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SUBCHAPTER 1. GENERAL PROVISIONS

5:23-1.1 Title; division into subchapters

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

(b) The chapter consists of the following subchapters:

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

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

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

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

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.

(c) The following apply to code change proposals to other State-developed subcodes:

1. Proposals for code changes to other State-developed subcodes may be submitted to the Department at any time and shall include the information outlined in (b)2 above.

2. Code change proposals to other State-developed subcodes shall be submitted to the Code Development Unit in accordance with (b)4 above.

Amended by R.2004 d.261, effective July 6, 2004.

See: 36 N.J.R. 1267(a), 36 N.J.R. 3275(a).

Rewrote the section.

Amended by R.2005 d.342, effective October 17, 2005.

See: 37 N.J.R. 2325(a), 37 N.J.R. 3974(a).

In (a)1, added "private party," and substituted "240" for "90"; in (a)2, added "party or", "company,", ",", following "agency", and "if applicable,,"; added (c).

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, 2009 International Building Code, known as the "IBC/2009." 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/2009, as amended, may be known and cited as the "building subcode."

2. Any references to the International Plumbing Code, the International Existing Building Code, International Residential Code, or the ICC/ANSI A117.1 standard (including reference to Chapter 11) listed in Chapter 35 shall be considered a reference to the appropriate plumbing subcode, and the one- and two-family dwelling subcode referenced in N.J.A.C. 5:23-3, the rehabilitation subcode, N.J.A.C. 5:23-6, 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, Scope and 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 definition of "existing structure" shall be deleted.

viii. In the definition of "Dwelling Unit," "living as a single housekeeping unit" shall be inserted after "persons."

ix. The definitions of "historic building" and "jurisdiction" shall be deleted.

x. A definition of "nightclub" shall be inserted as follows:

"NIGHTCLUB. All buildings and places of public assembly designed for use as dance halls, eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent or which affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this code, the nightclub shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance."

xi. 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.”

xii. The definitions of “permit,” “person,” and “repair” shall be deleted.

xiii. The definition of “Registered Design Professional in Responsible Charge” shall be deleted.

xiv. 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.

xv. The following terms and definitions referencing Chapter 11 shall be deleted: Accessible; Accessible Route; Accessible Unit; Circulation path; Common use; Detectable warning; Dwelling Unit or Sleeping Unit, Multistory; Dwelling Unit or Sleeping Unit, Type A; Dwelling Unit or Sleeping Unit, Type B; Employee Work Area; Facility; Intended to be occupied as a residence; Multistory Unit; Multilevel Assembly Seating; Public Entrance; Public-Use area; Self-service storage facility; Service entrance; site; Type A unit; Type B unit; and Wheelchair space.

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

i. In Exception 4 of Section 303.1, entitled “Assembly Group A”, delete the following text: “Chapter 11” and insert “the Barrier Free Subcode, N.J.A.C. 5:23-7” in its place.

ii. In Section 303.1, Delete “Dance halls (not including food or drink consumption)” from Group A-3 and insert “Dance halls” into Group A-2.

iii. In Table 307.1(2), Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing a Health Hazard^{a,b,c,j}, the following shall be inserted as the fourth row of the table under “Material,” “Storage^d,” “Use-Closed Systems^d,” and “Use-Open Systems^d.”

Radioactive ^j	25 REM unsealed source	100 REM sealed source	25 REM sealed source
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j. Maximum dosage allowed in any single whole-body short-term (1 hour or less) exposure.

iv. In Section 307.2, Definitions, the following definition shall be inserted: “RADIOACTIVE MATERIAL. Any material or combination of materials that spontaneously emit ionizing radiation.”

v. In Section 307.6, High-hazard Group H-4, “Radioactive material” shall be inserted in the list of materials.

vi. 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 in” shall be inserted. In addition, “For the purposes of applying this provision, slow evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than three minutes, but not more than thirteen minutes.” shall be inserted as the third sentence. In the list of types of occupancies, “residential board and care facilities, assisted living facilities” shall be deleted and “boarding houses” shall be inserted. In the same list, “abuse” shall be inserted after “drug.” Also, in the last paragraph, “in accordance with Section 101.2” and “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.”

vii. In Section 308.3, Group I-2, “who are not capable of self-preservation” shall be deleted and “where evacuation is impractical. For the purposes of applying this provision, impractical evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than 13 minutes” shall be inserted. In the list of types of occupancies, “assisted living facilities” shall be inserted.

viii. 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 and “in accordance with Section 101.2” shall be deleted.

ix. 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, shall be classified as Group I-4. For the purposes of applying this provision, impractical evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than thirteen minutes and slow evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than three minutes, but not more than thirteen minutes.” In the exception, “of responding to an emergency situation” shall be deleted and “of prompt evacuation” shall be inserted. In addition, “For the purposes of

applying this provision, prompt evacuation shall mean the movement of all occupants, residents, and staff to an exit in three minutes or less." shall be inserted as the second sentence.

x. In Section 308.5.2, Child Care Facility, "more than five" shall be deleted. In the same section, the exception shall be deleted and replaced with the following:

"Exception: Child day care facilities, accessory to a dwelling unit, serving five or fewer persons of any age for less than 24 hours shall be considered Group R-3 or R-5, as applicable."

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

"310.1 Residential Group R. Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I. Residential occupancies shall include the following:

(1) R-1 Residential occupancies containing sleeping units 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

Vacation timeshare properties

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

Apartment houses

Convents

Dormitories

Fraternity and sorority houses

Hotels (non transient)

Monasteries

Motels (non transient)

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 one- and two-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.

Group Homes with 5 or fewer occupants, all of whom are capable of prompt self-evacuation. For the purpose of applying this requirement, prompt self-evacuation shall mean the movement to an exit in three minutes or less.

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents.

(4) R-4 Therapeutic residences including more than five but not more than 16 occupants, excluding staff.

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

(5) R-5 Detached one- and two-family dwellings not more than three stories in height with a separate means of egress and multiple single-family townhouses not more than three stories in height with a separate means of egress designed and constructed in accordance with the one- and two-family dwelling subcode. Group R-5 also 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.

Group Homes with 5 or fewer occupants, all of whom are capable of prompt self-evacuation. For the purpose of applying this requirement, prompt self-evacuation shall mean the movement to an exit in three minutes or less.

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents."

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

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

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

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

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

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

vi. The definition of "Therapeutic Residence" shall be inserted as follows: "Therapeutic Residence: A residence for adults, each of whom is capable of prompt evacuation, and who live within a single dwelling unit for therapeutic purposes, without a resident landlord or operator, but with some government or private social service provider oversight. For the purposes of applying this provision, prompt evacuation shall mean the movement of all occupants, residents, and staff to an exit in three minutes or less."

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

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

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

ii. In Section 403.4.7, Standby power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iii. In Section 403.4.8, Emergency power systems, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iv. In Section 405.8, Standby power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

v. In Section 405.9, Emergency power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

vi. In Section 406.1.4, Separation, Item 1 shall be deleted and the following text from the 2000 International Building Code as amended by New Jersey shall be inserted:

"1. 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 (See FTO 13). Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by a means of 1/2-inch gypsum board or equivalent applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 13/8 inches (35 mm) thick, solid or honeycomb core steel doors not less than 13/8 inches (35 mm) thick or doors in compliance with Section 715.4.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted."

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

viii. In Section 412.3.5, Standby power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

ix. In Section 412.3.6, Accessibility, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

x. In Section 414.1.3, Information required, "building official" shall be deleted in the first and third sentences and "fire protection subcode official" shall be inserted.

xi. In Section 414.5.4, Standby or electrical power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

xii. In Section 417.1, General, "Chapter 28" shall be deleted and "the mechanical subcode (N.J.A.C. 5:23-3.20)" shall be inserted.

xiii. In Section 419.7, Accessibility, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

xiv. In Section 421.8, Standby power, "Chapter 27" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

xv. Section 423, Storm Shelters, shall be deleted in its entirety.

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

i. Section 501.2, Address identification, shall be deleted in its entirety.

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

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

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

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

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

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

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

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

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

(9) Under construction Type IA for Group H-2, "UL" shall be deleted and "3" shall be inserted. In addition, the maximum number of stories and maximum allowable area for Group H-2, construction Type VB shall be deleted and "NP" shall be inserted.

(10) Under construction Type IA for Group H-3, "UL" shall be deleted and "7" shall be inserted. In addition, under construction Type IIIA for Group H-3, "4" shall be deleted and "3" shall be inserted.

(11) Under construction Type IA for Group H-4, "UL" shall be deleted and "7" shall be inserted. In addition, under construction Type IIIA for Group H-4, "5" shall be deleted and "4" shall be inserted.

(12) Under construction Type VA for Group I-3, "2" shall be deleted and "1" shall be inserted. In addition, the maximum number of stories and the maximum allowable area for Group I-3, construction Type VB shall be deleted and "NP" shall be inserted.

(13) Under Group, add superscript "6" to Group I-4. In addition, the following note shall be added to the

table: "e. Child care facilities of Types IIB, III, IV or V construction shall be limited to 20 feet and 1 story."

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

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

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

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

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

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

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

(21) Use Group U shall be deleted.

iii. In Section 504.2, Automatic sprinkler system increase, delete Exception #1 in its entirety and insert in its place:

1. Buildings, or portions of buildings, of Type IIB, III, IV or V construction classified as a Group I-2 occupancy or Group I-4 child care facility.

iv. In Section 505.4, Openness, Exception 5 shall be deleted in its entirety.

v. In Section 506.2.2, Open space limits, “not less than 20 feet in width,” shall be inserted at the end of the sentence.

vi. Section 507.2, Unsprinklered, one story, shall be deleted in its entirety.

vii. Section 507.4, Two-Story, shall be amended as follows: In the first line, “ of Type I or Type II construction that is” shall be inserted after “building.”

viii. In Table 508.4, Required Separation of Occupancies (Hours), “U^d” shall be deleted in the fifth row and the fifth column of the table.

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

i. In Table 602, Fire Resistance Rating Requirements for Exterior Walls Based on Fire Separation Distance^a, “U” shall be deleted from the heading of the fifth column. In addition, in the same table, Note b shall be deleted.

ii. In Section 602.3, Type III, “(See FTO 14)” shall be inserted after “noncombustible materials.” In addition, the second sentence shall be deleted.

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

i. In Section 703.3, Alternative Methods for determining fire resistance, Item #5 is amended to delete “Section 104.11” and insert “N.J.A.C. 5:23-3.7” in its place.

ii. In Section 705.5, Fire-resistance rating, “10 feet (3048 mm)” shall be deleted in the second and third sentence and “5 feet (1524mm)” shall be inserted.

iii. In Table 706.4, Fire Wall Fire Resistance Ratings, under the heading “Group,” “U” shall be deleted.

iv. Section 706.5, Horizontal continuity, 706.5.1, Exterior walls, and Section 706.5.2, Horizontal projecting elements, shall be deleted in their entirety. Section 707.6 of the 1996 BOCA National Building Code shall be inserted as follows: “Horizontal Continuity. Firewalls shall be made smoke tight at the junction of exterior walls. In exterior wall construction employing studs, the wall shall extend through the stud space to the exterior sheathing.”

v. In Table 707.3.9, Fire-Resistance Rating Requirements For Fire Barrier Assemblies or Horizontal Assemblies Between Fire Areas, the last row containing “U” and “I” shall be deleted.

vi. In Section 708.2, Shaft enclosure required, Exception 11 shall be deleted in its entirety.

vii. Section 708.14.1, Elevator lobby, shall be amended as follows: In the first sentence, “In buildings having occupied floors greater than 75 feet above the

lowest level of fire department vehicle access” shall be inserted before “An.” In the same section, Exceptions 4 and 6 shall be deleted in their entirety.

viii. Section 708.14.2, Enclosed elevator lobby pressurization alternative, shall be deleted in its entirety.

