

1. Approved central station system in accordance with NFPA 72;
2. Approved proprietary system in accordance with NFPA 72;
3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFPA 72;
5. The following are exceptions to (d) above:
  - i. Underground gate valves with roadway boxes;
  - ii. Halogenated extinguishing systems;
  - iii. Carbon-dioxide extinguishing systems;
  - iv. Dry chemical extinguishing systems; and
  - v. Limited area sprinkler systems. (Fire)

(e) Technical Requirements for Smoke Barriers: Wherever smoke barriers are required by this subchapter, they shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire resistance rating of not less than one-half hour and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions. Wire glass panels not exceeding 1,296 square inches in approved steel frames may be used in smoke barriers.
  - i. Exception: Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.
2. A means of egress shall be provided from each smoke compartment created by smoke barriers such that it is possible to reach an exit without re-entering the smoke compartment.
3. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wire glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbets or astragals are required at the meeting edges of

double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

- i. Exception: Protection at the meeting edges of doors and stops at the head and sides of door frames may be omitted in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.
4. Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds against the hold-open device.
5. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.
  - i. In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke on either side of the smoke barrier door opening.
  - ii. Dampers are not required in buildings equipped with an approved engineered smoke control system.
  - iii. Dampers are not required where the openings in ducts are limited to a single smoke compartment and the ducts are of steel construction. (Plan review—Building, Fire. Inspection—Building)

(f) Existing alarm systems and automatic sprinkler systems shall be accepted provided that they meet the requirements of N.J.A.C. 5:23-6.8, Materials and methods, or the standards applicable at the time of their installation and provided that there is no increase in the hazard of the use or in the load. (Fire)

(g) Technical Requirements for Elevator Devices: Where elevator requirements are triggered by the supplemental requirements for each group (N.J.A.C. 5:23-6.12A through 6.28A), the following shall apply:

1. Passenger elevators. Elevator devices accessible to the general public shall conform to:
  - i. ASME A17.3-1993 requirements for Hoistway Door Locking Devices, Parking Devices, and Access (Sections 2.7, 4.1); Hoistway Entrances (Sections 2.6, 4.1); Power Operation of Doors and Gates (Sections 2.8, 4.1); Floating Platforms (Sections 3.3.4); Car Doors and Gates (Section 3.4.2); Location of Car Doors and Gates (Section 3.4.3); Emergency Exits (Section 3.4.4); Car Illumination (Section 3.4.5) and

Protection of Light Bulbs and Tubes (Section 3.4.6); Terminal Stopping Devices (Sections 3.9, 4.6); Operating Devices and Control Equipment (Section 3.10, 4.7 except 4.7.8); Car Emergency Signaling Devices (Sections 3.11.1 and 4.7.8); Stop Switch (Pits) (Sections 2.3.3, 4.1); Machine Rooms and Machinery Spaces: Lighting (Section 2.2.3) and Ventilation (Section 2.2.4); Check Valve (Hydraulic Elevators) (Section 4.4.2).

ii. ASME A17.1-1996 requirements for Shutoff Valve (Rule 303.4a) and Manual Lowering Valve (Rule 303.4d)

2. Freight elevators. Elevators which are allowed to carry passengers by the authority having jurisdiction shall conform to ASME A17.1-1996 Rule 207.4 and ASME A17.3-1993 requirements for Car Frames and Platforms (Section 3.3) and Location of Car Doors and Gates (Section 3.4.3).

3. Elevators shall be equipped with emergency operation as required by ASME A.17.1-1987, Rules 211.3 through 211.4 and 211.7.

i. Phase II emergency operation shall be provided only if required by the requirements for high-rise buildings contained in the supplemental requirements for each group, N.J.A.C. 5:23-6:12A through 6.28A. In addition, when phase II emergency operation is required, standby power shall be provided. Standby power shall be installed in accordance with the electrical subcode. The elevator powered by a standby power system shall be subject to the requirements of ANSI/ASME A17.1-1996 Rule 211.2.

4. Escalators shall conform to ASME A17.3-1993 for Operating and Safety Devices (Section 5.3), Anti-Slide Devices (5.1.4), Handrail Guards (5.1.6), Guards at Ceiling or Soffit Intersection (5.1.3), Lighting (5.4), Distinction Between Comb and Step (5.5.2), Adjacent Floor Surfaces (5.5.3). (Elevator)

(h) Specific Occupancy Areas: Specific occupancy areas, as listed below, shall comply with the following:

1. Paint shops in other than Group F which contain chemicals below the exempt amount for Group H, waste and soiled linen collection rooms and chute termination rooms shall be separated from other portions of the building by a one-hour fire partition or provided with an automatic sprinkler system.

2. Incinerator rooms in all groups shall be separated from other portions of the building by a two-hour fire separation assembly and provided with an automatic sprinkler system.

3. In Groups I-2, I-3 and I-4, physical plant maintenance shops, laundries in excess of 100 square feet in area and padded cells shall be separated from other portions of the building by a one-hour fire partition or provided with an automatic sprinkler system. (Building)

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

In (a), substituted "R-5" for "R-4"; in (b)1, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (g)1ii and (g)3i, substituted "A17.1-1996" for "A17.1-1993"; in (g)1ii, deleted "Supply Line" preceding "Shutoff Valve"; in (h)3, substituted ", I-3 and I-4" for "and I-3".

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

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

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout.

### 5:23-6.31 Change of use

(a) General: The following are of general applicability to changes of use:

1. When the use of a building is changed, then the building must be brought into compliance with the requirements of this section. Each of the lettered subsections of this section establishes a specific type of requirement. This section establishes requirements for compliance with the basic requirements of this subcode, for means of egress, for enclosure of vertical openings, for height and area limitation, for exterior wall fire resistance, for automatic sprinkler systems, for fire alarm systems, for fire detection systems, for structural soundness, for plumbing, electrical, and mechanical systems, and for accessibility.

i. Limit on new buildings undergoing a change of use: Buildings that have been occupied for their originally intended use for less than one year shall be required to comply with the requirements of the Uniform Construction Code for new construction for the proposed use.

2. The subsections governing compliance with the basic requirements, means of egress, height and area limitations, exterior wall fire resistance, and automatic sprinkler systems incorporate Relative Group Hazard Index Tables. Compliance with the requirements of the subsection is required when the change of use will increase the relative hazard. Each of the subsections should be applied separately to the proposed new use.

3. This section may require an owner to undertake work in order to be permitted to change the use of a building or a portion of a building. Additionally, the owner of a building may wish to undertake other work not required by the section. That work must comply with the requirements for repair, renovation, alteration, and/or reconstruction applicable to the new group in accordance with the provisions of this subcode.

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

5. Where the character of use of an existing building or portion thereof is changed to one of the following special use or occupancy categories as defined in the building subcode, the building or portion shall comply with the referenced section of the building subcode specific to the special use or occupancy regardless of whether a change of use group is involved.

- i. Covered Mall Building—Section 402;
- ii. Atriums—Sections 404;
- iii. Underground Buildings—Section 405;
- iv. Motor-Vehicle-Related Occupancies—Section 406;
- v. Motion Picture Projection—Section 409;
- vi. Stages and Platforms—Section 410;
- vii. Special Amusement Buildings—Section 411:

(1) A variation shall not be granted for the flame spread and smoke development ratings of interior finish and trim requirements of section 413.0.

(2) For the use of a building as a special amusement building, where a variation request has been submitted, the Construction Official shall consult with the Fire Official as required by N.J.A.C. 5:23-6.2(i).

- viii. Aircraft-Related Occupancies—Section 412;
- ix. Hazardous Materials—Section 414;
- x. Application of Flammable Finished—Section 416;
- xi. Drying Rooms—Section 417;
- xii. Organic Materials—Section 418. (Plan review—Building, Fire, Inspection—Building.)

