

(c) The Department or the municipal code enforcing agency providing construction code plan release or inspection shall be responsible for enforcing the following Uniform Construction Code enhancements in public school facilities:

1. An automatic fire detection system shall be installed in all new buildings of Group E (educational), in accordance with National Fire Protection Association standard 72. The system shall utilize:

i. Combination fixed-temperature and rate of rise devices in classrooms and other spaces not covered in (c)lii below;

ii. Devices to detect abnormal visible smoke densities or gaseous products of combustion in corridors and exit stairs;

iii. An automatic fire suppression system and, in areas where suppression is deleted, automatic detection devices; or

iv. A combination of the above three types of detection devices except that a fixed-temperature detector shall be permitted in approved locations, such as in a boiler room or incinerator.

2. Manual fire alarm boxes, in addition to requirements from Section 907.3 of the building subcode, shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exits that are required to serve 50 or more persons. Additional fire alarm boxes shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and near one exterior exit in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box.

3. Each instructional space and room of assembly which is illuminated with the use of high intensity discharge (HID) sources, such as mercury vapor, high pressure sodium and metal halide lamps, shall also be provided with a second source of illumination to provide illumination instantly upon activation of the circuit. All high intensity discharge (HID) lamps shall be of the fail-safe type which will permanently extinguish within 15 minutes after the outer glass of the bulb is broken. All lamps shall be provided with a glass or plastic lens to protect the bulb.

4. All school buildings shall be equipped with a mechanical air supply and exhaust ventilation system which will provide, during periods of occupancy, standard tempered outdoor air supply and mechanical exhaust at the minimum rates set forth in the mechanical subcode.

(d) Pursuant to Reorganization Plan No. 114-1996, the Department or the municipal code enforcing agency shall

have authority to enforce and cite violations of N.J.A.C. 6A:26-6.2.

Amended by R.1986 d.142, effective May 5, 1986.

See: 17 N.J.R. 1169(a), 18 N.J.R. 945(a).

New (a)7; old (a)7 through 9 renumbered (a)8-10.

Administrative Change: This section was originally part of N.J.A.C. 5:23-3.11.

See: 18 N.J.R. 1842(a).

Amended by R.1988 d.155, effective April 4, 1988.

See: 20 N.J.R. 824(d).

Added (d). This was amended by the rule adoption of the Department of Education published in the New Jersey Register at 20 N.J.R. 824(d).

Administrative Correction to (c).

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

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

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

Text conformed to P.L. 1990, c.23, qualified agencies may perform plan review of public school structures.

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

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

Rule conformed to P.L. 1990 c. 23; text at (c) revised to specify type of project covered; BOCA cites updated; reference to N.J.A.C. 6:22 added.

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.1997 d.417, effective October 6, 1997.

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

Deleted (a); recodified former (b) through (e) as (a) through (d); in (b), inserted "Prior to the release . . . of projects,"; in (b)1 and 2, inserted "public" preceding "school buildings"; in (c)7, deleted option of inspecting agency requiring subsequent correction of any errors in the plans, inserted second sentence, and in third sentence amended notice provisions.

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

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

In (d), substituted "alarm" for "detection", changed BOCA reference and substituted a reference to (d)5ii for a reference to (e)5ii in 5, and changed BOCA in 6.

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

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

Rewrote the section.

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)3, substituted "instructional spaces, the size of any such spaces" for "units" and substituted "such" for "instructional".

Administrative change.

See: 33 N.J.R. 4101(a).

Amended by R.2004 d.68, effective February 17, 2004.

See: 35 N.J.R. 4630(a), 36 N.J.R. 952(a).

In (b), inserted "and approval by" following "upon notice to" and substituted "a" for "any" preceding "municipal code" in the introductory paragraph and added 1i; in (c), rewrote the introductory paragraph of 1, substituted a reference to the building subcode for a reference to BOCA/96 section 918.5 in 2 and substituted a reference to the mechanical subcode for a reference to the BOCA National Mechanical Code in 4.

### 5:23-3.11B Underground storage tank systems

(a) The installation, repair (other than "minor repair," as defined in N.J.A.C. 7:14B-10.5), and closure (or "demolition") of underground storage tank systems, as defined in N.J.A.C. 7:14B-10.1, shall be controlled by the State Uniform Construction Code and by N.J.A.C. 7:14B-1 through 15.

(b) A DEP permit for the installation, repair or closure of an underground storage tank system that requires a DEP approval, or any part thereof, or an emergency permit

granted pursuant to N.J.A.C. 7:14B, shall be a prior approval for any permit application submitted pursuant to the State Uniform Construction Code Act and these rules. Applicants installing secondarily contained systems for which no prior DEP approval is necessary shall be required to submit engineering drawings of the secondarily contained systems and to certify that the underground storage tank system meets all requirements of N.J.A.C. 7:14B.

(c) Construction code officials shall retain all penalty powers, as set forth in these rules, with respect to the installation, usage or closure (demolition) of underground storage tank systems and parts thereof in violation of the State Uniform Construction Code Act or these rules.