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

i. In Section 901.3, Modifications, “remove or” shall be deleted. Additionally, “building official” shall be deleted and “fire protection subcode official” shall be inserted.

ii. In Section 901.5, Acceptance test, in the second sentence, “building official” shall be deleted and “fire protection subcode official” shall be inserted.

iii. In Section 901.6.3, Group H, in the exception, “building official” shall be deleted and “fire protection subcode official” shall be inserted.

iv. In Section 903.1.1, Alternative protection, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

v. New Section 903.1.2, Residential systems, shall be inserted as follows:

“903.1.2 Residential systems. Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purpose of exceptions or reductions permitted by other requirements of this code.”

vi. Section 903.2.1.2., Group A-2, shall be amended to add a new section 903.2.1.2.1 as follows: “903.2.1.2.1 In Group A-2 Nightclubs, the automatic sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by 1006.2.”

vii. In Section 903.2.6, Group I, the exception shall be deleted and the following shall be inserted:

“Exceptions

1. An automatic fire sprinkler system installed in accordance with Section 903.3.1.2. shall be allowed in Group I-1 facilities.

2. For other than buildings of construction Types IIIB or VB, an automatic fire sprinkler system shall not be required for Group I-4 child care facilities that are located at the level of exit discharge and that accommodate 100 or fewer children and in which each child care room has an exit door directly to the exterior.”

viii. In Section 903.2.11.1, Stories without openings, “, of all buildings where the floor area exceeds 1,500 square feet (139.4 m²) and” shall be deleted.

ix. New Section 903.2.13, Automatic sprinkler system thresholds, shall be inserted as follows: “An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups B, F-2, and S-2 according to table 903.2.13, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in the IBC/2009.

Automatic Sprinkler System Thresholds

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

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

*Requirements as set forth in the IBC/2009”

x. In Section 903.3.5, Water supplies, “International Plumbing Code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

xi. In Section 903.3.6, Hose threads, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xii. In Section 903.4.1, Monitoring, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xiii. Section 903.5, “Testing and Maintenance”, shall be deleted and the following shall be inserted in its place: “903.5 Acceptance tests: All sprinkler systems with the exception of limited area sprinkler systems shall be tested in accordance with NFPA 13 listed in Chapter 35.

903.5.1 Flow test: All systems shall be tested at the test pipe to determine that water-flow detecting devices, including the associated alarm circuits, are in proper working order. Dry pipe systems shall deliver water to the inspector’s test pipe in not more than 60 seconds.

903.5.2 Limited area sprinkler system acceptance test. All limited area sprinkler systems, which are not connected to a building standpipe system, shall be tested hydrostatically for a minimum of 15 minutes without visible leakage at the working pressure under which the system is to be used. Limited area sprinkler systems, which are connected to a building standpipe system, shall be tested in accordance with NFPA 13 listed in Chapter 35.

xiv. In Section 904.2, Where required, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

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

Exception: The residual pressure of 65 psi (448 kPa) is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and where the highest floor level is not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access.

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

Exceptions:

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

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

3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, each riser shall be sized for a minimum flow of 250 gpm (945 L/min.).

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

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

Exceptions

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

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

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

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

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

Exceptions

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

2. Dry standpipe systems installed in open parking structures.

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

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

xvi. New Section 905.3.2 shall be inserted as follows:

"905.3.2 Building area. In buildings exceeding 10,000 square feet (929 m²) in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exceptions:

1. Buildings equipped throughout with automatic sprinkler systems installed in accordance with Section 903.3.1.1.

2. Group A-4, A-5, F-2, R-2, S-2 or U occupancies.

3. Automatic dry and semiautomatic dry standpipes are allowed as provided for in NFPA 14.

xvii. Section 905.3.2 shall be renumbered as 905.3.3 with no change in text.

xviii. Section 905.3.3, Covered mall buildings, shall be renumbered as 905.3.4. Additionally, "or 905.3.2" shall be added after "905.3.1" in the first and second sentence.

xix. Sections 905.3.4 through 905.3.7 shall be renumbered as 905.3.5 through 905.3.8 with no change in text.

xx. In Section 905.4, Location of Class I standpipe hose connections, Items 1 and 2 shall be

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

Exceptions

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

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

Also, renumber Items 3 through 6 as 2 through 5. Lastly, in Item #5, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxi. Section 905.4.2, Interconnection, shall be deleted in its entirety and Section 915.7.1 of the 1996 BOCA National Building Code shall be inserted as follows "905.4.2 Location: At each floor level and not more than 5 feet (1,524 mm) above the floor, there shall be connected to each standpipe a 2 ½ inch hose connection with valves and threads compatible with the connections used by the local fire department."

xxii. In Section 905.5.3, Class II system 1-inch hose, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxiii. Section 905.6.2, Interconnection, shall be deleted.

xxiv. In Section 906.1, Where required, Item #1 and in the exception, "and existing" shall be deleted.

xxv. In Section 907.1.1, Construction Documents, "and" shall be inserted before "the International Fire Code" and "and relevant laws ordinances, rules and regulations, as determined by the fire code official" shall be deleted.

xxvi. In Section 907.2, Where required-new buildings and structures, Exception #2 shall have "fire code official" deleted and "fire protection subcode official" shall be inserted.

xxvii. Add new section 907.2.1.2 as follows: "907.2.1.2 Group A-2 Nightclubs. An automatic fire detection system shall be installed throughout all Group A-2 nightclubs with an occupant load of 100 or more. If the alarm is activated by smoke detectors, it shall be

activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected. The automatic fire detection system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by 1006.2.

Exception: Automatic fire detection systems are not required in buildings provided with an automatic sprinkler system throughout."

xxviii. In Section 907.2.3, Group E, Exception #2.1, "with alarm verification" shall be inserted at the end of the exception and in Exception #2.5 "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxix. In Section 907.2.6, Group I, the following shall be inserted at the end of the section: "Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

xxx. In Section 907.2.8, Group R-1, the following shall be inserted at the end of the section: "Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

xxxi. In Section 907.4.2.5, Protective covers, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxii. In Section 907.5.1, Presignal feature, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxiii. Section 907.5.2.3.2, Employee work area, is deleted in its entirety.

xxxiv. In Section 909.5.1, Leakage area, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxv. In Section 909.7, Airflow design method, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxvi. In Section 909.8, Exhaust method, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxvii. In Section 909.9, Design fire, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

xxxviii. In Section 909.10, Equipment, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxix. In Section 909.11, Power systems, “Chapter 27 of this code” shall be deleted and “the electrical subcode, N.J.A.C. 5:23-3.16” shall be inserted.

xl. In Section 909.15, Control diagrams, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

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

xlii. In Section 909.18.8.3.1, Report filing, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xliii. In Section 909.19, System acceptance, in the exception, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xliv. In Section 909.20.6.2, Standby power, “Chapter 27” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

xlv. In Section 909.20.6.3, Acceptance and testing, “building official” shall be deleted and “fire protection subcode official” shall be inserted.

xlvi. Insert the text of Section 910.2.3 of the 2006 edition of the International Building Code as follows: “910.2.3 Exit access travel distance increase. Buildings and portions thereof used as Group F-1 and S-1 occupancy where the maximum exit access travel distance is increased in accordance with Section 1016.2.”

xlvii. In Section 912.1, Installation, insert the following at the end of the section:

“Exceptions

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

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

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

xlviii. New section 912.2, Connections, shall be inserted as follows:

“912.2 Connections: Fire department connections shall be arranged in such a manner that the attachment to any one sprinkler connection will serve all sprink-

lers, and the attachment to any one standpipe connection will serve all standpipes within the building.

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

xlix. Section 912.2, Location, shall be renumbered as 912.3 with no change in text. Additionally, Section 912.2.2, Existing buildings, shall be deleted in its entirety.

l. New Section 912.4, Height, shall be inserted as follows:

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

li. Sections 912.3, Access and 912.4, Signs shall be renumbered as 912.5 and 912.6 respectively, with no change in text.

lii. Section 912.5, Backflow protection, shall be renumbered as 912.7. Also, “International Plumbing Code” shall be deleted and “the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted.

liii. New Section 912.6, Projection, shall be inserted as follows: “912.6 Projection. Where the fire department connection will otherwise project beyond the property line or into the public way, a flush-type fire department connection shall be provided.”

liv. Section 913.4.1, Test outlet valve supervision, shall be deleted.

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

i. The terms “Type A unit,” “Type B unit,” and “Accessible Unit” shall be deleted and “an Adaptable or Accessible Unit” shall be inserted in the following sections: Section 1008.1.1, Exception 7; Section 1008.1.5, Exceptions 3 and 5; Section 1008.1.7, Exception; Section 1008.1.8, Exception 3; Section 1010.6.3, Exception 1; and Section 1010.6.4, Exception.

ii. In Section 1002, Definitions, in the definition of “Merchandise Pad,” “as indicated in Section 105.2” shall be deleted.

iii. In Section 1003.2, Ceiling height, “7 feet 6 inches (2286 mm)” shall be deleted and “7 feet (2134 mm)” shall be inserted.

iv. In Section 1003.5, Elevation change, in Exceptions 1, 2, and 3, “Chapter 11” shall be deleted and “the barrier free subcode (N.J.A.C. 5:23-7)” shall be inserted.

v. In Section 1004.1.1, Areas without fixed seating, the exception shall be deleted in its entirety.

vi. In Section 1004.2, Increased occupant load, “7 square feet (.65 m²)” shall be deleted and “5 square feet (.47 m²)” shall be inserted.

vii. In Section 1006.3, Illumination emergency power, in the last sentence of the last paragraph, “Section 2702” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

viii. In Section 1007.3, Stairways, Exception 3 shall be deleted.

ix. In Section 1007.4, Elevators, Exception 2 shall be deleted.

x. In Section 1007.5, Platform lifts, in the first sentence, “Section 1109.7, Items 1 through 9” shall be deleted and “the barrier free subcode (N.J.A.C. 5:23-7)” shall be inserted. In the second sentence, “Chapter 27” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

xi. In Section 1008.1, Size of Doors, Exception 8 shall be deleted.

xii. In Section 1008.1.4.5, Security grilles, “In Groups B, F, M, and S” shall be deleted and “horizontal” shall be capitalized.

xiii. In Section 1008.1.5, Floor elevation, in Exception 3, “7.75 inches (197 mm)” shall be deleted and “8.25 inches (210 mm)” shall be inserted.

xiv. In Section 1008.1.7, Thresholds, in the exception, “7.75 inches (197 mm)” shall be deleted and “8.25 inches (210 mm)” shall be inserted. In the same exception, “Chapter 11” shall be deleted and “the barrier free subcode (N.J.A.C. 5:23-7)” shall be inserted.

xv. In Section 1008.1.9.1, Hardware, “locks” shall be deleted. In the same section, “Chapter 11” shall be deleted and “the barrier free subcode (N.J.A.C. 5:23-7)” shall be inserted.

xvi. Section 1008.1.9.3, Locks and latches, shall be amended as follows: In Item 2, “Group A having an occupant load of 300 or less” shall be deleted. In the same item, “and in places of religious worship” shall be deleted. In the same section, Item 6 shall be inserted as follows: “6. Key operation shall be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is made.”

xvii. In Section 1008.1.9.7, Delayed egress locks, “E” shall be deleted.

xviii. Section 1008.1.9.8, Electromagnetically locked egress doors, shall be deleted.

xix. In Section 1008.1.10, Panic and fire exit hardware, the exception shall be deleted in its entirety.

xx. In Section 1009.4.2, Stair tread and risers, Exception 5, change the maximum riser height from “7.75 inches (197 mm)” to “8.25 inches (210 mm)”, change the minimum tread depth from “10 inches (254 mm)” to “9 inches (229 mm)” and change the minimum winder tread depth at the walk line from “10 inches (254 mm)” to “9 inches (229 mm).” In the same section, Exception 6 shall be deleted.

xxi. In Section 1009.11, Ship ladders, “, in buildings of Group F, H and S from mezzanines not more than 250 square feet (23 m²) in area and which serves not more than 5 occupants” shall be inserted after “occupants” in the first sentence.

xxii. In Section 1011.4, Internally illuminated exit signs, “Chapter 27” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

xxiii. In Section 1011.5.3, Power source, in the last sentence, “Chapter 27” shall be deleted and “the electrical subcode (N.J.A.C. 5:23-3.16)” shall be inserted.

xxiv. In Section 1012.2, Height, add the following text: “Exception: For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2, handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads.”

xxv. In Section 1012.4, Continuity, Exception 4 shall be deleted.