6. Any automatic sprinkler system or fire detection and/or alarm requirements applicable to the special use or occupancy shall be applied throughout the entire building unless the special use or occupancy is separated from the remainder of the building by fire separation assemblies having a rating of at least two hours. (Fire)

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

8. Where an existing single-family dwelling is converted into a two-family dwelling, the following shall apply:

i. Single or multiple smoke detectors shall be installed and maintained within each dwelling unit as required by Sections 907.2.10.1.2 and 907.2.10.1.3 of the building subcode.

ii. Fire separation between dwelling units.

(1) One-hour dwelling unit separation; or

(2) Two layers of 5/8-inch thick type X gypsum wallboard. The base layer shall be applied at right angles to the joists with 1¼-inch minimum drywall screws or nails at 24 inches on center. The face layer shall be applied at right angles to the joists with 1 - inch minimum drywall screws or nails at 12 inches on center. The face layer joints shall be offset from the base layer joints by a minimum of one joist bay. The joints of the face layer shall be taped and provided with a minimum of one layer of spackle.

(b) Compliance with Basic Requirements: Compliance with the basic requirements shall be required as follows:

TABLE B  
Relative Group Hazard

1 (highest)	H-1, H-2, H-3
2	A-1, A-2 Nightclubs, H-4, H-5, F-1, I-3, M, S-1
3	A-2 Other than Nightclubs, A-3, A-4, A-5, B, F-2, I-2, I-4, R-1, S-2
4	A-3 Churches, E, I-1, R-2 and R-4 buildings more than two stories in height or more than four dwelling units
5 (lowest)	R-2 and R-4 buildings two stories or fewer in height and four dwelling units or less, R-3, R-5, U

1. When the use of a building is changed to a higher relative group hazard as shown in Table B above, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 applied throughout the building for the new group unless otherwise provided. Where another lettered subsection of this section establishes a requirement that differs from the basic requirement, the requirement contained in that other lettered subsection shall govern.

i. Where a portion of a building is changed to a higher relative group hazard, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for an automatic sprinkler system and fire detection and/or alarms applied throughout the building for the new group unless the proposed use is separated from the existing use(s) by assemblies with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode in which case only the portion changed shall comply. The portion of the building changed shall comply with all other basic

requirements of N.J.A.C. 5:23-6.10 through 6.30 for the new group.

2. When a change of use is made to an equal or lesser relative group hazard as shown in Table B above, the existing building is not required to comply with the basic requirements except where required in connection with alteration or reconstruction work by the sections of this subcode applicable to alteration or reconstruction work.

(c) Means of Egress: The following requirements apply to means of egress in a change of use:

TABLE C

Hazard Categories and Classifications  
Means of Egress

Relative Hazard	Use Classification
1 (highest)	H-1, H-2, H-3
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, R-5, S-1, H-4, H-5
5 (lowest)	F-2, S-2, U

1. For any change of use, except a change of use to Group A-2 Nightclubs, the occupant load of the space shall be calculated based on the capacity of the exits as per N.J.A.C. 5:23-6.11(b). The occupant load shall not exceed one occupant per five square feet floor area unless the building complies with Chapter 10 of the building subcode in its entirety.

i. For Group A-2 Nightclubs, the occupant load shall be calculated using Section 1008.1 of the building subcode, except the maximum occupant load shall not exceed one occupant per five square feet of occupiable floor space.

ii. Where a portion of a building undergoes a change of use, the determination of the capacity of the exit(s) serving that portion shall include all spaces served by those exit(s).

2. When a change in use is made to a higher hazard category as shown in Table C above, the entire building or portion thereof shall comply with the following requirements of the building subcode or of this subcode as specified below.

i. Sections 1003.2.10, (Exit signs), 1003.2.11, (Means of Egress illumination), and 1004.3.2.4 (Air movement in egress elements);

ii. Section 1003.3.1 (Doors) except sections 1003.3.1.1 (Size of doors). Apply the Basic Requirements (6.10 through 6.30) for door widths;

iii. Section 1003.3.2 (Gates);

iv. Section 1003.3.3 (Stairways) except 1003.3.3.1 (Stairway width), 1003.3.3.2 (Headroom), 1003.3.3.3, (Stair tread and riser) and 1003.3.3.11 (Handrails) Apply the Basic Requirements (6.10 through 6.30) for stair widths;

v. Section 1003.3.4 (Ramps);

vi. Section 1003.3.5 (Turnstiles);

vii. Sections 1004.2 (Exit access design requirements).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;

viii. Section 1004.3 (Exit access components) except 1004.3.2.2 (Corridor width). Apply the Basic Requirements (6.10 through 6.30) for corridor widths.

(1) Existing lath and plaster in good condition or existing 1/2-inch thick gypsum wallboard on both sides of the wall shall be accepted where a one-hour fire separation assembly is required by 1004.3.2.1 (Construction);

ix. Section 1005.2 (Exit design requirements).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;

x. Sections 1005.3.1 (Exterior exit doors), 1005.3.3 (Exit passageways), 1005.3.5 (Horizontal exits);

xi. Section 1006 (Exit discharge);

xii. Section 1007 (Miscellaneous means or egress requirements); and

xiii. Section 1008 (Assembly).

3. When a change of use is made to an equal or lesser hazard category as shown in Table C above, the existing building is not required to comply with the requirements contained in (c)2 above except in areas where reconstruction work being performed in connection with the change of use triggers these requirements.

4. Vertical opening protection shall be provided for all stairs in accordance with N.J.A.C. 5:23-6.10 through 6.30 when a change of use that also constitutes a change of group is made and the proposed group is a higher hazard category as shown in Table C above.

i. Where the group of a portion of a building is changed to a higher hazard category, vertical opening protection shall be provided for all stairs serving the proposed group from the floor(s) on which the proposed group is located to the level of exit discharge.

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a single exit building, the building shall meet the requirements of Section 1005.2.2 (single exits) of the building subcode for the proposed use.

6. When a change of use is made to any residential group (R-1, R-2, R-3, R-4 or R-5) or to Group I-1, every sleeping room below the fourth story shall have at least one operable window or exterior door. Where windows are provided to comply with this requirement, the window shall have a sill height of not more than 44 inches, and have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

i. An outside window or exterior door is not required in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits.

ii. An outside window or exterior door is not required in buildings equipped throughout with an automatic sprinkler system.

iii. In a building that originally was in Group R-3 or R-5 and is returning to Group R-3 or R-5, the windows shall be permitted to remain as they were during the time when the building previously was in use as a residence. (Plan review—Building, Fire, Inspection—Building)

7. Notwithstanding the relative hazard as determined by Table B or C above, where any change in use occurs to a Group A or Group E with an occupant load greater than 100, approved panic hardware shall be installed in accordance with Section 1003.1.9 of the building subcode.

(d) Enclosure of vertical openings:

1. For any change of use that also constitutes a change in group, vertical openings other than stairs shall be protected as required by N.J.A.C. 5:23-6.10 through 6.30 for the proposed use within each space undergoing a change of use.

2. Stairs shall be enclosed in accordance with N.J.A.C. 5:23-6.10 through 6.30 for the proposed use when a change of use that also constitutes a change of group is made and the proposed group is a higher hazard category as shown in Table C above.

3. Atriums in compliance with Section 404 of the building subcode are not required to be enclosed. (Plan review—Building, Fire, Inspection—Building)

(e) Height and Area Limitations: The following height and area limitations apply in a change of use.

