows:

1. The section entitled "Administration," comprising sections ADM 1.1 through ADM 1.13, is deleted in its entirety.

2. Chapter 1 of the plumbing subcode, entitled "Definitions," is amended as follows:

i. Delete the term and definition of "Adopting Agency."

ii. Amend the definition of "approved" as follows: delete "Sec. 3.12" and insert "N.J.A.C. 5:23-3.7."

iii. Delete the definition of "Authority Having Jurisdiction" and insert the following: "Unless otherwise defined herein, or unless the context clearly indicates otherwise, the term "authority having jurisdiction" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."

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

v. In the definition of "Building Classification" delete "authority having jurisdiction" and insert "building subcode" at N.J.A.C. 5:23-3.14.

vi. The term and definition of "code" are deleted.

vii. The term and definition of "family" are deleted.

viii. The term and definition of "nuisance" are deleted.

ix. Add the following new definition after the definition of Swimming Pool: Swimming Pool, Public: A swimming pool located on any property other than a one or two family residential property and including, but not limited to, swimming pools open to the use of members, residents or the public.

3. Chapter 2 of the plumbing subcode, entitled "General Regulations," is amended as follows:

i. Section 2.5 is deleted in its entirety.

ii. In Section 2.9.3 delete "Building Code or as required by the proper Authority Having Jurisdiction" and insert "building subcode."

iii. Section 2.12 is amended to delete subparagraph e.

iv. In Section 2.16, at Item 1, insert the number "42" in the blank space provided. Additionally, add the following sentence: "Combination domestic/fire water service piping shall be installed such that the minimum earth cover is 42 inches or the top of the pipe is 12 inches below the frost depth of the locality, whichever is greater. Limited-area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building subcode, shall be installed such that the minimum earth cover is 42 inches." In the same section, at Item 2, insert the number "24" in the blank space provided.

v. Section 2.19.1 is amended to delete the blank and the words "feet of any property line of the premises, or other."

vi. Section 2.19.2 is amended to delete the words "the Health Department or other agency having jurisdiction" and substitute in lieu thereof "The New Jersey Department of Environmental Protection."

vii. In Section 2.25, at Item 8, insert "and which does not otherwise adversely affect health and safety" at the end of the section.

4. Chapter 3 of the plumbing subcode, entitled "Materials," is amended as follows:

i. In Section 3.1.1 delete "Minimum." In the same section at items (1) and (2), delete "Section 3.12.2" and insert "N.J.A.C. 5:23-3.7."

ii. In Section 3.1.2, at Item a, delete "at least." In the same section, delete "Section 3.12" and insert "N.J.A.C. 5:23-3.7."

iii. In Section 3.13 delete "Section 3.12.2" and insert "N.J.A.C. 5:23-3.7."

iv. Section 3.3.8a is amended to add the following phrase: "Pressure vessels shall be designed and constructed in accordance with the requirements of American Society of Mechanical Engineers, (ASME), Rules for Construction of Pressure Vessels, Section VIII/1998. Any pressure vessel that exceeds any of the following, shall meet the requirements of ASME and shall be stamped ASME: A heat input rating of 200,000 BTU per hour; or a water temperature of 200 degrees Fahrenheit; or a nominal water capacity of 120 gallons or any other thresholds of ASME that apply."

v. Section 3.3.11 entitled "Septic Tanks" is deleted in its entirety.

vi. Add new section 3.4.2.1 as follows: 3.4.2.1 Combination Domestic/Fire Water Service: Water service piping for combination domestic/fire water services shall be of materials listed in Table 3.4 and shall be water pressure rated not less than 200 psig at 73°F Joint restraints shall comply with Section 6.3, entitled "Joint Restraint for Fire Mains" per NFPA 13.

Exception: Limited area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building subcode, shall be water pressure rated not less than 160 psig at 73°F.

vii. In Section 3.11.1 delete "approved by the Authority Having Jurisdiction."

viii. In Section 3.11.2 delete "except as may be otherwise authorized by the Authority Having Jurisdiction."

ix. Sections 3.12.1, 3.12.2, 3.12.3, 3.12.4, and 3.12.5 are deleted in their entirety.

5. Chapter 4 of the plumbing subcode entitled, "Joints and Connections" is amended as follows:

i. In Section 4.3.8(b)(3) delete "be approved by the Authority Having Jurisdiction if such products are not listed or labeled" and insert "or as permitted under N.J.A.C. 5:23-3.7."

6. Chapter 5 on the plumbing subcode entitled, "Traps, Cleanouts and Backwater Valves" is amended as follows:

i. In Section 5.3.2, Exception (2), delete "administrative authority" and insert "Authority Having Jurisdiction in accordance with N.J.A.C. 5:23-3.3."

ii. In Section 5.3.4 delete "administrative authority" and insert "Authority Having Jurisdiction in accordance with N.J.A.C. 5:23-3.3."

7. Chapter 6 of the plumbing subcode, entitled "Liquid Waste Treatment Equipment," is amended as follows:

i. At the end of Section 6.1.1 delete "in the opinion of the administrative authority" and add the following: "The determination of necessity shall be made by the plumbing subcode official in accordance with N.J.A.C. 5:23-3.3."

ii. Section 6.4.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the word "approval" on line 2.

8. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances" is amended as follows:

i. Section 7.2 is amended to read "Plumbing fixtures for accessible use and their installation shall conform to the requirements of N.J.A.C. 5:23-7 et. seq."

ii. In Section 7.4.4, Exception (2) shall be deleted and the following text shall be inserted: "Accessible water closets shall conform to the requirements of N.J.A.C. 5:23-7 et seq. In facilities intended primarily for use by the water closets, other than those required to be accessible, shall be at least 17 inches high."

iii. At the end of Section 7.18.2 after "Authority Having Jurisdiction" insert "in accordance with N.J.A.C. 5:23-3.3."

iv. Note 1 to Table 7.21.1 is amended to delete the words "For handicap requirements see local, state, or national codes." in the second sentence.

v. Figure 7.3.2 is amended to delete the word "Code" and substitute in lieu thereof "Subcode" in the block at bottom.

vi. A new section 7.25 is added as follows:

#### "7.25 Safety Features for Public Swimming Pools.

Public swimming pools shall comply with the following sections of the N.J. Department of Health and Senior Services, Chapter 26 "Public Recreational Bathing," Subchapter 3.

Swimming Pools. N.J.A.C. 8:26-3.16 Inlets and outlets:

(c)1. All swimming pools shall be equipped with main drain suction outlets in the lowest point of the swimming pool floor. The spacing of the main drain suction outlets shall not be greater than 20 feet on center, nor more than 15 feet from each side wall.

(d) The suction outlets shall be designed to protect against a suction entrapment, evisceration, and/or hair entanglement/entrapment hazard.

2. A minimum of two hydraulically balanced suction outlets equipped with covers shall be provided per swimming pool pump suction line.