xxvi. In Section 1013.2, Height, insert new Exception 1 as follows: “For occupancies in Group R-3 and within individual dwelling units in occupancies of Group R-2, porches, balconies or raised floor surfaces located more than 30 inches (762 mm) above the floor or grade below shall have guards not less than 36 inches (914 mm) in height.” In the same section, Exceptions 1 through 4 shall be renumbered as 2 through 5. Additionally, in Exception 3, “34 inches (864mm)” shall be deleted and “30 inches (762 mm)” shall be inserted.

xxvii. Section 1014.2.5, Exit access through suites, shall be deleted.

xxviii. In Section 1015.1, Exits or exit access doorways from spaces, in the exception to Item 1, the first sentence in the exception shall be numbered “1.” and “and R-3” shall be deleted. In the same sentence, “20” shall be deleted and “10” shall be inserted. In addition, a new exception shall be inserted as follows: “2. In buildings of Group R-3 occupancy”.

xxix. In Section 1016.1, Travel distance limitations, Exceptions 3 and 4 shall be deleted. In the same section, in the last paragraph “Where applicable” shall be deleted and “When permitted by Section 1022.1” shall be inserted.

xxx. In Table 1016.1 Note a, insert the text of the 2006 edition of the International Building Code as follows: "Section 1016.2: For increased limitations in Group F-1 and S-1."

xxxii. Insert the text of Section 1016.2 from the 2006 edition of the International Building Code as follows: "1016.2 Roof vent increase. In buildings that are one story in height, equipped with automatic heat and smoke roof vents complying with Section 910 and equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, the maximum exit access travel distance shall be 400 feet (122 m) for occupancies in Group F-1 and S-1." Renumber Section 1016.2 as 1016.3.

xxxiii. In Section 1017.2, Aisles in Groups B and M, in the exception, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

xxxiiii. In Table 1018.1, Corridor Fire Resistance Rating, under the heading "Occupancy," "U" shall be deleted from the third row. In addition, "Not Permitted" shall be deleted from the fifth row and "1" shall be inserted.

xxxv. In Section 1021.1, Exits from stories, delete Exception 3 and renumber Exceptions 4 and 5 as 3 and 4. In new Exception 3, delete "and R-3". In the same exception, "20" shall be deleted and "10" shall be inserted. Insert new Exception 5 as follows: "5. In buildings of Group R-3 occupancy".

xxxvi. In Table 1021.2, Stories with One Exit, under the heading "Occupancy," "U" shall be deleted from the first row.

xxxvii. In Section 1022.1, Enclosures required, in Exception 1 after "occupant load of less than 10" insert "or serves four or fewer dwelling units".

xxxviii. In Section 1028.1.1, Bleachers, after "ICC 300", insert "Chapters 2, 3 and 4".

xxxix. At Section 1028.2, entitled "Assembly main exit", add the text "other than nightclubs," after "Group A occupancies" at the beginning of the first sentence.

(1) In the exception, after "In assembly occupancies" insert "other than nightclubs".

xxxix. Add new section 1028.2.1 as follows:

"1028.2.1 Group A-2 Nightclubs. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load. The remaining exits shall be capable of providing two-thirds of the total required exit capacity. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of more than 300 shall have a

main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity."

xl. Section 1029.1, General, shall be amended as follows: In the second sentence, "Basements and" shall be deleted and "sleeping" shall be capitalized. In the same section, Exception 4 shall be deleted in its entirety. In Exception 6, "basements or" shall be deleted. In addition, Exception 7 shall be deleted in its entirety.

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

12. Chapter 12, Interior Environment, shall be amended as follows:

i. Section 1204, Temperature Control, shall be deleted in its entirety.

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

14. Chapter 14, Exterior Walls, shall be amended as follows:

i. In Section 1405.11.4, Grounding, "Chapter 27 of this code and the ICC Electrical Code" shall be deleted and "the electrical subcode, N.J.A.C. 5:23-3.16" shall be inserted.

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

i. In Section 1503.4, Roof drainage, "International Plumbing Code" shall be deleted and "plumbing subcode, N.J.A.C. 5:23-3.15" shall be inserted.

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

iii. In Section 1507.2.8.2, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.

iv. In Section 1507.5.4, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.

v. In Section 1507.6.4, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.

vi. In Section 1507.7.4, Ice barrier, "or where there has is a possibility of ice forming along the eaves causing a backup of water," shall be deleted.

vii. In Section 1507.8.4, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.

viii. In Section 1507.9.4, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.

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

i. New Section 1603.2, Restrictions on loading, from Section 1603.2 of the 2006 International Building Code, shall be inserted as follows: "It shall be unlawful to place, or cause to permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by these requirements."

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

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

iv. In Section 1607.9.1.4, Group A occupancies, "and Group E" shall be added to the title of the section and after "Group A" insert "and Group E".

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

vi. In Section 1611.1, Design rain load, the second sentence shall be deleted and "The design rainfall rates shall be based on the plumbing subcode, N.J.A.C. 5:23-3.15." shall be inserted.

vii. In Section 1611, Rain loads, Figure 1611.1, "100-year, 1-hour rainfall (inches)" shall be deleted.

viii. In Section 1612.1, General, in the first sentence, "including substantial improvement and restoration of substantial damage to buildings and structures" shall be deleted.

ix. Section 1613.3, Existing building, shall be deleted in its entirety.

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

i. In Section 1701.1, Scope, "shall apply to Class 1 buildings and smoke control systems in all buildings and" shall be inserted after "chapter."

ii. Section 1702.1, General, shall be amended as follows: In the title, "/Special Inspector" shall be inserted after "Agency." In the first sentence, "or design professional acting as the approved agency" shall be inserted after "agency." At the end of the definition, add the sentence, "Special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code."

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

iv. Add new section 1703.1.4 as follows: "1703.1.4 Certification. An approved agency shall employ personnel certified in accordance with the administrative provisions of the Uniform Construction Code, to conduct, supervise and evaluate tests or inspections."

v. In Section 1703.6, Evaluation and follow-up inspection, "in accordance with N.J.A.C. 5:23-4.26" shall be inserted after the second "assembly."

vi. Section 1704.1, General, shall be amended as follows: In the first sentence of the first paragraph, "the

registered design professional" shall be deleted and "person" shall be inserted. Also, in the first sentence of the first paragraph, "of Class 1 buildings only or any building containing a smoke control system" shall be inserted after "construction." In the second sentence of the second paragraph, "the registered design professional" shall be deleted and "person" shall be inserted.

vii. Section 1704.1.1, Statement of special inspections, shall be amended as follows: In the first sentence, "registered design professional" shall be deleted and "person" shall be inserted.

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

ix. In Section 1704.3, Steel construction, "the on-site erection of" shall be inserted after "for."

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

xi. In Section 1704.5, Masonry construction, "in Seismic Design Category D" shall be inserted after the word "construction" within the text. In the same section, in Exception 2, the reference to "Table 1807.1.6.3(1)" shall be deleted.

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

xiii. In Section 1705.3, Seismic resistance, "for Seismic Design Category D buildings" shall be inserted after "inspections."

xiv. Sections 1705.4, Wind resistance; 1705.4.1, Wind requirements in the statement of special inspections; and 1705.4.2, Detailed requirements, shall be deleted in their entirety.

xv. Section 1706, Special inspection for wind requirements, shall be deleted.

xvi. In Section 1707.1, Special Inspections for Seismic Resistance, in items 1 and 3, "C," shall be deleted in reference to seismic design categories.

xvii. In Section 1707.7, Mechanical and Electrical Components, in items 1, 3, 4 and 5, "C," shall be deleted in reference to seismic design categories.

xviii. Section 1708.3, Structural steel, shall be deleted.

xix. In Section 1709.1, Contractor responsibility, in the first sentence, "main – wind- or" shall be deleted. In addition, in the same sentence, "or a wind-" shall be deleted.

xx. Section 1710, Structural Observations, shall be deleted in its entirety.

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

i. Section 1803.3.1, Scope of investigation, shall be amended as follows: After the first sentence, the following sentence from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted: "There shall be at least one exploratory boring to rock or to an adequate depth below the load-bearing strata for every 2,500 square feet (232 m²) of built-over area, and such additional tests as the code official requires."

ii. In the title of Section 1803.5.11, "C" shall be deleted and "D" shall be inserted. In the first sentence, the reference to "C" shall be deleted.

iii. New Section 1803.5.13 from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted as follows: "Building Height: For all buildings that are more than three stories or 40 feet (12,192 mm) in height above the grade plane, the building official shall request soil tests."

iv. In Section 1805.4.3, Drainage discharge, "International Plumbing Code" shall be deleted and "plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

v. New Section 1807.4 from Section 1813.8 of the 1996 BOCA National Building Code shall be inserted as follows: "1807.4 Erosion protection: Where water impacts the ground from the edge of the roof, downspout, scupper or other rain water collection or diversion device, provisions shall be made to prevent soil erosion and direct the water away from the foundation."

vi. Section 1809.4, Depth and width of footings, shall have the following exceptions added:

"Exceptions:

1. Garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height and accessory to structures of Group R-2, R-3 or R-4 and does not contain a water, gas, oil or sewer connection. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

2. Garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, 10 feet or less in height and accessory to structures of Group R-2, R-3 or R-4 provided the shed is dimensionally stable without the foundation system and does not contain a water, gas, oil or sewer connection. A shed shall

be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground."

vii. New Section 1810.3.1.7 from Section 1816.9 of the 1996 BOCA National Building Code shall be inserted as follows: "Spacing: The minimum center-to-center spacing of piles shall not be less than twice the average diameter of a round pile, nor less than 1 3/4 times the diagonal dimension of a rectangular pile. Where driven to or penetrating into rock, the spacing shall not be less than 24 inches (610 mm). Where receiving principal support at the end from materials other than rock, or through friction resistance, the spacing shall not be less than 30 inches (762 mm) except that for piles having enlarged bases formed either by compacting concrete or driving a pre-cast base, the minimum center-to-center spacing shall be 4 1/2 feet (1,372 mm). The spacing of piles shall be such that the average load on the supporting strata will not exceed the safe load-bearing value of those strata as determined by test borings or other approved methods."

viii. In Section 1810.3.3.1.3, Load test evaluation methods, Item 4 shall be deleted.

ix. In Section 1810.3.13, Seismic ties, in the exception, "and U" and "subject to approval of the building official" shall be deleted.

19. Chapter 23, Wood, shall be amended as follows:

i. In Section 2303.4.1.4.1, Truss design drawings, "Where required by the registered design professional, the building official, or the statutes of the jurisdiction in which the project is to be constructed," shall be deleted.

ii. In Section 2303.4.2, Truss placement diagram, in the last sentence, "that serve only as a guide for installation and do not deviate from the permit submittal drawings" shall be deleted.

iii. New Section 2303.4.8, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

iv. In Table 2306.2.1(2), Allowable shear for wood structural panel blocked diaphragms utilizing multiple rows of fasteners (high load diaphragms) with framing

of Douglas fir larch or southern pine for wind or seismic loading, Note g shall be deleted.

v. In Section 2308.1, General, the last sentence shall be deleted.

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

21. Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:

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

ii. In Section 3001.2, Referenced standards, "ASME A17.1/CSA B44" shall be deleted and "ASME A17.1 with the exception of Sections 1.1.3 and 1.2, Sections 5.8 and 5.9, Sections 7.4 through 7.7 and Sections 7.9 through 7.11; ASME A17.1 Appendixes L, N, and P; ASME A18.1" shall be inserted after "shall conform to" in the fourth sentence.

iii. In Section 3001.3, Accessibility, "Chapter 11" shall be deleted and "the barrier free subcode (N.J.A.C. 5:23-7)" shall be inserted.

iv. In Section 3001.4, Change in use, "Section 8.7 of ASME A17.1/CSA B44" shall be deleted and "ASME A17.1" shall be inserted.

v. New Section 3002.4.1, Elevators in newly constructed multiple dwellings, shall be inserted as follows: "When an elevator is installed in any newly constructed multiple dwelling regardless of height, the elevator shall meet the dimensional requirements above."

vi. In Section 3002.5, Emergency doors, "ASME A17.1/CSA B44" shall be deleted and "ASME A17.1" shall be inserted.

vii. In Section 3003.2, Fire-fighters' emergency operation, "ASME A17.1/CSA B44" shall be deleted and "ASME A17.1" shall be inserted.