TABLE E  
Hazard Categories and Classifications  
Height and Area

Relative Hazard	Use Classification
1 (highest)	A-2 Nightclubs, H-1, H-2, I-2, I-3, I-4
2	A-1, A-2 Other than Nightclubs, A-3, A-4, E, F-1, H-3, H-4, H-5, I-1, M, S-1
3	A-3 Churches, B, R-1, R-2, R-4
4 (lowest)	F-2, R-3, R-5, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table E above, the height and area of the building shall meet the limitations of Chapter 5 of the building subcode for the proposed group.

i. For the purpose of determining the construction type, the fire resistance rating of the following structural elements shall be considered: exterior loadbearing walls, interior loadbearing walls, columns, girders, trusses and framing, floor construction, including beams, and roof construction, including beams, trusses and framing, arches and roof decks.

2. When a change of use is made to an equal or lesser hazard category as shown in Table E, the existing building may continue to exceed the maximum allowable height and area permitted for new buildings.

3. Where a change of use is made in a mixed use building or a single use building is changed to a mixed use building, and any of the proposed uses is a higher category as per Table E, the building shall comply with one or any combination of the following:

i. Nonseparated groups: The maximum allowable height and area shall be determined by applying the more restrictive of the height and area limitations of each group, as per Table 503 of the building subcode, to the entire building.

(1) Occupancies of Group H shall not be permitted to be unseparated when located in the same building as Groups A, E, I, M, R, or non-accessory Group B.

(2) Accessory occupancies in compliance with Section 302.2 of the building subcode are not required to comply with this requirement.

(3) When a change of use is made such that any nonresidential use is located below a residential use, a one-hour fire separation shall be provided between the groups. The exits from the residential floors shall be separately enclosed.

ii. Separated groups: Each portion of the building containing a group shall be completely separated from adjacent groups by fire separation assemblies and floor/ceiling assemblies having a fire resistance determined in accordance with Table 302.3.3 of the building subcode. For buildings equipped throughout with an

automatic sprinkler system, the required fire resistance rating for groups other than H is permitted to be reduced by one hour, but shall not be reduced to less than one hour. Each portion of the building shall comply with the height limitation of Table 503 of the building subcode for that group. In each story, the area shall be such that the sum of the ratios of the floor area of each group divided by the allowable area of Table 503 of the building subcode for each group shall not exceed 1.0.

(1) Exception: Accessory occupancies in compliance with Section 302.2 of the building subcode are not required to comply with this requirement.

iii. Separate buildings: If each group is separated from other groups by fire walls that meet the requirements of Table 601 of the building subcode, then each group shall be considered a separate building. Each building shall comply with the height and area limitation of Table 503 of the building subcode.

(1) Exception: Accessory occupancies in compliance with Section 302.2 of the building subcode are not required to comply with this requirement.

4. Change of use of an unlimited area building shall comply with the provisions of Section 507 of the building subcode for the proposed use. (Plan review—Building, Fire, Inspection-Building)

(f) Exterior Wall Fire Resistance Ratings and Maximum Area of Exterior Wall Openings: The following exterior wall fire resistance ratings and maximum area of exterior wall openings apply in changes of use:

TABLE F  
Hazard Categories and Classifications  
Exposure of Exterior Walls

Relative Hazard	Use Classification
1 (highest)	H
2	Buildings exceeding 12,000 sq ft of F-1, M or S-1
3	A, B, E, F-2, I, R-1, S-2 Buildings 12,000 sq ft or less of F-1, M or S-1
4 (lowest)	R-2, R-3, R-4, R-5, U

1. Exterior Wall Protection: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall fire resistance rating in the table below shall be met.

Requirements for Exterior Wall Fire Resistance Rating Building Group<sup>b</sup>

Fire Separation Distance	A, B, E, F-2, S-2, H-4, H-5, I, R-1		
	H-2	F-1, H-3, M, S-1	H-4, H-5, I, R-1
0-5 feet	4	3	2 <sup>a</sup>
Over 5-10 feet	3	2	1
Over 10-15 feet	2	1	0

Fire Separation Distance	A, B, E, F-2, S-2, H-4, H-5, I, R-1		
	H-2	F-1, H-3, M, S-1	H-4, H-5, I, R-1
Over 15-30 feet	1	0	0
Over 30 feet	0	0	0

Note a: Existing eight-inch hollow or six-inch solid masonry walls shall be accepted as a two-hour rating in other than Group H-2 or H-3.

Note b: When the group of a building is changed to H-1, the building shall be located in accordance with Section 415.3 of the building subcode.

i. The requirements for exterior wall fire resistance rating shall not apply to exterior walls which face buildings on the same lot where the buildings are such that, if combined into one structure, the resulting building would comply with the height and area limitations of Table 503 of the building subcode.

ii. Where a portion of a building is changed to a higher hazard classification, exterior walls and openings of the entire building shall comply with the provisions of this section. If the proposed use is separated from the rest of the building by walls with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode, then only the portion changed must comply with the provisions of this section.

iii. When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in the rating of existing exterior walls is required.

iv. The fire resistance rating of non-loadbearing exterior walls may be reduced by one hour in buildings equipped throughout with an automatic sprinkler system. In a building equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13, the fire resistance rating of a non-loadbearing exterior wall may be reduced by one hour with the following exceptions:

(1) Exception: Where the fire separation distance is five feet or less, the fire resistance rating shall not be reduced to less than one hour.

(2) Exception: The rating of non-loadbearing exterior walls shall not be reduced in buildings of Group H.

2. Exterior Wall Openings: If the group of a building is changed to a higher hazard classification in accordance with Table F, the requirements for exterior wall openings in the table below shall be met.

Fire Separation Distance	Group			Exterior Wall Requirements
	H-2	F-1, H-3, M, S-1	H-4, H-5, I, R-1	
0-5 feet	4	3	2 <sup>a</sup>	No opening permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 20 feet or less.
Over 5-10 feet	3	2	1	
Over 10-15 feet	2	1	0	

<p><b>Group</b> A-1, A-2 Nightclubs, A-2 Other than Nightclubs, A-3, A-4, A-3 Churches, B, E, F-1, I-1, I-2, I-3, I-4, M, S-1, R-1</p> <p>F-2, S-2</p>	<p><b>Exterior Wall Requirements</b> No openings permitted with a fire separation distance of three feet or less. Walls with a fire separation distance of 10 feet or less are permitted to have unprotected openings with an aggregate area not exceeding 10 percent of the area of the wall. Openings in excess of 10 percent of the aggregate wall area shall be protected. No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of five feet or less.</p>
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i. If the building is provided with an automatic sprinkler system throughout, the amount of unprotected openings shall be permitted to be increased to the limit for protected openings.

ii. In all occupancies other than Group H, unlimited unprotected openings are permitted in the first story of exterior walls facing a street which have a fire separation distance of greater than 15 feet, or facing unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet in width and shall have access from a street by a posted fire lane not less than 30 feet in width and shall have access from a street by a posted fire lane not less than 18 feet in width.

iii. When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in existing exterior wall openings is required. (Plan review—Building, Fire. Inspection-Building)

(g) Automatic Sprinkler Systems: The following automatic sprinkler system requirements apply in changes of use.

Table G

Hazard Categories and Classifications  
Automatic Sprinkler Systems

Relative Hazard	Use Classification
1 (highest)	H, I
2	A-2 Nightclubs, R-1, R-2, R-4
3	A-1, A-2 Other than Nightclubs, A-3, A-4
4	F-1, M, S-1
5	A-3 Churches, E
6 (lowest)	A-5, B, F-2, R-3, R-5, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table G, the building shall be provided with an automatic sprinkler system as required by the following sections of the building subcode: 903.2.1 for Group A occupancies, 903.2.2 for Group E occupancies, 903.2.3 for Group F-1 occupancies, 903.2.4 for Group H occupancies, 903.2.5 for Group I occupancies, 903.2.6 for Group M occupancies, 903.2.7 for Group R-1 occupancies, 903.2.8 for Group R-2, 903.2.9 for Group R-4, 903.2.10 for Group S-1, 903.2.11 for Group S-2, and 903.2.12.1 for windowless stories. When this section requires an automatic sprinkler system, compliance with 903.3 of the building subcode is also required.

i. When a portion of the building is changed to a higher hazard category and the proposed use is separated from the existing use(s) by assemblies that meet the applicable fire rating in Table 302.3.3 of the building subcode, an automatic sprinkler system as required above shall be installed only in the portion changed.