(d) The following types of underground storage tank systems requiring a construction permit are exempt from the requirements of N.J.A.C. 7:14B:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
2. Tanks with a capacity of 2,000 gallons or less used to store heating oil for onsite consumption in a nonresidential building;
3. Tanks used to store heating oil for onsite consumption in a residential building;
4. Septic tanks installed in compliance with rules adopted by DEP pursuant to P.L. 1954, c.199 (N.J.S.A. 58:11-23 et seq.);
5. Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor;
6. Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is equipped with secondary containment and is uncovered so as to allow visual inspection of the exterior of the tank;
7. Wastewater treatment tanks;
8. Electrical equipment;
9. Hydraulic lift tanks; and
10. Any pipes, lines, fixtures, or other equipment connected to any tank exempted from the provisions of N.J.A.C. 7:14B as set forth in (b)1 to 9 above.

New Rule, R.1990 d.562, effective November 19, 1990.

See: 22 N.J.R. 2629(c), 22 N.J.R. 3482(d).

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

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

In (d)3, deleted maximum capacity for tanks of 2000 gallons.

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

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

In (d)3, deleted "with a capacity of 2000 gallons or less" following "Tanks".

### 5:23-3.12 Amended rules

Whenever the Commissioner shall make any modifications to the rules, notice of same shall be published in the New Jersey Register.

Amended by R.1995 d.544, effective October 16, 1995.

See: 27 N.J.R. 2827(a), 27 N.J.R. 3933(a).

Amended by R.2000 d.413, effective October 16, 2000.

See: 32 N.J.R. 2278(a), 32 N.J.R. 3783(a).

Rewrote the section.

### 5:23-3.13 Code change proposals

(a) The following apply to State-sponsored model code change proposals:

1. Any municipality, other political subdivision, or agency of the State seeking to submit a State-sponsored model code change proposal shall do so not less than 90 days prior to the code change meeting of the model code adoption agency for which the amendment is being proposed.
2. Such proposal shall be on a form provided by the model code organization where one is available. If none is available, such proposal shall state the name and address of the official proposing the model code change, the agency or political subdivision represented, the text of the amendment suggested and an explanation of the amendment together with any technical justification deemed necessary by the proponents.
3. A hearing shall thereafter be held in accordance with N.J.S.A. 52:27D-124 of the Act.
4. Copies of the submitted applications for model code change proposals, transcripts of hearings on such applications, and State-sponsored model code change proposals, as adopted, shall be available from the Department at a fee of \$.50 per page.
5. Whenever a model code change hearing is scheduled so as not to allow adequate time to meet the procedures set forth in this section and in N.J.S.A. 52:27D-124 of the Act, the Commissioner may hold a hearing and require the advice of the Code Advisory Board within a lesser time period, as the situation dictates.

(b) The following apply to rehabilitation subcode code change proposals:

1. Proposals for code changes to the rehabilitation subcode (N.J.A.C. 5:23-6) may be submitted to the Department at any time. Those rehabilitation subcode code change proposals submitted by January 31 shall be considered with the changes received during the previous calendar year.
2. A rehabilitation subcode code change proposal shall include the following information:

- 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 subcode

- (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 subcode 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.

## 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.

## Administrative correction.

See: 37 N.J.R. 502(b), 674(a).

## 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 of 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 elderly, 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.

ii. No means of isolating the two suction outlets shall be permitted that will cause one suction fitting to become the sole source of fluid to the pump. The single pipe to a pump suction inlet may be valved off to shut off the flow to the pump."

9. Chapter 10 of the plumbing subcode, entitled "Water Supply and Distribution," is amended as follows:

i. In Section 10.2 after Authority Having Jurisdiction" insert "in accordance with N.J.A.C. 5:23-3.3".

ii. In Section 10.4.2 delete "with the approval of the Authority Having Jurisdiction" and insert "in accordance with the rules of the New Jersey Department of Environmental Protection at N.J.A.C. 7:10-10";

iii. Section 10.4.3 is amended to read: "Potable water supplies shall be protected in accordance with the provisions of this code and where applicable the Safe Drinking Water Regulations (N.J.A.C. 7:10). The requirements of this code shall establish requirements for individual outlet protection. The requirements of the Safe Drinking Water Act shall establish the requirements for containment.";

iv. In Section 10.4.4b delete "administrative authority" and insert "Authority Having Jurisdiction in accordance with N.J.A.C. 7:10-10.2(e)."

v. Section 10.5.6d. is amended to delete the words "and repair" on the first line, and to delete the third sentence.

vi. In Section 10.8.1 insert "as required by the Authority Having Jurisdiction" after "in accordance with good practice."

vii. Section 10.15.1 is amended to add the phrase "Outlet temperature of hot water from lavatory faucets in public facility restrooms (such as those in service stations, airports, train and bus terminals, and conventions halls) shall be provided with a means to limit the maximum temperature to 110°F. as required in ASHRAE 90.1-1999."

10. Chapter 11 of the plumbing subcode, entitled "Sanitary Drainage Systems," is amended as follows:

i. Section 11.4.3 is amended at the end to add the sentence "Diversity factors shall be established in accordance with N.J.A.C. 5:23-3.3."