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

ix. In Section 3004.3, Area of vents, in the last sentence, "annealed glass" shall be deleted and "plain glass" shall be inserted.

x. In Section 3004.4, Plumbing and mechanical systems, in the exception, "without an oil-water separator" shall be inserted at the end of the sentence. In addition, the following sentence shall be inserted: "The discharge shall not be directly or indirectly connected to the sanitary drainage system."

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

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

1. Names and addresses of the owners of the tent or air-supported structure.

2. Date the fabric was last treated with flame-resistant solution.

3. Trade name or kind of chemical used in treatment.

4. Name of person or firm treating the material.

5. Name of testing agency and test standard by which the fabric was tested."

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

"Temporary structures, tents, tensioned membrane structures, and canopies meeting the criteria in N.J.A.C. 5:23-2.14 shall not require a permit. Greenhouses meeting the criteria in N.J.A.C. 5:23-3.2(d) shall not require a permit."

iii. In Section 3104.2, Separate structures, Exception 2 shall be deleted.

iv. Section 3109.4.1.8, Dwelling wall as barrier, shall be deleted in its entirety.

v. In Section 3109.4.1.9, Pool structure as barrier, "either shall be capable of being secured, locked or removed to prevent access, or the ladder or steps" shall be deleted. In addition, the last sentence shall be deleted.

vi. Section 3110, Automatic Vehicular Gates, shall be renumbered as 3111 and new Section 3110.0, "Swimming pools and spas" shall be inserted as follows:

3110.0 Swimming pools and spas. Swimming pools and spas shall be constructed in accordance with section 3110.1 through 3110.6.

3110.1 Public swimming pools. Public swimming pools shall be designed and constructed in conformance with ANSI/APSP-1 as listed in Chapter 35.

3110.2 Public spas. Public spas shall be designed and constructed in conformance with ANSI/APSP-2 as listed in Chapter 35.

3110.3 Permanently installed residential spas. Permanently installed residential spas shall be designed and constructed in conformance with ANSI/APSP-3 as listed in Chapter 35.

3110.4 Above-ground and on-ground residential swimming pools. Above-ground and on-ground residential swimming pools shall be designed and constructed in conformance with ANSI/APSP-4 as listed in Chapter 35.

3110.5 Residential in-ground swimming pools. Residential in-ground swimming pools shall be designed and constructed in conformance with ANSI/APSP-5 as listed in Chapter 35.

3110.6 Portable spas. Portable spas shall be designed and constructed in conformance with ANSI/APSP-6 as listed in Chapter 35.

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

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

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

iii. In Section 3202.4, Temporary encroachments, "applicable governing authority" shall be deleted and "municipality" shall be inserted.

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

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

ii. In Section 3306.2, Walkways, "Chapter 11" shall be deleted and "the barrier free subcode, N.J.A.C. 5:23-7" shall be inserted.

iii. Section 3307.1, Protection required, shall be deleted in its entirety and the following shall be inserted: "Protection of adjoining properties shall be in accordance with N.J.A.C. 5:23-2.34."

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

25. Chapter 34, Existing Structures, shall be amended as follows:

i. Sections 3401, General; 3402, Definitions; 3403, Additions; 3404, Alteration; 3405, Repairs; 3406, Fire Escapes; 3407, Glass Replacement; 3408, Change of Occupancy; 3409, Historic Buildings; 3410, Moved Structures; and 3411, Accessibility for Existing Buildings, shall be deleted.

ii. Section 3412, Compliance Alternatives, shall be deleted with the exception of Section 3412.6, Evaluation Process, which shall be amended as follows:

(1) "in accordance with N.J.A.C. 5:23-6.2(c)4" shall be inserted at the end of the first sentence.

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

i. Under the heading APSP, the following APSP Standards shall be inserted: "ANSI/APSP-1-03, Public Swimming Pools, ANSI/APSP-2-99, Public Spas, ANSI/APSP-3-99, Standard for Permanently Installed Residential Spas, ANSI/APSP-4-07, Standard for Above-Ground/On-Ground Residential Swimming Pools, ANSI/APSP-5-03, Standard for Residential In-ground Swimming Pools, and ANSI/APSP-6-99, Standard for Portable Spas."

ii. Under the subheading "ACI 318-08," "Section 1708.3" shall be deleted.

iii. Under the subheading "AISC 341-05," "Section 1708.3" shall be deleted.

iv. Under the subheading "AWS D1.1-04," "Section 1708.3" shall be deleted.

27. The Appendices shall be amended as follows:

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

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

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

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

iii. Appendix I, Patio Covers, Appendix J, Grading, and Appendix K, Administrative Provisions, shall be deleted in their entirety.

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

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

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

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

Added (a)2 and (c).

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

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

This section was substantially amended.

Amended by R.1985 d.154, effective April 1, 1985 (operative July 1, 1985.)
 See: 17 N.J.R. 239(a), 17 N.J.R. 810(a).
 (a)2 added; subsection (c) added.
 Correction: N.J.A.C. 5:23-3.14(c)5 was incorrect in adoption.
 See: 17 N.J.R. 1409(a).
 Amended by R.1985 d.324, effective July 1, 1985.
 See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).
 (b)3i: amended text.
 Amended by R.1986 d.380, effective September 22, 1986.
 See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
 Substantially amended.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 Model subcode revisions.
 Amended by R.1988 d.270, effective June 20, 1988.
 See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).
 Added (a)3 and (c).
 Amended by R.1990 d.253, effective May 21, 1990.
 See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
 Text added at (c)2ii, 4, 5 and 7.
 Amended by R.1990 d.325, effective July 2, 1990.
 See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).
 Text added at (b)5xii(1) to conform to Fire Code.
 Amended by R.1990 d.507, effective October 15, 1990.
 See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
 Text conformed to BOCA National Code/1990.
 Amended by R.1990 d.558, effective November 19, 1990.
 See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).
 Conditional exemption for hoopouses or polyhouses added.
 Amended by R.1991 d.325, effective July 1, 1991.
 See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
 Article 26 amended at (b)14.
 Amended by R.1991 d.429, effective August 19, 1991.
 See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
 In (a), added 3. Added (c).
 Amended by R.1992 d.244, effective June 15, 1992.
 See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).
 Text added at (b)10v through viii.
 Amended by R.1993 d.662, effective December 20, 1993.
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1995 d.477, effective September 5, 1995.
 See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).
 Added (b)2v.
 Amended by R.1998 d.332, effective July 6, 1998.
 See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
 Rewrote the section.
 Amended by R.2000 d.492, effective December 18, 2000.
 See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).
 Rewrote (b)25.
 Amended by R.2001 d.127, effective April 16, 2001.
 See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).
 In (a)9, added new ix and recodified former ix through xiii as new x through xiv.
 Amended by R.2001 d.368, effective October 15, 2001.
 See: 33 N.J.R. 1990(a), 33 N.J.R. 3673(b).
 In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.
 Amended by R.2001 d.369, effective October 15, 2001.
 See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).
 In (b), substituted "seven" for "7 1/3 (2335 mm)" in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.
 Amended by R.2002 d.215, effective July 1, 2002.
 See: 34 N.J.R. 1078(a), 34 N.J.R. 2312(a).
 In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.
 Administrative correction.
 See: 34 N.J.R. 3771(b).
 Amended by R.2003 d.187, effective May 5, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).
 Rewrote the section.

Administrative correction.
 See: 35 N.J.R. 2864(b).
 Amended by R.2003 d.351, effective September 2, 2003.
 See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).
 In (b)9, added xi; recodified existing xi to xiii as xii to xiv.
 Amended by R.2003 d.420, effective November 3, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).
 Rewrote (b).
 Administrative correction.
 See: 36 N.J.R. 3525(c).
 Amended by R.2004 d.423, effective November 15, 2004.
 See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).
 In (b)5, added ii.
 Amended by R.2005 d.4, effective January 3, 2005.
 See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).
 In (b)19, added new iv and recodified former iv and v as v and vi.
 Administrative correction.
 See: 37 N.J.R. 502(b), 674(a).
 Amended by R.2005 d.403, effective November 21, 2005.
 See: 37 N.J.R. 2753(a), 37 N.J.R. 4399(b).
 Added (b)14xi and recodified former (b)14xi-xiii as (b)14xii-xiv; added (b)18 and recodified former (b)18-25 as (b)19-26.
 Amended by R.2005 d.446, effective December 19, 2005.
 See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).
 In (b)3viii(3), substituted "one- and two-family" for "single-family"; in (b)3viii(5), "Group R-5 also includes: ..."
 Amended by R.2006 d.28, effective January 17, 2006.
 See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).
 Rewrote (b)9, 20 and 21.
 Amended by R.2006 d.157, effective May 1, 2006.
 See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).
 Rewrote (b)21ii.
 Administrative Correction.
 See: 38 N.J.R. 3024(a).
 Amended by R.2006 d.381, effective November 6, 2006.
 See: 38 N.J.R. 35(a), 38 N.J.R. 4691(a).
 In (b)15ii, added the last sentence; added new (b)15iv; and recodified former (b)15iv through (b)15xv as (b)15v through (b)15xvi.
 Amended by R.2007 d.51, effective February 5, 2007.
 See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).
 Added new (b)2viii; recodified former (b)2viii through (b)2x as (b)2ix through (b)2xi; added new (b)3iii; recodified former (b)3iii through (b)3viii as (b)3iv through (b)3ix; added new (b)9i; recodified former (b)9i through (b)9xi as (b)9ii through (b)9xii; added new (b)9xiii; recodified former (b)9xii through (b)9xv as (b)9xiv through (b)9xvii; added new (b)10xxii and (b)10xxiii; and recodified former (b)10xxii as (b)10xxiv.
 Amended by R.2007 d.65, effective February 20, 2007.
 See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).
 Rewrote the section.
 Administrative correction.
 See: 39 N.J.R. 1249(a).
 Amended by R.2007, d.384, effective December 17, 2007.
 See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).
 Added new (b)3i and (b)3ii; and recodified former (b)3i through (b)3vii as (b)3iii through (b)3ix.
 Amended by R.2008 d.39, effective March 3, 2008.
 See: 39 N.J.R. 2175(a), 40 N.J.R. 1084(a).
 Added new (b)24iii; and recodified former (b)24iii as (b)24iv.
 Administrative correction.
 See: 40 N.J.R. 1829(a).
 Amended by R.2008 d.184, effective July 7, 2008.
 See: 39 N.J.R. 2176(a), 40 N.J.R. 3990(a).
 Deleted former (b)9vii; and recodified former (b)9viii through (b)9xli as (b)9vii through (b)9xli.
 Amended by R.2009 d.48, effective February 2, 2009.
 See: 40 N.J.R. 5319(a), 41 N.J.R. 733(b).
 In (b)3iii, inserted "(not including food or drink consumption)"; added new (b)5ii; recodified former (b)5ii as (b)5iii; added new (b)5iv and (b)5v; recodified former (b)5iii through (b)5ix as (b)5vi through (b)5xii; in (b)7i, deleted "at" preceding and ", and group U when used as an accessory to Group R3" following "Note b"; added new (b)8iii; recodified former (b)8iii through (b)8v as (b)8iv through (b)8vi; in (b)8v, substituted "Exceptions 4 and 6" for "Exception 4" and "their" for "its";

in the second paragraph of (b)9ii, deleted “.1” following “903.1.2”; in (b)9vi, deleted “that conforms to the requirements of Section 1005.3.6,” following “stairway” and substituted “1023” for “1003.3.4”; in the introductory paragraph of (b)9vi, substituted “903.2.14” for “903.2.16”; in (b)9xii3, substituted “903.3.1.1” for “906.2.1”; rewrote (b)9xiii through (b)9xli; added (b)9xlii; rewrote (b)10, (b)17xiv through (b)17xxii; added new (b)18v; recodified former (b)18v through (b)18xi as (b)18vi through (b)18xii; rewrote (b)21; and in (b)22iv, deleted “In” preceding “Section” and “Item 3” preceding “shall”.