2. When a change of use is made to an equal or lesser hazard category as shown in Table G, there is no requirement to install an automatic sprinkler system except in areas where work being performed in connection with the change of use triggers a requirement for an automatic sprinkler system and in windowless stories in accordance with N.J.A.C. 5:23-6.30(c) of this subchapter.

3. Notwithstanding the relative hazard as determined by Table G, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy. (Fire)

4. Notwithstanding the relative hazard as determined by Table G above, when a change in the group or a change in the character of the use is made to create a dormitory, the building or portion thereof is required to be provided with an automatic sprinkler system.

(h) Fire Alarm and Detection Systems: When a change of use is made to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the building subcode. Where a portion of the building is changed to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed throughout the building in accordance with Section 907 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire resistance rating in accordance with Table 302.3.3 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Group A: A manual fire alarm system shall be installed and maintained as required by Section 907.2.1 of the building subcode.

2. Group B: A manual fire alarm system shall be installed and maintained as required by Section 907.2.2 of the building subcode.

3. Group E: A manual fire alarm system shall be installed and maintained as required by Section 907.2.3 of the building subcode.

4. Group F: A manual fire alarm system shall be installed and maintained as required by Section 907.2.4 of the building subcode.

5. Group H: A manual fire alarm system shall be installed and maintained as required by Section 907.2.5 of the building subcode.

6. Group I: A manual fire alarm system and an automatic fire detection system shall be installed and maintained as required by Section 907.2.6 of the building subcode.

7. Group M: A manual fire alarm system shall be installed and maintained as required by Section 907.2.7 of the building subcode.

8. Group R-1: A manual fire alarm system and an automatic fire detection system shall be installed and maintained as required by Section 907.2.8 of the building subcode.

9. Group R-2: A fire alarm system shall be installed and maintained as required by Section 907.2.9 of the building subcode. (Fire)

(i) Single and Multiple Station Smoke Detectors: When a change of use is made to any of the following groups, single and multiple station smoke detectors shall be installed in accordance with Section 907.2.10 of the building subcode. Smoke detectors that are located closer than five feet to a kitchen or bathroom area shall be of the photoelectric type only.

1. Group R-1: Single or multiple station smoke detectors shall be installed and maintained as required by Section 907.2.10.1.1 of the building subcode.

2. Groups R-2, R-3, R-4, R-5 and I-1: Single or multiple station smoke detectors shall be installed and maintained as required by Sections 907.2.10.1.2 and 907.2.10.1.3 of the building subcode.

3. Where the use of a portion of a building is changed such that any nonresidential use is located below one or more dwelling units (including single room occupancies), single or multiple station smoke detectors shall be installed in the nonresidential portion(s) of the building in accordance with NFPA 72 and provided with an audible alarm located within each dwelling unit of the residential portion of the building. The detectors shall be AC powered with battery back-up. Hard-wired, interconnected smoke detectors installed throughout the building shall be accepted as meeting this requirement. (Fire)

(j) Carbon monoxide alarms: When the use of a building is changed to Groups I-1, R-1, R-2, R-3, R-4 or R-5 and the building contains a fuel-burning appliance or has an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

1. Exceptions: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage; the room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and the building is provided with a common area carbon monoxide alarm system. The individual alarms shall be located in every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s) and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected; or

ii. The building is provided with a monitored carbon monoxide alarm system. Individual alarms shall be located in every room containing a fuel-burning appliance. All such alarms shall be connected to an alarm monitoring station that shall be staffed at all times by a person who is trained and qualified to respond so as to protect the health and safety of building occupants in the event of the activation of one or more alarms. Carbon monoxide alarms and fire alarms may be incorporated into a common monitored system.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.

(k) Structural Requirements: The following structural requirements shall apply in changes of use:

TABLE K  
Structural Load Categories

Load Category	Use or Character of Use
1 (highest)	F-1, F-2, S-1, S-2, stack areas in libraries, stages and platforms, areas subject to vehicular loads, queuing areas
2	All loading conditions not listed in category 1 or 3
3 (lowest)	B, E, I-1, I-2, I-3, I-4, R-1, R-2, R-3, R-4, R-5

1. When the use or the character of use of a building is changed to a higher load category as shown in Table K above, then the structure shall be capable of supporting the load requirement for the new use or character of use as specified in Table 1607.1 of the building subcode.

i. If the building subcode official determines that the number of occupants or the placement and weight of furniture and equipment can be controlled by the occupants, the areas designed for the reduced live load shall be posted with the approved live load. Placards stating the allowable live loads shall be posted. Placards may state loads in forms usable by the occupants, in addition to posting the allowable load in pounds per square foot. Such information shall be developed by a licensed design professional and be approved by the subcode official.

(1) Analysis and test methods for evaluation of existing structural members shall use methods specified in the code in effect at the time the building was originally constructed or other standards as approved by the subcode official.

ii. The corridor and lobby loading requirements of Table 1607.1 shall be met only if the corridor exceeds six feet in width or if the lobby or corridor area is used for queuing purposes.

2. Where the use or character of use within an existing building is changed to an equal or lower load category as shown in Table K above, then the existing structure may be used without modification, provided that the building is structurally sound and in good structural repair.

3. When a change of use results in a building being reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1613 through 1617 of the building subcode: Fire, rescue and police station; Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307 of the building subcode where the quantity of material exceeds the exempt amount as per Section 307.9 of the building subcode. (Building)

(l) Plumbing Requirements: When the character of the use of a building or portion of a building is changed, the following plumbing provisions shall apply:

1. The fixture requirements for the proposed new use shall comply with the basic requirements for that use.

2. If the new use is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas except where it is the only practical alternative. Where new lines are to be installed, they shall be protected in accordance with the plumbing subcode.

3. New uses that will produce grease or oil laden wastes shall be provided with interceptors as required in the plumbing subcode.

4. If the new use produces chemical wastes, the following shall apply:

i. If the existing piping is compatible with the chemical waste, no change to the existing piping material is required.

ii. If the existing piping is not compatible with the chemical waste, either the waste must be neutralized prior to entering the drainage system or the piping must be changed to a compatible material.

iii. No chemical waste shall discharge to a public sewer system without the approval of the sewage authority.

5. Where a building's use is changed to a health care facility, the requirements of chapter 14 of the plumbing subcode shall apply. (Plumbing)

(m) Electrical Requirements: The following electrical requirements shall apply in changes of use:

1. When the character of the use of a building or portion thereof is changed to one of the following special occupancies as described in Chapter 5 of the electrical subcode, the electrical wiring and equipment of the building or portion thereof that contains the proposed use shall comply with all applicable requirements of the electrical subcode regardless of whether a change of group is involved:

- i. Hazardous (classified) Locations;
- ii. Commercial Garages, Repair and Storage;
- iii. Aircraft Hangars;
- iv. Gasoline Dispensing and Service Stations;
- v. Bulk Storage Plants;
- vi. Spray Application, Dipping, and Coating Processes;
- vii. Health Care Facilities;
- viii. Places of Assembly;
- ix. Theaters, Audience Areas of Motion Picture and Television Studios and Similar Locations;
- x. Motion Picture and Television Studios and Similar Locations; and
- xi. Agricultural Buildings.