11. Chapter 12 of the plumbing subcode, entitled "Vents and Venting," is amended as follows:

i. In Section 12.4.5 delete "when approved by the Authority Having Jurisdiction".

ii. Section 12.5 is deleted in its entirety.

iii. Section 12.8.2 is deleted in its entirety.

12. Chapter 13 of the plumbing subcode, entitled "Storm Water Drainage," is amended as follows:

i. Section 13.1.5a through c is amended to read "subsoil drains shall be provided in accordance with the building subcode."

ii. Section 13.1.10.1 is amended to delete the last sentence and to substitute in lieu thereof "Rainfall rates shall be based on Appendix A of the 1993 edition of the National Standard Plumbing Code. Appendix A shall be applied so that the applicable rainfall rate for Burlington and Ocean counties and all counties south shall be six inches per hour and for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five inches per hour."

iii. Section 13.1.10.2, "Secondary Roof Drainage," is deleted.

iv. Section 13.1.10.4, "Equivalent Systems," is deleted.

v. In Section 13.9.1 after "Authority Having Jurisdiction" insert "in accordance with N.J.A.C. 5:23-3.3."

13. Except as otherwise indicated in (b) 14i below, sections 16.1 through 16.12.1.13 of chapter 16 of the plumbing subcode, entitled "Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewer Systems Are Not Available" are deleted in their entirety.

i. Section 16.1.7 is retained and amended to read as follows: "When a sewage disposal system is being abandoned and a connection is being made to the public sewer system, the plumbing subcode official shall ensure that the abandoned septic system is disconnected from the building, pumped out and filled with gravel, stones or soil material."

Note: Existing standards of the Department of Environmental Protection and boards of health with respect to individual on-site sewage disposal systems remain in effect.

14. Chapter 15 of the plumbing subcode, entitled "Tests and Maintenance" is amended as follows:

i. Add new Section 15.6.1 as follows: 15.6.1 Combination Domestic/Fire Water Service Systems: Piping for combination domestic/fire water services systems shall be pressure tested to not less than 200 psig and shall maintain that pressure without loss for 2 hours.

ii. Add new Section 15.6.1.1 as follows: 15.6.1.1 Leakage: The following provisions shall apply to buried pipe in all combination domestic/fire water service systems, except for limited sprinkler systems:

(1) The amount of leakage at the joints shall be no greater than 2 qt/hr (1.89 L/hr) per 100 joints or gaskets, regardless of pipe diameter.

(2) The amount of leakage in accordance with (1) above shall be permitted to be increased in increments of 1 fluid ounce (30 ml) per inch valve diameter per hour for each metal seated valve that isolates the test section.

(3) The amount of leakage in buried piping shall be measured at the test pressure specified by pumping from a calibrated container.

iii. Add new Section 15.9 as follows: 15.9 Flushing of Piping: Lead-in connections to system risers and fire service mains from the water supply to the system riser (excluding limited systems) shall be flushed completely before connection is made to sprinkler piping. The flushing operation shall be continued for a sufficient amount of time to ensure that the system is thoroughly cleaned. The minimum rate of flow shall be not less than one of the following:

(1) The hydraulically calculated water demand rate of the system, including any hose requirements.

(2) The flow that is necessary to provide a velocity of 10 ft/sec (3.1 m/sec).

(3) The maximum flow rate available to the system under fire conditions.

15. Chapter 17 of the plumbing subcode, entitled "Potable Water Supply System" and comprising sections 17.1 through 17.15.2 is deleted in its entirety.

Note: Existing standards of the Department of Environmental Protection and boards of health with respect to individual on-site water supply systems remain in effect.

16. Chapter 18 of the plumbing subcode, entitled "Mobile Home and Travel Trailer Park Plumbing Standards," is amended as follows:

i. Section 18.2.1 is amended to delete the last sentence beginning "Trailer home park".

ii. Section 18.2.2 is amended to delete the words "or sewerage disposal" on line 1.

iii. Section 18.5.8 is amended to add the phrase "and as provided by the authority having jurisdiction" after the words "chapter 10 of this code."

iv. Section 18.8.1.2 is deleted.

v. Section 18.8.3 is amended to add the phrase "for dependent trailers" after the word "park" on line 1.

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

vii. Section 18.9 is deleted.

viii. Section 18.10 is deleted.

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

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

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

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

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

Added (a) 3 and (c).

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

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

Section substantially amended.

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

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

(a)1i had a change of address; (a)3 and (c) added.

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

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

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

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

Model subcode revisions.

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

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

Added (c).

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

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

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

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

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

Added new (c).

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

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

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

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

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

Amended by R.1995 d.122, effective March 6, 1995 (operative July 1, 1995).

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

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

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

In (b)9, added xii.

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

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

Rewrote the section.

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

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

Rewrote the section.

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

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

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

Amended by R.2005 d.35, effective January 18, 2005.

See: 36 N.J.R. 3329(b), 37 N.J.R. 267(a).

Rewrote the section.

Administrative correction.

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

#### Case Notes

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

**5:23-3.16 Electrical subcode**

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