Amended by R.2009 d.126, effective April 20, 2009.

See: 41 N.J.R. 16(a), 41 N.J.R. 1725(a).

Added new (b)18v; and recodified former (b)18v through (b)18xii as (b)18vi through (b)18xiii.

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

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

In (b)21ii, inserted “insert” twice, substituted “8.6” for “8.6.1.6.5” and deleted “shall be inserted” preceding “after” twice.

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

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

Rewrote the section.

Amended by R.2012 d.179, effective November 5, 2012.

See: 44 N.J.R. 1679(a), 44 N.J.R. 2557(a).

Added new (b)9xlvii, (b)10xxx and (b)10xxxi; recodified former (b)9xlvi through (b)9liii as (b)9xlvii through (b)9liv; and recodified former (b)10xxx through (b)10xxviii as (b)10xxxii through (b)10xl.

Amended by R.2013 d.081, effective June 3, 2013.

See: 44 N.J.R. 1303(a), 45 N.J.R. 1393(a).

In (b)17i, substituted “1” for “I”.

Administrative correction.

See: 46 N.J.R. 74(b).

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 Plumbing Heating-Cooling Contractors—National Association, known as “The National Standard Plumbing Code/2009,” as the plumbing subcode for New Jersey.

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

2. “The National Standard Plumbing Code/2009,” including appendices, may be known and cited as “the plumbing subcode.”

(b) The following pages, chapters, sections or appendices of the plumbing subcode shall be 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,” shall be 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 definition of “hot water” shall be deleted and the following definition shall be inserted: “Hot Water: Potable water at a temperature of not less than 120 degrees F and not more than 140 degrees F.

ix. The definition of “Dead End, Potable Water” shall be deleted in its entirety.

x. The definition of “tempered water” shall be amended as follows: before “temperature,” delete “desired” and after “temperature,” delete “for its intended use, typically” and insert “of.”

xi. The term and definition of “nuisance” are deleted.

xii. 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,” shall be 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. In Section 2.11, Piping materials exposed within plenums, “Codes” shall be deleted and “subcodes” shall be inserted.

iv. In Section 2.12, Sleeves, subparagraph e, “regulations” shall be deleted and “subcode” shall be inserted.

v. In Section 2.16, Freezing or overheating, at item 1, “42” shall be inserted in the blank space provided. Additionally, the following shall be inserted: “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, "24" shall be inserted in the blank space provided. In addition, in the third line of Item 2, "6" shall be inserted in the blank space provided.

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

vii. 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."

viii. New Section 2.19.3, Common Systems, shall be inserted as follows:

a. Common water services shall be permitted to serve attached single-family dwellings in groups of three or more where the common water service is located within property subject to an association easement or on common property and there is a homeowners' association or other owner entity responsible for maintenance and upkeep.

b. Common building sewers shall be permitted to serve attached single-family dwellings in groups of three or more where the common sewer is located within property subject to an association easement or on common property and there is a homeowners' association or other owner entity responsible for maintenance and upkeep.

ix. In Section 2.23, Dead Ends, subsection b shall be deleted.

x. Section 2.24, Toilet facilities for construction workers, shall be deleted in its entirety.

4. Chapter 3 of the plumbing subcode, entitled "Materials," shall be 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 3.1.3, Standards applicable to plumbing materials, "Section 3.12.2" shall be deleted and "N.J.A.C. 5:23-3.7" shall be inserted.

iv. In Section 3.1.3, Standards Applicable to Plumbing Materials, in the "Note," the following shall be inserted: APSP—The Association of Pool and Spa Professionals, 2110 Eisenhower Avenue, Alexandria, VA 22314, tel: 703-838-0083, fax: 703-549-0493.

v. In Table 3.1.3, Standards for Approved Plumbing Materials and equipment, Part XI, Practices and Standards for Qualifications, Installation and Testing,

insert: "20. Entrapment Avoidance for Swimming Pools, Spas and Hot Tubs: APSP-7 – 2006."

vi. Section 3.3.8a is amended to add the following phase: "Pressure vessels shall be designed and constructed in accordance with the requirements of the American Society of Mechanical Engineers (ASME, Rules for Construction of Pressure Vessels, Section VIII/2004. 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.

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

viii. 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 903.5.1.1 of the building subcode, shall be water pressure rated not less than 160 psig at 73°F.

ix. Section 3.12, Alternate materials and methods, shall be deleted in its 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," shall be amended as follows:

i. In Section 5.3.2, Trap seals, in Exception (2), "in accordance with N.J.A.C. 5:23-3.3" shall be inserted after "Authority Having Jurisdiction."

ii. In Section 5.3.4, Building traps, "in accordance with N.J.A.C. 5:23-3.3" shall be inserted after "Authority Having Jurisdiction."

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

i. At the end of Section 6.1.1, Where required, the following shall be inserted: "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,” shall be 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, Bowl height, Exception (2) and Exception (3) 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.”

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 accessible 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. Section 7.23, Safety features for spas and hot tubs, shall be deleted and Section 7.23, Safety features for swimming pools, spas and hot tubs, shall be inserted as follows:

“7.23 Safety Features for Swimming Pools, Spas and Hot Tub.

7.23.1 Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.”

9. Chapter 8 of the plumbing subcode, entitled “Hangers and Supports,” shall be amended as follows:

i. In Section 8.9, Seismic supports for piping, “code” shall be deleted and “subcode” shall be inserted.

10. Chapter 10 of the plumbing subcode, entitled “Water Supply and Distribution,” shall be 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 10.4.4, Private supplies, at Note b, “in accordance with N.J.A.C. 7:10-10.2(e)” shall be inserted after “Authority Having Jurisdiction.”

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

vi. Section 10.5.9a. Exception (4) shall be deleted and the following inserted: “(4) Where fire protection systems supplied from a potable water system include a fire department (Siamese) connection which is located less than 1,700 feet from a non-potable water source, the water supply shall be protected by one of the following:

(i) Reduced pressure backflow preventer assembly; or

(ii) Reduced pressure detector assembly.”

vii. In Section 10.8.1 insert “as required by the Authority Having Jurisdiction” after “in accordance with good practice.”

viii. Section 10.15.1, Hot water supply system, shall be amended to add the phrase “Outlet temperature of hot water from lavatory faucets in public use facility restrooms or public toilet rooms shall be provided with a means to limit the maximum temperature to 110 degrees F.”

ix. Insert new section 10.20, Multi-purpose fire sprinkler systems, as follows: Section P2904, Multi-purpose fire sprinkler systems, of the 2009 International Residential Code shall be considered part of the plumbing subcode.

11. 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.”

12. Chapter 12 of the plumbing subcode, entitled “Vents and Venting,” shall be amended as follows:

i. Section 12.5 is deleted in its entirety.

ii. Section 12.8.2 is deleted in its entirety.

13. Chapter 13 of the plumbing subcode, entitled “Storm Water Drainage,” shall be amended as follows:

i. In Section 13.1.5, Foundation drains, Notes a. through d. shall be amended to read “subsoil drains shall be provided in accordance with the building subcode.”

ii. Section 13.1.10.1, Primary roof drainage, shall be amended to delete the last sentence and to substitute in lieu thereof “Rainfall rates shall be applied so that the applicable rainfall rate for Burlington and Ocean coun

ties 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.

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 16 of the plumbing subcode, entitled “Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewer Systems Are Not Available,” shall be amended as follows:

i. Except as otherwise indicated in (b)15ii below, Sections 16.1 through 16.12.1.13 shall be deleted in their entirety.

ii. In Section 16.1.7, Abandoned disposal systems, insert “When an existing building is being demolished and the existing sewage disposal system is abandoned or an existing sewage disposal system is being abandoned and a connection is being made to the public sewer disposal system or new sewage disposal system, the plumbing subcode official shall ensure that the existing abandoned tank 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.”

16. Chapter 17 of the plumbing subcode entitled, “Potable Water Supply Systems,” shall be 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.

17. Chapter 18 of the plumbing subcode, entitled “Mobile Home and Travel Trailer Park Plumbing Standards,” shall be amended as follows:

i. In Section 18.2.1, General, the last sentence beginning with “Trailer home park” shall be deleted.

ii. New Section 18.2.1.1, Permanently Installed Manufactured Homes, shall be inserted as follows: This chapter is not applicable to permanently installed manufactured homes meeting the Federal Manufactured Home Construction and Safety Standards, 24 C.F.R. Part 3280.

iii. New Section 18.2.1.2, Approved Structures, shall be inserted as follows: An approved structure placed on a site for use as a permanent dwelling shall meet the applicable requirements of this subcode, excluding Chapter 18.

iv. Section 18.2.2 is amended to delete the words “or sewerage disposal” on line 1.

v. 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.”

vi. Section 18.8.1.2 is deleted.

vii. Section 18.8.3 is amended to add the phrase “for dependent trailers” after the word “park” on line 1.

viii. Section 18.8.4 is amended to add the phrase “for dependent trailers” after the word “park” on line 1.

ix. Section 18.9 is deleted.

x. Section 18.10 is deleted.

18. Appendix A, entitled “Sizing Storm Drainage Systems,” shall be deleted in its entirety.

19. Appendix E of the plumbing subcode, entitled "Special Design Plumbing Systems," shall be amended as follows:

i. Section E.9.3, Rainfall Rates, shall be deleted and the following shall be inserted: "Rainfall rates shall be applied so that the applicable rainfall rates for Burlington and Ocean counties and all counties south, shall be six (6) inches per hour; for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five (5) inches per hour."

ii. Section E.9.4, Secondary Roof Drainage, shall be deleted.

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).

Amended by R.2005 d.341, effective October 17, 2005.

See: 37 N.J.R. 164(a), 37 N.J.R. 3974(b).

In (b)3iv, added "and add the following sentence at the end: 'Minimum earth cover for building sewers connected to a private sewage disposal system shall be 6 inches.'" at the end of the paragraph.

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

Rewrote the section.

Amended by R.2008 d.274, effective September 15, 2008.

See: 40 N.J.R. 2629(a), 40 N.J.R. 5195(b).

In paragraph 7.23 of (b)8vi, substituted "Spas and Hot Tubs" for "spas and hot tubs"; in subparagraph 2 of paragraph 7.23.3 of (b)8vi, inserted a period at the end; in paragraph 7.23.4.1 of (b)8vi, added the second paragraph; and in paragraph 7.23.5 of (b)8vi, inserted the closing quotation mark at the end.

Amended by R.2008 d.346, effective November 17, 2008.

See: 40 N.J.R. 3778(a), 40 N.J.R. 6540(a).

In (b)4iv, inserted "the" preceding "Construction" and substituted "2004" for "1998"; added (b)10vi; recodified former (b)10vi and (b)10vii as (b)10vii and (b)10viii; and in (b)10viii, substituted "2004" for "1999".

Amended by R.2009 d.48, effective February 2, 2009.

See: 40 N.J.R. 5319(a), 41 N.J.R. 733(b).

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

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

Rewrote the section.

Amended by R.2013 d.081, effective June 3, 2013.

See: 44 N.J.R. 1303(a), 45 N.J.R. 1393(a).

Added new (b)3viii; recodified former (b)3viii through (b)3ix as (b)3ix through (b)3x; added new (b)17ii through (b)17iii; and recodified former (b)17ii through (b)17viii as (b)17iv through (b)17x.

Case Notes

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

5:23-3.16 Electrical subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the National Fire Protection Association, known as "The National Electrical Code 2011" as the electrical subcode for New Jersey.

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

2. The National Electrical Code 2011 may be known and cited as "the electrical subcode."

i. Codes and standards referenced in the Informational Notes of the electrical subcode (NEC 2011) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin #12-1, which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode.

3. The Commissioner hereby adopts the National Electrical Safety Code (ANSI C2-2007) for the installation of area lighting facilities by an electric utility on private property on metal poles with an underground electric feed.