2. When the use of a building is changed the Group R-2, R-3, R-4 or R-5, the electrical wiring and equipment of the building shall comply, at a minimum, with the Basic Requirements of this subcode for that use and shall have the electrical service (conductors and equipment)

sized and rated in accordance with the electrical subcode. (Electrical)

(n) Mechanical Requirements: When the character of the use of a building is changed, the following mechanical provisions shall apply:

1. All spaces intended for human occupancy shall be provided with natural or mechanical ventilation. A building intended to be used as a public school shall be mechanically ventilated.

i. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

ii. Spaces intended to be mechanically ventilated shall comply with the following:

(1) If the occupancy of a building is changed and the new occupancy would require the same or a lesser amount of outdoor air based on the equations below, no change to the mechanical ventilation system is required.

(2) If the occupancy of a building is changed and the new occupancy would require a greater amount of outdoor air based on the equations below, the HVAC system shall be upgraded to satisfy the requirements of Table N below for the new occupancy. As an alternative to providing the amount of outdoor air required by Table N below, the indoor air quality procedure of ASHRAE 62-89 can be used.

(3) Residential buildings that are intended to be mechanically ventilated shall be provided with the ventilation specified in the mechanical subcode.

(4) When the use of a building is changed to a health care facility, mechanical ventilation shall be provided as required by the mechanical subcode and N.J.A.C. 5:23-3.2(b).

(5) When the group of a building is changed to B or E and the building is a class one or class two building, a test and balance report shall be submitted prior to the issuance of a certificate of occupancy. (Building)

2. A commercial hood and an automatic sprinkler system that comply with the mechanical subcode shall be required for commercial cooking equipment producing grease-laden vapors, except in Groups R-2, R-3, R-4 and R-5. No automatic sprinkler system shall be required for completely enclosed ovens, steam tables or similar equipment.

i. Exception: Bed and breakfast home stay facilities, which are designed to accommodate five or fewer guests, shall not be required to comply with this provision. (Fire)

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities as to be irritating or injurious to health shall be provided with local exhaust in accordance with Section 502 of the mechanical subcode. (Building)

TABLE N  
Outdoor Air Rates Based on Occupancy Type

Occupancy	P/1,000 sq. ft.	CFM/ person
Storage Warehouses	5	10
Correction Facilities		
Dining Halls	100	15
Guard Stations	40	15
Dry Cleaners, laundries		
Coin oper dry cleaner	20	15
Coin oper laundries	20	15
Education		
Auditoriums	150	15
Classrooms	50	15
Libraries	20	15
Music Rooms	50	15
Food & Bev Service		
Dining Rooms	70	15
Kitchens (cooking)	20	15
Hospitals, Nursing & Convalescent Homes		
Med Procedure Rooms	20	15
Physical Therapy	20	15
Recovery and ICU	20	15
Hotels, Motels, Resorts, Dormitories		
Assembly Rooms	120	15
Dormitory Sleep Areas	20	15
Lobbies	30	15
Specialty Shops		
Barber	25	15
Florists	8	15
Hardware, drug, fabric	8	15
Reducing Salons	20	15
Supermarkets	8	15
Theaters		
Auditoriums	150	15
Stages and Studios	70	15
Transportation		
Platforms	100	15
Vehicles	150	15
Waiting Rooms	100	15
Workrooms		
Bank Vaults	5	15

Occupancy	P/1,000 sq. ft.	CFM/ person	Occupancy	P/1,000 sq. ft.	CFM/ person
Meat Processing <sup>a</sup>	10	15	Convalescent Homes		
Pharmacy	20	15	Operating Rooms	20	30
Photo Studios	10	15			
Sports and Amusement			Hotels, Motels, Resorts, Dormitories		
Spectator Areas	150	15	Gambling Casinos	120	30
Correctional Facilities				CFM/ sq. ft.	
Cells	20	20	Education		
Education			Corridors	0.1	
Laboratories	50	20	Locker Rooms	0.5	
Training Shops	30	20	Hospitals, Nursing and Convalescent Homes		
Food & Bev Service			Autopsy Rooms	0.5	
Cafeteria, fast food	100	20	Public Spaces		
Hotels, Motels, Resorts, Dormitories			Corridors and Utilities	0.05	
Conference Rooms	50	20	Elevators	1.0	
Dry Cleaners			Locker & Dressing Rooms	0.5	
Commercial Laundry	10	25	Public Restrooms	75 cfm per water closet or urinal	
Hospitals, Nursing and Convalescent Homes			Retail Stores, Sales Floors and Showroom Floors		
Patient Rooms	10	25	Basement and Street	0.3	
Specialty Shops			Dressing Rooms	0.2	
Beauty	25	25	Malls and Arcades	0.2	
Dry Cleaners, Laundries			Shipping and Receiving	0.15	
Commercial Dry Cleaner	30	30	Storage Rooms	0.15	
Food & Bev Service			Upper Floors	0.2	
Bars & Cocktail Lounges	100	30	Warehouses	0.05	
Dry Cleaners, Laundries			Specialty Shops		
Storage, Pick-up	30	35	Automotive Service	1.5	
Smoking Lounges	70	60	Clothes and Furniture	0.3	
Offices			Pet Shops	1.0	
Conference Rooms	50	20	Sports & Amusement		
Office Spaces	7	20	Ice Arenas	0.5	
Reception Areas	60	20	Swimming Pools (Pool & Deck Area)	0.5	
Telecommunication Ctrs & Data Entry	60	20	Storage		
Theaters			Repair Garages/Public Garages	1.5	
Lobbies	150	20	Workrooms		
Ticket Booths	60	20	Darkrooms	0.5	
Sports and Amusement			Duplicating	0.5	
Playing floors (gym)	30	20			
Sports and Amusement			Note: P/1,000 sq. ft. = persons per 1,000 square feet of building area.		
Ballrooms and Discos	100	25	Note a. Spaces unheated or maintained below 50 degrees F are not covered by these requirements unless the occupancy is continuous.		
Bowling Alleys (Seating areas)	70	25	Where the ventilation rates in Table N are based on CFM/person		
Game Rooms	70	25	(1) $OL_n \times V_n$ is less than or equal to $OL_e \times V_e$ + no upgrade		
Hospitals, Nursing &			(2) $OL_n \times V_n$ is greater than $OL_e \times V_e$ + upgrade		
			Where the ventilation rates in Table N are based on CFM/square footage		
			(3) $SF_n \times V_n$ is less than or equal to $SF_e \times V_e$ + no upgrade		
			(4) $SF_n \times V_n$ is greater than $SF_e \times V_e$ + upgrade		
			Where the ventilation rates in Table N are based on CFM/square footage and CFM/person		
			(5) $OL_n \times V_n$ is less than or equal to $SF_e \times V_e$ + no upgrade		
			(6) $OL_n \times V_n$ is greater than $SF_e \times V_e$ + upgrade		
			(7) $SF_n \times V_n$ is less than or equal to $OL_e \times V_e$ + no upgrade		
			(8) $SF_n \times V_n$ is greater than $OL_e \times V_e$ + upgrade		
			Where:		

- $OL_n$  = the occupant load of the proposed occupancy based on Table N. When accepted by the administrative authority this occupant load can be reduced.
- $OL_e$  = the occupant load of the existing occupancy based on Table N.
- $SF_n$  = the square footage of the proposed occupancy.
- $SF_e$  = the square footage of the existing occupancy.
- $V_n$  = the ventilation rate for the proposed occupancy based on Table N.
- $V_e$  = the ventilation rate for the existing occupancy based on Table N.

(o) **Accessibility Requirements:** The following accessibility requirements shall apply in changes of use:

1. The change of use of a building of 10,000 square feet or more total gross enclosed floor area shall comply with all applicable provisions of the barrier free subcode, N.J.A.C. 5:23-7.

2. The change of use of a building of less than 10,000 square feet total gross enclosed floor area shall be exempt from the provisions of the barrier free subcode, except as follows:

i. An alteration project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.6.

ii. A reconstruction project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.7.

3. In a building of any size, where there is a change of use of an area of 10,000 square feet or more, the proposed new use shall comply with the requirements of the barrier free subcode, N.J.A.C. 5:23-7.

4. In a building of any size, where there is a change of use of an area of less than 10,000 square feet, the proposed new use shall be exempt from the provisions of the barrier free subcode, except as follows:

i. A renovation project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.5.

ii. An alteration project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.6.

iii. A reconstruction project undertaken in connection with the change of use of a small building shall provide accessibility as required by N.J.A.C. 5:23-6.7. (Building)

(p) Change of use to a bed and breakfast shall be done in compliance with N.J.A.C. 5:23-9.8. (Plan review Building,—Fire. Inspection—Building)

Administrative correction.

See: 30 N.J.R. 539(a).

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

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

Inserted (k); and recodified existing (k) through (p) as (l) through (q).

Amended by R.1999 d.424, effective December 6, 1999.

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

In (c), rewrote 4; rewrote (d); in (e)1, inserted a new i and recodified former i as ii; in (f)1, changed fire prevention code reference in Note b, and rewrote i; in (g)1, added the last sentence in the introductory paragraph; in (h) and (i), inserted references to section 924.2 throughout the introductory paragraphs; in (j), added the last sentence in the introductory paragraph; and in (o), added "(Building)" at the end of 1ii(5), and substituted "(Fire)" for "(Building)" at the end of 2i.

Administrative correction.

See: 32 N.J.R. 688(a).

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

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

In (a), rewrote 4; in (f)2, rewrote Use Group table; in (i), added 6; in (o), added 3 and in Table N amended the square foot values for Corridors and Utilities under Public Spaces.

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

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

In (b), rewrote 3; in (c), rewrote 1, inserted new iii and recodified existing iii through xii as iv through xiii in 2.

Amended by R.2002 d.15, effective January 22, 2002.

See: 33 N.J.R. 2933(b), 33 N.J.R. 3883(a), 34 N.J.R. 521(a).

In (k), inserted the last sentence preceding "(Fire)" in the introductory paragraph, and rewrote 1.

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

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

In (a), added 5 through 7; in (b), deleted 3 and 4.

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

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

Rewrote (k).

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

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

In (a)5x, added (1) through (3).

Amended by R.2003 d.218, effective May 19, 2003.

See: 35 N.J.R. 29(a), 35 N.J.R. 2209(a).

Rewrote the section.

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

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

Rewrote the section.

Administrative correction.

See: 36 N.J.R. 3398(a).

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

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

In (a), deleted former (1), recodified former (2) and (3) as (1) and (2), in 5.

### 5:23-6.32 Additions

(a) Any addition to a building or structure shall comply with the requirements of the Uniform Construction Code applicable to new construction.

1. Any repair, renovation, alteration or reconstruction work undertaken within an existing building in connection with an addition shall comply with the requirements of this subchapter.

(b) No addition shall create or extend any non-conformity in the existing building to which the addition is constructed with regard to accessibility, structural strength, egress capacity, exit access travel distance or the capacity of mechanical, plumbing, electrical or fire protection system provisions of the basic requirements of this subcode.

(c) No addition shall increase the height of an existing building beyond that permitted under the applicable provisions of the building subcode for a new building of the same group. (Plan review—Building, Fire. Inspection—Building)

(d) No addition shall increase the area of an existing building beyond that permitted under the applicable provi-

sions of the building subcode unless a fire wall is provided in accordance with Section 705 of the building subcode.

Amended by R.1994 d.436, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 2183(a), 26 N.J.R. 3707(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.2002 d.260, effective August 5, 2002.

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

In (c), substituted "\$52.00" for "\$43.00".

Amended by R.2004 d.365, effective October 4, 2004.

See: 36 N.J.R. 2605(a), 36 N.J.R. 4441(a).

In (e), substituted "in accordance with N.J.A.C. 5:23-2.31" for "of not more than \$500.00" in the introductory paragraph.

#### Case Notes

Asbestos safety technician unauthorized to issue waiver of codified asbestos hazard abatement procedures. *Gromen v. Bureau of Code Services*, 97 N.J.A.R.2d (CAF) 35.

### 5:23-8.11 Asbestos safety control monitor

(a) An asbestos safety control monitor may be an individual, partnership, corporation, or other business entity organized for the purpose of enforcing and administering this subchapter.

1. Each asbestos safety control monitor shall enter into a contract for each asbestos hazard abatement project with the building owner or his authorized agent. The contract shall specify: the scope of the project with the provision that the asbestos safety control monitor shall carry out all the rules and responsibilities established by this subchapter, how the asbestos safety control monitor is to be paid for its services and the name of the employee who shall serve as the representative of the asbestos safety control monitor authorized to review and approve all documents related to the administration of this subchapter.

2. Each asbestos safety control monitor authorized by the Department shall organize its operation to effectively fulfill the requirements of this subchapter. Each person assigned to perform the duties of an asbestos safety technician shall be certified as an asbestos safety technician by the Department.

3. The asbestos safety control monitor shall report to the Department through its designee and shall be subject to the orders and directives of the Department in matters relating to the enforcement of this subchapter.

(b) The Department shall authorize the establishment of an asbestos safety control monitor:

1. No person shall undertake the services described in this section or enter into any contract pursuant to this subchapter without first receiving the authorization of the Department.

i. Except that applicants who have received notice from the Department that their application is complete and suitable for processing may begin to promote or otherwise make their anticipated availability known provided that the applicant discloses in writing at the

time of undertaking any such activity that he has not yet been authorized by the Department.

2. Applicants for authorization as an asbestos safety control monitor shall submit an application on the prescribed form, with the required fee pursuant to (h) below, and any additional information the Department may require.

3. Following a determination by the Department that an application is complete and suitable for processing, the Department shall review and evaluate the information contained in the application and such other information as the Department shall deem necessary to enable it to make an accurate and informed determination of approval or disapproval. Within 30 days following the receipt of a completed application, the Department shall make its determination as to whether authorization as an asbestos safety control monitor shall be granted or denied, and shall notify the applicant. In the event of denial, the Department shall provide the applicant with a written explanation of the reasons for denial.

4. The application for authorization shall contain information relating to:

i. The financial integrity of the applicant as evidenced by a reviewed financial statement prepared by an independent certified public accountant;

ii. The qualifications of the management and technical personnel of the applicant, including a statement that all technical personnel who are to be assigned as asbestos safety technicians are certified by the Department;

iii. The type of analysis done (for example, NIOSH 7400) and the laboratory(ies) that do the procedures. If the applicant does its own lab analysis, it shall list the type of equipment used and the personnel using it, with their qualifications. All laboratories shall be accredited by the National Institute of Standards and Technology (NIST). The laboratory shall be a current proficient participant in the American Industrial Hygiene Association Proficiency Analytical Testing Program or any other recognized equivalent program for PCM. All laboratory analysis shall be performed in accordance with N.J.A.C. 5:23-8.21;

iv. The names of all technical personnel, including asbestos safety technicians with their certification numbers, and their range of salaries and other compensation;

v. The policies and procedures of the applicant for the hiring, training, education, and supervision of all technical personnel involved in the supervision and performance of duties pursuant to this subchapter;

vi. The prior experience of the applicant in performing similar or related functions;

vii. The capability of the applicant to review plans and specifications and to inspect asbestos abatement work to ensure that the completed work is in compliance with this subchapter;

viii. A statement that the applicant is not affiliated with, or influenced or controlled by any producer, manufacturer, supplier or vendor of products, supplies or equipment used in asbestos hazard abatement or by any abatement contractor; and

ix. Proof of insurance as required pursuant to N.J.A.C. 5:23-8.11(c)3v.