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

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

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

i. Section 90.4, entitled "Enforcement," is amended to delete in the first paragraph the phrase, "authority having jurisdiction for enforcement of the code" and substitute in lieu thereof, the term "electrical subcode official." And add a new last sentence in the first paragraph: "Approval shall be in accordance with N.J.A.C. 5:23-2.9." Delete in the second paragraph the phrase "authority having jurisdiction" and substitute in lieu

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

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

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

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

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

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

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

i. Section 210.8(A)(2) and (5) of Article 210, entitled Branch Circuits, is deleted; it is replaced by Section 210.8(A)(2) and (5) and the exceptions in the National Electrical Code 2005 as follows:

"210.8(A)(2) – Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2) – Receptacles that are not readily accessible.

Exception No. 2 to (2) – A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)7, or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

210.8(A)(5) – Unfinished basements: For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5) – Receptacles that are not readily accessible.

Exception No. 2 to (5) – A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)7, or (A)(8).

Exception No. 3 to (5) – A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G)."

ii. Section 210.12(B), entitled "Branch Circuit Extensions or Modifications – Dwelling Units," is deleted in its entirety.

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

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

ii. Section 334.12(A)(2) is deleted in its entirety.

5. Chapter 4 of the electrical subcode, entitled "Equipment for General Use" is amended as follows:

i. Section 406.4(D)(4), entitled "Arc-Fault Circuit-Interrupter Protection," is deleted in its entirety.

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

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

ii. Section 525.5(B) of Article 525, entitled Carnivals, Circuses, Fairs and Similar Events, is deleted; it is replaced by Section 525.5(B) in the National Electrical Code 2005 as follows:

"525.5(B) Clearances to Rides and Attractions. Amusement rides and amusement attractions shall be maintained not less than 4.5 m (15 ft) in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement ride or attraction. Amusement rides or attractions shall not be located under or within 4.5 m (15 ft) horizontally of conductors operating in excess of 600 volts."

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

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

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

(1) Parts II, III, IV, and V, comprising sections 551.20 through 551.60, are deleted in their entirety, with the exception of Figure 551.46(C), which shall be retained.

v. Article 552 shall be applicable to structures covered by the recreational park trailers subcode, N.J.A.C. 5:23-4D, provided that:

(1) The structure is restricted to seasonal use as per Section 552.4. For purposes of applying this requirement, the park in which the structure is located shall be open for six months or less each year or access to the structures shall be otherwise restricted to a period of six months or less each year; and

(2) No additions, alterations, or extensions of any kind shall be made to the electrical system or structure unless the entire electrical system shall be made to conform to the electrical requirements of this code applicable to single family dwellings.

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

i. Section 680.42(B), entitled "Bonding," shall be deleted and the following shall be inserted:

"680.42(B) Bonding. Bonding by metal-to-metal mounting on a common frame or base shall be permitted.

Exception No. 1: The metal bands or hoops used to secure wooden staves shall not be required to be bonded as required in 680.26.

Exception No. 2: A listed self-contained spa or hot tub that meets all of the following conditions shall not be required to have equipotential bonding of perimeter surfaces installed as required in 680.26(B)(2):

(1) Is installed in accordance with manufacturer's instructions on or above grade.

(2) The vertical measurement from all permanent perimeter surfaces within 30 horizontal inches (76 cm) of the spa to the top rim of the spa is greater than 28 inches (71 cm).

Informational Note: For further information regarding the grounding and bonding requirements for self-contained spas and hot tubs, see ANSI/UL 1563 – 2009, Standard for Electric Spas, Equipment Assemblies, and Associated Equipment."

8. Chapter 8 of the electrical subcode, entitled "Communication Systems," is amended as follows:

i. Section 800.156, entitled "Dwelling Unit Communications Outlet," is deleted in its entirety.

9. Informative Annex H of the electrical subcode, entitled "Administration and Enforcement," is deleted in its entirety.

(c) A newly installed automatic lawn sprinkler system, where such systems are not prohibited by local ordinance, shall be equipped with an automatic rain sensor device or switch that will override the irrigation cycle of the automatic lawn sprinkler system when rainfall of more than one-half inch has occurred.

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

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

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

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

Section substantially amended.

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

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

Model subcode revisions.

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

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

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

Rewrote the section.

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

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

In (a), inserted a new 3.

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

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

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

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

Rewrote the section.

Amended by R.2003 d.240, effective June 16, 2003.

See: 34 N.J.R. 3045(a), 35 N.J.R. 2637(c).

Added (c).

Amended by R.2006 d.158, effective May 1, 2006.

See: 37 N.J.R. 4105(a), 38 N.J.R. 1827(a).

In (a)1, (a)2 and (a)2.i, substituted "2005" for "2002"; also in (a)2.i, substituted "#06-2" for "#03-1"; in (a)3, substituted "C2-2002" for "C2-1997"; deleted (b)1 and recodified (b)2 through (b)6 as (b)1 through (b)5; in (b)4.ii, substituted "(2)" for "(1)", in (b)5iii(1), substituted "4" for "2"; in (b)5iii(2), substituted "V" for "VI" and "551.20" for "551.10"; and inserted (b)6.

Amended by R.2007 d.310, effective October 1, 2007.

See: 39 N.J.R. 135(a), 39 N.J.R. 4113(b).

Added (b)7.

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

Added new (b)4ii; recodified former (b)4ii as (b)4iii; and in (b)4iii, substituted "(2)" for "(1)".

Amended by R.2008 d.213, effective August 4, 2008.

See: 39 N.J.R. 2411(a), 40 N.J.R. 4523(b).

Rewrote (b)5iv.

Amended by R.2009 d.100, effective April 6, 2009.

See: 40 N.J.R. 5900(a), 41 N.J.R. 1397(a).

In the introductory paragraphs of (a)1 and (a)2 and in (a)2i, substituted "2008" for "2005"; in (a)2i, substituted "#09-1" for "#06-2", rewrote (b)3i; added (b)4iv and (b)4v; added new (b)5ii; recodified former (b)5ii through (b)5iv as (b)5iii through (b)5v; deleted (b)5iii(1)(A) and former (b)5iv(1); recodified former (b)5iv(2) as new (b)5iv(1); in (b)6, substituted "H" for "G"; and rewrote (b)7.

Amended by R.2010 d.291, effective December 20, 2010.

See: 42 N.J.R. 1943(a), 42 N.J.R. 3053(a).

Rewrote (b)6; and added (b)8.

Amended by R.2012 d.083, effective May 7, 2012.

See: 44 N.J.R. 10(a), 44 N.J.R. 1336(a).

In the introductory paragraph of (a)1 and (a)2, and in (a)2i, substituted "2011" for "2008"; in (a)2i, substituted "Informational Notes" for "Fine Print Notes (FPNs)" and "12-1" for "09-1"; in (b)2i, deleted "3.8 and 3.8A" following "5:23-3.7"; in the introductory paragraph of (b)3i, substituted "210.8(A)(2)" for "210.8 (A)2"; in (b)3i, inserted the last paragraph; added (b)3ii; deleted (b)4ii, (b)4iv and (b)4v; recodified (b)4iii as (b)4ii; added new (b)5; recodified former (b)5 through (b)8 as (b)6 through (b)9; rewrote (b)7i; and in (b)9, inserted "Informative".

Case Notes

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

5:23-3.17 Fire protection subcode

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

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

i. International Building Code/2009 of the International Code Council, Inc. (N.J.A.C. 5:23-3.14):

(1) Chapter 3—Use and Occupancy Classification;

- (2) Chapter 4—Special Detailed Requirements Based on Use and Occupancy;
 - (3) Chapter 7—Fire and Smoke Protection Features;
 - (4) Chapter 8—Interior Finishes;
 - (5) Chapter 9—Fire Protection Systems and N.J.A.C. 5:23-3.5(d) entitled “Posted Hydraulic System Data Plate”;
 - (6) Chapter 10—Means of Egress;
 - (7) Sections 2111 through 2113 of Chapter 21—Masonry;
 - (8) Sections 2603 through 2613 of Chapter 26—Plastic;
 - (9) Section 3104 of Chapter 31—Special Construction;
 - (10) Section 3309, 3311 and 3312 of Chapter 33—Safeguards During Construction;
- ii. National Electrical Code/2008 of the National Fire Protection Association (N.J.A.C. 5:23-3.16).
- (1) Section 300.21 of Chapter 3—Wiring Methods and Materials;
 - (2) Article 450, Part III—Transformer Vaults of Chapter 4—Equipment for General Use;
 - (3) Chapter 5—Special Occupancies;
 - (4) Article 695—Fire Pumps of Chapter 6—Special Equipment;
 - (5) Article 760—Fire Alarm Systems of Chapter 7—Special Conditions;
- iii. International Mechanical Code/2009 of the International Code Council (N.J.A.C. 5:23-3.20):
- (1) Chapter 3—General Regulations;
 - (2) Chapter 5—Exhaust Systems;
 - (3) Chapter 6—Duct Systems;
 - (4) Chapter 7—Combustion Air;
 - (5) Chapter 8—Chimneys and Vents;
 - (6) Chapter 9—Specific Appliances, Fireplaces and Solid Fuel Burning Equipment;
 - (7) Chapter 13—Fuel Oil Piping and Storage;
- iv. International Fuel Gas Code/2009 of the International Code Council (N.J.A.C. 5:23-3.22):
- (1) Chapter 3—General Regulations;
 - (2) Chapter 5—Chimneys and Vans;
 - (3) Chapter 6—Specific Appliances.

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

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

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

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

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

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

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

Section substantially amended.

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

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

Substantially amended.

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

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

Model subcode revisions.

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

Rewrote (a).

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

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

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

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

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

In (a)1ii, changed “1996” to “1999”.

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

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

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

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

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

In (a), substituted “are” for “area” in the introductory paragraph and rewrote (i) and (ii) in 1.

Administrative Correction to (a)1iii and (a)1iv: Changed “Code/2000” to “Code/2003”.

See: 37 N.J.R. 2860(a).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

In (a)1i, substituted “2006” for “2000”; deleted (a)1i(5)(A) and (B); in (a)1ii, substituted “2005” for “2002”; and in (a)1iii and (a)1iv, substituted “2006” for “2003”.

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

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

In the introductory paragraph of (a)1i, of (a)1iii and of (a)1iv, substituted “2009” for “2006”; in (a)1i(3), substituted “Fire and Smoke Protection Features” for “Fire Resistance-Rated Construction”; in (a)1i(8), substituted “2613” for “2607”; and in the introductory paragraph of (a)1ii, substituted “2008” for “2005”.

Case Notes

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

5:23-3.18 Energy Subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the International Code Council, known as the International Energy Conservation Code (IECC/2009), as the energy subcode for New Jersey.

i. Copies of the IECC/2009 may be obtained from International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

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

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

1. Chapter 1, Administration, shall be amended as follows:

i. Sections 101.1, Title, 101.2, Scope, and 101.3, Intent, shall be deleted.

ii. Section 101.4, Applicability, shall be deleted except for Subsection 101.4.6, Mixed Occupancy.

iii. Sections 103, Construction Documents, 104, Inspections, and 105, Validity, shall be deleted.

iv. Section 106.4, Other laws, shall be deleted.

v. Sections 107, Fees, 108, Stop Work Order, and 109, Board of Appeals, shall be deleted.

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

i. In Section 201.3, Terms defined in other codes, "International Plumbing Code" shall be deleted and "National Standard Plumbing Code" shall be inserted.

ii. The definitions "Addition", "Alteration", "Building", "Code Official", "Dwelling Unit," and "Repair" shall be deleted.

iii. The definition of "Residential Building" shall be amended to add the text "and R-5" after R-3.

3. Chapter 3, Climate Zones, shall be amended as follows:

i. Section 303.3, Maintenance information, shall be deleted.

4. Chapter 4, Residential Energy Efficiency, shall be amended as follows:

i. Section 402.3.6, Replacement fenestration, shall be deleted.

ii. In Section 403.2.2, Sealing (Mandatory), the second paragraph "Effective January 1, 2013" shall be inserted before "Duct tightness."

iii. In Section 403.7, Systems serving multiple dwelling units (Mandatory), delete "Sections 503 and 504" and replace with "Chapters 6 and 7 of the 2007 ASHRAE/IESNA Standard 90.1".