5. Authorization shall be valid for a period of one year. The expiration dates shall be March 31 or September 30.

6. Applications for reauthorization shall be filed with the Department at least 60 days prior to the scheduled expiration for the current authorization from the Department. The asbestos safety control monitor shall make current the information previously submitted to the Department. The asbestos safety control monitor shall provide additional information as the Department may request. The application shall be accompanied by the fee established pursuant to (h) below. The Department may conduct such additional investigations of the applicant as it may deem necessary.

i. Within 30 days following receipt by the Department of an application for reauthorization, the Department shall make its determination as to whether the asbestos safety control monitor continues to meet the requirements of the regulations. In the event of disapproval, the Department shall provide the asbestos safety control monitor with a written explanation of the reasons for such disapproval. Each reauthorization shall expire one year from the date of the current authorization from the Department.

ii. The Department, on its own motion or at the request of any asbestos safety control monitor, may grant a temporary reauthorization of such agency for a period not to exceed 60 days.

(c) Records shall be maintained by the asbestos safety control monitor of all inspections, applications, approved plans, air tests, log sheets and any other information that may be required by the enforcing agency or the department. These records shall be open to department audit and shall not be destroyed or removed from the offices of the asbestos safety control monitor without the permission of the department.

1. The asbestos safety control monitor shall provide the Department with written notification of any change of licensed personnel and any change of principals within 30 days.

2. The enforcing agency shall be the sole agent for the collection of all fees and penalties from the property owner, the designated agent or anyone in their employ.

3. Each asbestos safety control monitor shall have the following responsibilities:

i. To maintain an adequate number of certified staff to enforce the Asbestos Hazard Abatement Subcode for the projects contracted;

ii. To review and approve the plans and specifications, release them in writing, and forward them to the enforcing agency for issuance of a permit;

iii. To be subject to the department's rulings, directives and orders;

iv. To provide adequate supervision to its employees to ensure conformance to the provisions of this subchapter;

v. To carry liability insurance equal to that required of private enforcing agencies pursuant to N.J.A.C. 5:23-4.14(e)5;

vi. To process and return all documents, plans, specifications, and applications within the time frame specified by this subchapter.

vii. To provide technical assistance to the building owner in the preparation of a construction permit application;

viii. To provide written notification of the start of a project to the department a minimum of 10 days prior to the start of the project and telephone notification to the department by the asbestos safety technician on the first day of the start of the project;

ix. To perform all required inspections and re-inspections pursuant to this subchapter;

x. To perform all tests required by this subchapter;

xi. To give testimony at a hearing or in court, as required by the construction official or the Department;

xii. To prepare all reports required by this subchapter or as may be required by the Department from time to time;

xiii. To meet its obligations under its contract with the building owner;

xiv. To issue and maintain documentation and certification, including, but not limited to, plan release, permit application and permit issued by the enforcing agency (if a firm is the duly authorized agent of the owner), variations submitted, written notice to proceed, written notice to remove barriers, certificate of completion, violation notices, daily logs, inspection records, observations, calculations, backup records, air monitoring results and a separate listing of any contractor deficiencies observed during the course of the work;

xv. To ensure the attendance of all technical and supervisory employees at required training and orientation programs; and

xvi. Upon completion of an asbestos hazard abatement project, the asbestos safety control monitor shall submit a final comprehensive report consisting of, but not limited to, plan release, permit application and permit issued by the enforcing agency (if a firm is the duly authorized agent of the owner), variations submitted, written notice to proceed, written notice to remove barriers, certificate of completion, violation notices, daily logs, inspection records, observations, calculations, backup records, air monitoring results and a separate listing of any contractor deficiencies observed during the course of the work. The final report shall be submitted to the building owner within 60 days of issuance of the Certificate of Completion. A copy of the final report shall be made available to the Department within 10 days of written request.

(d) Whenever an asbestos safety control monitor enters into a contract to provide asbestos safety control monitoring services in connection with an asbestos hazard abatement project, the asbestos safety control monitor shall not have any economic relationship with another party involved with the project. Laboratory services needed by the asbestos safety control monitor shall not be provided by any laboratory that has any economic relationship with the abatement contractor.

1. The asbestos safety control monitor may perform air monitoring required pursuant to the related OSHA requirements only through a contract with the building owner.

(e) Penalty, suspension and revocation procedures are as follows:

1. In addition to any other remedies provided by the Uniform Construction Code regulations, N.J.A.C. 5:23, the Department may suspend or revoke its authorization of any asbestos safety control monitor or assess a civil penalty, in accordance with N.J.A.C. 5:23-2.31, if the Department determines that the authorization or reauthorization was based on the submission of fraudulent or materially inaccurate information, or that the authorization or reauthorization was issued in violation of this subchapter, or that a change of facts or circumstances makes it unlikely that the asbestos safety control monitor can continue to discharge its responsibilities under this subchapter in a satisfactory manner, or any provision of this subchapter has been violated, or that the asbestos safety control monitor has been negligent or has emerged in misconduct in the performance of any of its duties, or that the asbestos safety control monitor has failed to maintain a minimally acceptable level of competence.

i. During the period of suspension, the affected asbestos safety control monitor shall not be authorized

to discharge any of its responsibilities under this subchapter unless otherwise specified in the notice of suspension or order of the Department.

2. The Department shall notify such asbestos safety control monitor of its suspension or revocation in writing. Copies of the notice of suspension shall be forwarded by the Department to all building owners with implementing contracts with the affected asbestos safety control monitor. The suspension shall be effective on the date the affected asbestos safety control monitor receives the notice of suspension or on any later date that may be designated in the notice of suspension.

3. The Department may revoke its approval of any asbestos safety control monitor without previously suspending its authorization. In such event, the Department shall send a written notice to the affected asbestos safety control monitor of its intention to consider revocation of its authorization stating the grounds therefore. The notice shall be sent to the affected asbestos safety control monitor and to all building owners with implementing contracts with the affected asbestos safety control monitor.

i. No such asbestos safety control monitor shall reapply for approval as an asbestos safety control monitor until the expiration of one year from the date of the order of revocation.

4. Upon the suspension or revocation of approval of an asbestos safety control monitor, any building owner with an implementing contract with the asbestos safety control monitor shall have the right to terminate its contract with such asbestos safety control monitor and be free of all obligations thereunder and to enter into an implementing contract with any other asbestos safety control monitor.

(f) In addition or as an alternative to revoking or suspending an authorization, or assessing a penalty, the department may issue a letter of warning, reprimand, or censure with regard to any conduct which, in the judgment of the department, warrants such a response. Such letter shall be made part of the authorization file of the firm.

(g) Conviction of a crime or an offense shall constitute grounds for revocation or suspension of an authorization.

(h) Authorization and reauthorization fees are as follows:

1. Authorization fee: Any asbestos safety control monitor submitting an application to the Department under this subchapter for approval as an asbestos safety control monitor shall pay a fee of \$4,200 for the authorization which is sought.

2. Once authorized, the asbestos safety control monitor shall pay a fee of six percent of the gross revenue earned solely from asbestos safety control monitoring activities. This fee shall be payable quarterly, accompa-

nied by a completed form prescribed by the Department, and is due within one month of the close of the indicated quarter according to the following schedule: First quarter—January 1 to March 31; second quarter—April 1 to June 30; third quarter—July 1 to September 30; and, fourth quarter—October 1 to December 31. The monies obtained from the preparation of plans and specifications and payments for laboratory services shall not be included in the calculation of this quarterly fee.

3. Reauthorization fee: Any asbestos safety control monitor submitting an application to the Department under this subchapter for reapproval as an asbestos safety control monitor shall pay a fee of \$2,100.