5. Chapter 5, Commercial Energy Efficiency, shall be amended as follows:

i. At Section 501.1, Scope, the text shall be deleted and replaced with the following: "The requirements contained in this chapter shall be applicable to commercial buildings, or portions thereof. These commercial buildings shall meet the ASHRAE/IESNA Standard 90.1/2007, Energy Standard for Buildings Except for Low-Rise Residential Buildings."

ii. Section 501.2, Application, shall be deleted and replaced with "501.2 Amendments. The following amendments shall apply to ASHRAE/2007:

1. Section 9.4.1.4 (c), shall have the following sentence added: "Guest suites shall have the option of a master control device meeting these requirements at the entry to each room."

2. Chapter 8, Power, shall be considered optional.

iii. Section 502, Building Envelope Requirements, Section 503, Building Mechanical Systems, Section 504, Service Water Heating, Section 505, Electrical Power and Lighting Systems, and Section 506, Total Building Performance, shall be deleted in their entirety.

6. Chapter 6, Referenced Standards, shall be amended as follows:

i. In the ICC table, "IPC-09, International Plumbing Code" shall be deleted and "NSPC-09, National Standard Plumbing Code" shall be inserted. In addition, at the bottom of the ICC table, "*** NSPC-09 is non-ICC and is published by the National Association of Plumbing-Heating-Cooling Contractors" shall be inserted.

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

See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Substantially amended.

Amended by R.1988 d.50, effective February 1, 1988.

See: 19 N.J.R. 1862(b), 20 N.J.R. 268(a).

Added (b)6; renumbered (b)6.-7. as (b)7.-8.

Amended by R.1988 d.417, effective September 6, 1988.

See: 20 N.J.R. 699(b), 20 N.J.R. 2274(a).

Substantially amended.

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

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

Text conformed to BOCA National Code/1990.

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

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

Section E-502.1 deleted.

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

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

In (b)5, deleted old and added new i.

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

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

Amended by R.1995 d.143, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4872(a), 27 N.J.R. 1179(b).

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

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

Rewrote the section.

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

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

Rewrote the section.

Administrative change.

See: 33 N.J.R. 3310(a).

Administrative correction.

See: 35 N.J.R. 2494(b).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

In (a)1, substituted "International Code Council, known as the International Energy Conservation Code (IECC/2006)" for "Council of American Building Officials, Inc., known as the Model Energy Code/1995"; in (a)1i, substituted "IECC/2006" for "CABO Model Energy Code/1995" and "International Code Council" for "BOCA International"; and rewrote (b).

Amended by R.2009 d.48, effective February 2, 2009.

See: 40 N.J.R. 5319(a), 41 N.J.R. 733(b).

Added new (b)2i, recodified former (b)2i and (b)2ii as (b)2ii as (b)2iii; and added (b)6.

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

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

Rewrote the section.

Amended by R.2011 d.269, effective November 7, 2011.

See: 43 N.J.R. 904(a), 43 N.J.R. 3008(a).

In (b)2i, deleted "'ICC Electrical Code' and" following "codes," "'National Electrical Code' and" following "deleted and", and "respectively" following "inserted"; and rewrote (b)6i.

2. Section 3280.5, entitled "Data plate";

3. Section 3280.6, entitled "Serial number";

4. Section 3280.7, entitled "Modular homes"; and

5. Section 3280.8, entitled "Certification label".

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

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

Amended by R.1982 d.7, eff. February 1, 1982.

See: 13 N.J.R. 171(a), 14 N.J.R. 142(a).

This section was recodified from 5:23-3.9.

Case Notes

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

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

5:23-3.19 Manufactured home subcode

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

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

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

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

1. Section 3280.1, entitled "Scope";

5:23-3.20 Mechanical subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Mechanical Code/2009. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications in (b) below.

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

ii. The International Mechanical Code/2009 may be known and cited as the "mechanical subcode."

2. Any references to the International Plumbing Code, the International Energy Conservation Code or the International Existing Building Code listed in Chapter 15 shall be considered a reference to the appropriate plumbing, or energy subcode in N.J.A.C. 5:23-3 or the rehabilitation subcode in N.J.A.C. 5:23-6.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Mechanical Code/2009 shall be amended as follows:

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

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

- i. In Section 201.3, Terms defined in other codes, delete "International Plumbing Code," and insert "plumbing subcode."
- ii. The definition of the term "alteration" is deleted.
- iii. The definition of the term "approved" is deleted.
- iv. The definition of the term "building" is deleted.
- v. The definition of the term "code" is deleted.
- vi. The definition of the term "code official" is deleted.

3. Chapter 3 of the mechanical subcode, entitled "General Regulations," shall be amended as follows:

- i. Section 301.1, Scope, is amended to delete the words "in accordance with Section 101.2."
- ii. Section 301.4, Listed and labeled, is amended to delete the words "in accordance with Section 105."
- iii. In Section 301.8, Plumbing connections, delete "International Plumbing Code" and insert "plumbing subcode (N.J.A.C. 5:23-3.15)" in its place.
- iv. Section 301.11 is deleted.
- v. Add new section 301.16, Safety devices and controls, as follows:

"Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner shall be used for other than electrically driven or controlled equipment."

- vi. Section 307.1, Fuel-burning appliances, shall be amended to insert "drywell, sump pump, floor drain, or drainage system below floor" after "fixture."
- vii. Section 307.2.1, Condensate disposal, is amended to add the following after the word "disposal" on line 3: "in accordance with the plumbing subcode." In addition, the second sentence shall be deleted.
- viii. Section 307.2.2, Drain pipe materials and sizes, is deleted.
- ix. Section 309, Temperature control, is deleted.

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

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

- ii. In Section 504.8, Common exhaust systems for clothes dryers located in multistory structures, item 7 is amended to add ", if provided," after the word "and".

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

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

- i. Section 602.2.1, Materials in plenums, is amended to modify Exception 3 to read: "This section shall not apply to materials exposed within plenums in one-and two-family dwellings. Wire exposed in plenums of one-and two-family dwellings shall conform to the requirements of the electrical subcode."

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

6. Chapter 8 of the mechanical subcode, entitled "Chimneys and Vents," shall be amended as follows:

- i. In Section 801.18.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.

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

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

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

- i. Section 1101.1, Scope, the word "repair" shall be deleted.

- ii. Section 1102.2.2, Purity, is deleted.

- iii. Add new Section 1103.1.1, Acceptable refrigerants, as follows: "Only refrigerants listed by the US Environmental Protection Agency (EPA), pursuant to the Significant New Alternatives Program (SNAP) under section 612 of the Clean Air Act Amendments, as acceptable substitutes for the particular use shall be permitted."

- iv. Section 1109, Periodic testing, is deleted.

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

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

10. Chapter 15 of the mechanical subcode, entitled "Referenced Standards," shall be amended as follows:

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

(1) Delete "IEBC—06, International Existing Building Code."

(2) Delete "IPC—06, International Plumbing Code."

11. Appendix A of the mechanical subcode entitled "Combustion Air and Chimney Connector Pass-Throughs" is informative and is not part of the code.

12. Appendix B of the mechanical subcode entitled "Recommended Permit Fee Schedule," is deleted in its entirety.

(c) Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building of Group I-1, R-1, R-2, R-3, R-4, or R-5, if the building contains a fuel-burning appliance or has an attached garage. An "open parking structure," as defined in the building subcode, shall not be deemed to be an attached garage.

1. Exceptions: Guestrooms 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 guestroom 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 guestroom 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.

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

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

New rule.

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

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

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

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

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

Substantially amended.

Amended by R.1987 d.14, effective January 5, 1987.

See: 18 N.J.R. 2083(a), 19 N.J.R. 63(a).

In (b)5iv Section M-508 was deleted and Section M-508.1 was substituted.

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

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

Model subcode revisions.

Amended by R.1988 d.270, effective June 20, 1988.

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

Added (a)3 and (c).

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

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

References to 1989 Supplement added; (c)1 and 3 added.

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.429, effective August 19, 1991.

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

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

Amended by R.1992 d.183, effective April 20, 1992.

See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

Text added at (b)7 and (c)1, deleting parts of article 16 of the mechanical subcode.

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

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

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

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

Added (c).

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

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

Rewrote (a) and (b).

Administrative correction.

See: 33 N.J.R. 3310(a).

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 (c), added the last sentence in the introductory paragraph, and rewrote 1.

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

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

In (c), deleted “, or any dwelling unit of Use Group” following “R-2”, and substituted “, R-3 or R-4” for “R-3 located in a building required to be registered as a multiple dwelling” in the introductory paragraph.

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

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

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

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).

Amended by R.2006 d.75, effective February 21, 2006.

See: 37 N.J.R. 3110(a), 38 N.J.R. 1183(a).

Added (b)3iii; recodified former (b)3iii-ix as (b)3iv-x.

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

Rewrote the section.

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

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

Rewrote (a) and (b).

5:23-3.20A (Reserved)

New Rule R.1992 d.183, effective April 20, 1992.

See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

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

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

Section was “Indoor air quality subcode”.

5:23-3.21 One- and two-family dwelling subcode

(a) Rules concerning the subcode are adopted 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, 2009 International Residential Code known as the “IRC/2009” as the one-and two-family dwelling subcode in New Jersey subject to the modifications stated in (c) 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 IRC/2009 may be known and cited as the one-and two-family dwelling subcode.

(b) The provisions of this subcode shall apply to the construction, alteration, repair, or increase in size of detached one-or two-family dwellings, or single family townhouses, of Group R-5 not more than three stories in height. For this purpose, a townhouse shall be as defined in Section 202 of the International Residential Code: “A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides.”

(c) The following chapters or sections of the IRC/2009 shall be modified as follows:

1. Chapter 1, Scope and 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. The definition of “Alteration” shall be deleted.

iii. The definition of “Approved” shall be deleted and the following shall be inserted: “Approved refers to approval by the building subcode official or other authority having jurisdiction in accordance with the regulations.”

iv. In the definition of “Approved Agency,” “or other authority having jurisdiction in accordance with the Uniform Construction Code” shall be inserted after “Official.”

v. The definition of “Attic, habitable” shall be deleted.

vi. The definitions of “Building” shall be deleted and the definition at N.J.A.C. 5:23-3.14(b)2iv shall be inserted.

vii. The definition of “Building, Existing” shall be deleted.

viii. The definition of “Building Line” shall be deleted.

ix. The definition of “Building Official” shall be deleted.

x. In the definition of “Dwelling Unit,” “living as a single housekeeping unit” shall be inserted after “persons.”

xi. The definition of “Existing Installations” shall be deleted.

xii. The definition of “Jurisdiction” shall be deleted.

xiii. The definition of “Manufactured Home” shall be deleted.

xiv. The definition of “Owner” shall be deleted and the definition at N.J.A.C. 5:23-3.14(b)2viii shall be inserted.

xv. The definition of “Permit” shall be deleted.

xvi. The definition of “Person” shall be deleted.

xvii. In the definition of “Potable Water,” “public health authority having jurisdiction” shall be deleted and “Public Health Drinking Water Standards or the regulations” shall be inserted.

xviii. The definition of “Repair” shall be deleted.

xix. The definition of “Structure” shall be deleted.

3. Chapter 3, Building Planning, shall be amended as follows:

i. Add new Section R300 as follows:

“R300 Height and Area Limitations. Buildings of VB, unprotected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than two stories, not more than 35 feet in height, and not more than 4,800 square feet in area per floor. For the purpose of applying this section, a habitable attic shall not constitute a story. A habitable attic shall be an attic that has a stairway as a means of access and egress and in which the ceiling area at a height of seven feet above the attic floor is not more than one-third the area of the next floor below.

R300.1 Increases in Height. The building shall be not more than three stories and not more than 55 feet in height where the building is equipped throughout with an automatic sprinkler system installed in accordance with the National Fire Protection Association (NFPA) Standard 13 or 13R and where the system is monitored by an approved supervising station in accordance with NFPA 72.

R300.2 Increases in area. The area of a building may be increased as provided in Sections R300.2.1 and Section R300.2.2 below.

R300.2.1 The area limitation shall be permitted to be increased 200 percent for one-and two-story buildings and 100 percent for buildings more than two stories in height where a building is equipped throughout with an automatic sprinkler system installed in accordance with NFPA Standard 13.

R300.2.2 The area limitation shall be permitted to be increased two percent for each one percent of excess

frontage where a building has more than 25 percent of the building perimeter fronting on a street or other unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet in width, and shall have access from a street by a posted fire lane that is not less than 18 feet in width.