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Amended by R.1987 d.490, effective November 16, 1987.

See: 19 N.J.R. 1684(a), 19 N.J.R. 2134(a).

Fee raised from \$1,000 plus five percent to \$1,250 plus six percent.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Correction: Asbestos safety control monitor fee raised from \$2,000 to \$2,500 equal to six not five percent and reapproval fee raised from \$1,000 to \$1,250 equal to six not five percent.

See: 20 N.J.R. 1115(a).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.17 to new 8.18, with minor stylistic changes throughout. Section 8.18 was formerly "Asbestos safety technician: certification requirements". In (a)4iii: Revised text to specify program that testing laboratories are required to participate.

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

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

In (h)1, authorization fee increased from \$2,500 to \$3,250. In (h)2, reauthorization fee increased from \$1,250 to \$1,625.

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

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

Fees increased.

Recodified from 5:23-8.18 by R.1993 d.198, effective June 7, 1993.

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

Prior text at section, "Precautions and procedures during a large asbestos hazard abatement project", recodified as 5:23-8.15.

Administrative Correction.

See: 26 N.J.R. 4760(a).

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

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

In (h), substituted "\$4,200" for "\$3,500" in 1 and "\$2,100" for "\$1,750" in 3.

Amended by R.2004 d.365, effective October 4, 2004.

See: 36 N.J.R. 2605(a), 36 N.J.R. 4441(a).

In (e)1, substituted "in accordance with N.J.A.C. 5:23-2.31" for "of not more than \$500.00 per violation" in the introductory paragraph.

#### Case Notes

Inability to travel due to weather did not exonerate asbestos safety technician from being held responsible for deficiencies previously left at work site. Department of Community Affairs v. Stewart, 95 N.J.A.R.2d (CAF) 62.

#### 5:23-8.12 Application of asbestos

(a) This section shall apply to the application of asbestos, except as provided in (a)1 below.

1. This section shall not apply to asbestos materials which are applied in solid, non-friable form, such as floor tiles or cement pipe.

(b) The requirements of this section are set forth in order to prevent the contamination of the building environment which may be caused by improperly performed asbestos application work.

1. No person may cause or allow surface coating by spraying on any building structure, facility, installation or internal or external portion thereof, using asbestos or any friable material containing in excess of 0.25 percent by weight of asbestos. See N.J.A.C. 7:27-17.

2. The direct application of asbestos material during construction or renovation of structures, facilities or installations by means such as troweling by hand shall be prohibited.

3. The only permissible applications of asbestos-containing materials during construction or renovation of structures, facilities or installations shall be those in which the asbestos is securely bound into a solid matrix before the application is performed, such as floor tiles in which asbestos is a minor component.

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.11 as new 8.12, changing abatement "job" to "project" throughout with stylistic changes. Section 8.12 was formerly "Asbestos encapsulation and enclosure".

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Recodified from 8.17.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.19 to new 8.20. Section 8.20 was formerly "Appeals".

Recodified from 5:23-8.20 by R.1993 d.198, effective June 7, 1993.

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

Prior text at section, "Precautions and procedures during a small asbestos hazard abatement project", repealed.

#### 5:23-8.13 Pre-project procedures

Before an asbestos abatement project begins, the owner shall have evaluated whether or not the scope of work for a specific project will require that all surfaces in the work area are to be HEPA vacuumed and/or wet-wiped. This is in order to remove any dust which may contain asbestos and might, therefore interfere with the final inspection and final air clearance level needed to reoccupy the building. The surfaces to be cleaned shall include, but not be limited to, all horizontal and vertical surfaces and such inside spaces as room ventilators, storage lockers, and utility and storage closets. The cleaning shall be accomplished by trained employees of the building owner as delineated in this subchapter before the asbestos abatement project begins or it shall be made part of the scope of work of an asbestos abatement project to be completed by the licensed contractor.

New Rule, R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Section 8.3 formerly was "Enforcement; licensing; special technical services".

Recodified from 5:23-8.3 by R.1993 d.198, effective June 7, 1993.

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

Prior text at section, "Asbestos encapsulation and enclosure", recodified as 5:23-8.16.

### 5:23-8.14 Operations and maintenance activities

Operations and maintenance activity, as defined in N.J.A.C. 5:23-8.2, involves asbestos abatement work that may be performed without application or notice to the enforcing agency. Mechanical, electrical, plumbing or general construction work that involves the incidental disturbance of asbestos-containing material shall also be considered an operations and maintenance activity. Examples include, but are not limited to, corrective action which includes removal, repair, encapsulation and enclosure of asbestos-containing insulation on pipes, beams, walls or ceilings, etc.; disturbance or routine maintenance activities which may involve asbestos-containing material; clean up of asbestos debris from a floor; and maintenance activities that may include the removal of asbestos-containing material, if required in the performance of another maintenance activity not intended as asbestos abatement, or minor repairs to damaged insulation which do not require removal. The stabilization of any amount of asbestos-containing materials used to cover piping, boilers, tanks, structural members, or similar equipment by applying duct tape, re-wettable glass cloth, canvas, cement, or other sealable material to seal exposed areas where asbestos fibers may be released, shall also constitute an operations and maintenance activity. Asbestos hazard abatement projects shall not be broken down into smaller component parts in order to qualify as an operation and maintenance activity.

(b) Specific records of each operations and maintenance activity shall be kept on file at a central location by the owner of the facility and shall be open for review and audit by the enforcing agency and for public inspections during normal business hours.

1. The information required shall be:
  - i. Location/name/number of building;
  - ii. Exact locations of the work area within the building;
  - iii. Type of abatement work conducted;
  - iv. Scope of work;
  - v. Type of replacement material used (if applicable);
  - vi. Date;
  - vii. Name(s) and address(es) of personnel; and
  - viii. Location of the disposal site.

(c) A certificate of occupancy or completion is not required for an operations and maintenance activity.

(d) Requirements concerning wetting methods are as follows:

1. Wetting methods shall be used whenever asbestos-containing materials are disturbed.

2. Asbestos materials shall be wetted using amended water applied by means of an airless sprayer to minimize the disturbance of asbestos-containing material. Asbestos-containing materials shall be wetted from the initiation of the maintenance or renovation operation that disturbs asbestos-containing material. The wetting agents shall be used continually throughout the work period to ensure that any dry asbestos-containing material exposed in the course of the work is water-soaked and remains wet until final disposal.

(e) Asbestos-containing material shall be disposed of as specified in N.J.A.C. 5:23-8.22.

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Added text to (a) "Mechanical, electrical, plumbing . . . hazard abatement job"; deleted text in (a)1 "although asbestos abatement . . . to N.J.A.C. 5:23-2." and added "Although the enclosure . . . to N.J.A.C. 5:23-2."

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Deleted text in (a) "This work requires . . . job takes place." Added (b) and (c).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.4 as new 8.5 and changed "abatement job" to "abatement project." Section 8.5 was "Variations".

In (a): Revised language and added text to define work involved in project.

In (b): Added language regarding the wearer of a respirator.

Recodified old (c) in the new (d), with stylistic changes. Added new (c)1-4 and new (e).

Recodified from 5:23-8.5 by R.1993 d.198, effective June 7, 1993.

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

Prior text at section, "Glove bag technique", recodified as 5:23-8.17, "Limited containment removals".

### 5:23-8.15 Asbestos hazard abatement projects

(a) No asbestos hazard abatement work including preparation shall be performed or continued without having a certified asbestos safety technician at the work area.

(b) Protective clothing, equipment, and general procedures for asbestos abatement shall be subject to the following requirements:

1. Only authorized personnel shall be permitted in the work area. The contractor shall provide the required respirators and protective clothing to all who may inspect or visit the work area;