R300.3 Buildings of VA construction. Buildings of VA, protected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than three stories, not more than 40 feet in height, and not more than 10,200 square feet in area per floor.

R300.3.1 Buildings of VA construction greater than three stories in height shall be designed and constructed in accordance with the building subcode.

R300.3.2 Buildings of VA construction shall be permitted to be increased in area in accordance with R300.2.

R300.4 Buildings of other types of construction: The height and area limits allowable for buildings of construction type VA shall apply to other construction types, as they are defined in Section 602 of the building subcode, provided that the fire ratings of building elements meet or exceed the requirements for type VA in Tables 601 and 602 of the building subcode.

ii. In Section R301.2.1.2, Protection of openings, in the first sentence, “and glass doors” shall be inserted after “Windows.” In addition, in the exception, “in one-and two-story buildings” shall be deleted from the first sentence.

iii. Table R301.2(1), Climatic and Geographic Design Criteria, shall be amended as follows:

Table No. 301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load (lbs./sq. ft.)	Wind Speed (mph)	Seismic Design Category	Subject to Damage From Weathering	Frost Line Depth	Subject to Damage Termite
20 See note 4	See Fig. R301.2(4)	N/A	Severe See note 1	2 feet–6 inches (Southern Area) 3 feet–0 inches (Northern Area) See notes 2, 3 and 4	Moderate to Heavy

Notes:

1. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy structural requirements of this code. The grade of masonry units shall be determined from the ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C625 listed in Chapter 43.
2. The frost line depth may require deeper footings than indicated in Section R403.1.4. The jurisdiction shall fill in the frost line depth column with minimum depth of footing below finished grade.
3. New Jersey is divided into two zones: Zone 1 consists of Monmouth and Burlington Counties and all counties to the south. Zone 2 consists of Mercer and Middlesex Counties and all counties to the north.
4. The enforcing agency having jurisdiction may establish values other than the ones listed for “ground snow load,” and “frost line depth” if warranted by documented local climatic and geographic conditions.”

iv. Section R301.2.1.5, Topographic wind effects, shall be deleted.

v. Section R301.2.2, Seismic provisions, shall be deleted in its entirety and the following shall be inserted: “Detached one- and two-family dwellings and attached

single-family townhouses are exempt from the seismic requirements of this code." In addition, the exception shall be deleted in its entirety.

vi. Section R301.2.4.1, Alternative provisions, shall be deleted in its entirety.

vii. In Table R301.5, Minimum Uniformly Distributed Live Loads, delete "Balconies (exterior) and" from the fourth row. Insert a new row below "Decks" with "Exterior Balconies" in the "Use" column and "60" in the "Live Load" column.

viii. In exception 2 of Section R302.1, the following shall be added to the end of the sentence: "provided the aggregate area of all buildings on the same lot do not exceed the permissible area from Section R300."

ix. In Section R302.2, Townhouses, in the first sentence of the exception, "1-hour" shall be deleted and "2-hour" shall be inserted. Additionally, in the second sentence of the exception, "Chapters 34 through 43" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

x. In Section R302.2.4, Structural Independence, Item #5 shall be amended as follows: "1-hour" shall be deleted and "2-hour" shall be inserted.

xi. In Exception 1 of R302.3, Two-family dwellings, "13R, or 13D" shall be inserted after "NFPA 13."

xii. Table R302.6, Dwelling/Garage Separation, shall be amended as follows: In the column entitled "Material" and the rows entitled "From all habitable rooms above the garage" and "Structure(s) supporting floor/ceiling assemblies used for separation required by this section," the text shall be deleted and "constructed with not less than a one-hour fire resistance rating (see N.J.U.C.C. FTO-13)" shall be inserted.

xiii. In Section 302.13, Combustible Insulation Clearance, "Section N1102.4.5" shall be deleted and "the energy subcode (N.J.A.C. 5:23-3.18)" shall be inserted.

xiv. Section R303.6, Stairway illumination, and Section R303.6.1, Light activation, shall be deleted in their entirety.

xv. Section R303.8, Required heating, shall be deleted in its entirety.

xvi. In Section R307.1, Space required, "Figure R307.1, and in accordance with the requirements of Section P2705.1" shall be deleted and "Figure 7.3.2 of the plumbing subcode, entitled 'Minimum Fixture Clearances'" shall be inserted. In addition, Figure R307.1 shall be deleted in its entirety.

xvii. In Section R310.1, Emergency escape and rescue required, "Basements, habitable attics and" shall

be deleted. The sentence shall start with "Every." In addition, the exception shall be deleted in its entirety.

xviii. In Section R311.3.1, Floor elevations at the required egress doors, in the Exception, "7 3/4 inches (196 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted. Also, in Section R311.3.2, Floor elevations for other exterior doors, "7 3/4 inches (196 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted.

xix. In Section R311.7.4.1, Riser height, in the first sentence, "7 3/4 inches (196 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted.

xx. In Section R311.7.4.2, Tread depth, in the first sentence of the first paragraph, "10 inches (254 mm)" shall be deleted and "9 inches (229 mm)" shall be inserted. In addition, in the first sentence of the second paragraph, "10 inches (254 mm)" shall be deleted and "9 inches (229 mm)" shall be inserted.

xxi. In Section R311.7.7.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.

xxii. Section R311.7.8, Illumination, shall be deleted in its entirety.

xxiii. In Section R311.8.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.

xxiv. Section R313.1, Townhouse automatic fire sprinkler system, shall be deleted. Section R313.1.1 shall be retained.

xxv. In Section R313.1.1, Design and installation, "or NFPA 13D" shall be inserted after "Section P2904".

xxvi. Section R313.2, One- and two-family dwellings automatic fire systems, shall be deleted. Section R313.2.1 shall be retained.

xxvii. Section R314.3.1, Alterations, repairs and additions, shall be deleted in its entirety.

xxviii. In Section R314.4, Power source, both exceptions shall be deleted.

xxvix. Section 315.2, Where required in existing dwellings, shall be deleted.

xxx. Section R319, Site address, shall be deleted in its entirety.

xxxi. Section R320, Accessibility, shall be deleted in its entirety.

xxxii. Section R321, Elevators and platform lifts, shall be deleted in its entirety.

xxxiii. In Section R322.1, General, "as established by Table R301.2(1)" shall be deleted.

xxxiv. Section R322.1.1, Alternative provisions, shall be deleted in its entirety.

xxxv. In Section R322.1.6., Protection of mechanical and electrical systems, the second sentence shall be deleted in its entirety.

xxxvi. In Section R322.1.7, Protection of water supply and sanitary sewage systems, in the first and second sentences, "and replacement" shall be deleted. Also, in the second sentence, "the plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

xxxvii. In Section R322.1.9, Manufactured homes, in the first sentence, "or replacement" and "and the anchor and tie-down requirements of Section AE604 and AE605 of Appendix E shall apply" shall be deleted.

xxxviii. In Section R322.2.3, Foundation design and construction, "For buildings supported by piles, the design and methods of construction shall meet the applicable criteria of ASCE 24." shall be inserted after the first sentence.

xxxix. In Section R322.3, Coastal high-hazard area (including V Zones), "through R322.3.6" shall be deleted and "and ASCE 24" shall be inserted in its place.

xl. In Section R322.3.1, Locations and site preparation, Item #1 shall be deleted and the Section R324.3.1 of the 2006 International Residential Code shall be inserted as follows: "1. Buildings and structures shall be located landward of the reach of mean high tide."

xli. Section R322.3.2, Elevation requirements, Section R322.3.3, Foundations, Section R322.3.4, Walls below design flood elevation, Section R322.3.5, Enclosed areas below design flood elevation, and Section R322.3.6, Construction documents, shall be deleted in their entirety.

xl.ii. Section R323, Storm Shelters, shall be deleted.

4. Chapter 4, Foundations, shall be amended as follows:

i. In Section R401.1, Application, "as established by Table R301.2(1)" shall be deleted.

ii. In Table R401.4.1, Presumptive Load Bearing Values of Foundation Materials, "12,000; 4,000; 3,000; 2,000; and 1,500" shall be deleted and "12,000; 6,000; 5,000; 3,000; and 2,000" shall be inserted.

iii. Section R403.1.4, Minimum depth, shall have the following exceptions added:

"Exceptions:

1. Accessory garden-type utility sheds and similar structures that are 100 square feet or less in

area, 10 feet or less in height and does not contain a water, gas, oil or sewer connection. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

2. Accessory garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, and 10 feet or less in height, provided the shed is dimensionally stable without the foundation system and does not contain a water, gas, oil or sewer connection. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground."

iv. In Section R403.1.4.1, Frost protection, the exception shall be deleted and the following shall be inserted:

Exception: Free standing buildings meeting all of the following conditions shall not be required to be protected:

1. Buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to, agricultural buildings, temporary buildings and minor storage facilities.

2. Area of 600 square feet (56 m²) or less for light framed construction, or 400 square feet (37 m²) or less for other than light-framed construction; and

3. Eave height of 10 feet (3048 mm) or less.

v. In Section R403.3.3, Drainage, "Table R405.1" shall be deleted and "Table R406.1" shall be inserted.

vi. In Section 404.2.5, Drainage and dampproofing, delete "Sections R405 and R406, respectively." and insert "Section R406."

vii. In Table R404.1.1(1), Note B; Table R404.1.1(2), Note D; Table R404.1.1(3), Note D; Table R404.1.1(4), Note D; Table R404.1.2(2), Note A; Table R404.1.2(3), Note A; Table R404.1.2(4), Note A; Table R404.1.2(5), Note A; Table R404.1.2(6), Note A; Table R404.1.2(7), Note A; and Table R404.1.2(8), Note A, "Table R405.1" shall be deleted and "Table R406.1" shall be inserted.

viii. Sections R405, Foundation Drainage, with the exception of Table R405.1, which shall be renumbered as "Table R406.1", and R406, Foundation Waterproofing and Dampproofing, shall be deleted and the text of Section 1807, Dampproofing and Waterproofing from the International Building Code (IBC)/2006 shall be inserted as follows:

"R406.1 Where required. Walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and dampproofed in accordance with this section, with the exception of those spaces containing groups other than residential and institutional where such omission is not detrimental to the building or occupancy.

R406.1.1 Story above grade. Where a basement is considered a story above grade and the finished ground level adjacent to the basement wall is below the basement floor elevation for 25 percent or more of the perimeter, the floor and walls shall be dampproofed in accordance with Section R406.2 and a foundation drain shall be installed in accordance with Section R406.4.1. The foundation drain shall be installed around the portion of the perimeter where the basement floor is below ground level. The provisions of Sections R406.3 and R406.4.1 shall not apply in this case.

R406.1.2 Underfloor space. The finished ground level of an underfloor space such as a crawl space shall not be located below the bottom of the footings. Where there is evidence that the ground water table rises to within six inches (152 mm) of the ground level at the outside building perimeter or where there is evidence that the surface water does not readily drain from the building site, the ground level of the underfloor space shall be as high as the outside finished ground level, unless an approved drainage system is provided. The provisions of Sections R406.2, R406.3 and R406.4 shall not apply in this case.

R406.1.2.1 Flood hazard areas. For buildings and structures in flood hazard areas as established in Section R322, the finished ground level of an underfloor space such as a crawl space shall be equal to or higher than the outside finished ground level.

Exception: Under-floor spaces that meet the requirements of FEMA/FIA-TB-11.

R406.1.3 Groundwater control. Where the groundwater table is lowered and maintained at an elevation not less than 6 inches (152 mm) below the bottom of the lowest floor, the floor and walls shall be dampproofed in accordance with Section R406.2. The design of the system to lower the groundwater table shall be based on accepted principles of engineering that shall consider, but not necessarily be limited to, permeability of the soil, rate at which water enters the drainage system, rated capacity of pumps, head against which pumps are to pump; and the rated capacity of the disposal area of the system.

R406.2 Dampproofing required. Where hydrostatic pressure will not occur, floors and walls for other than wood foundation systems shall be dampproofed in accordance with this section. Wood foundation systems shall be constructed in accordance with AFPA TR7.

R406.2.1 Floors. Dampproofing materials for floors shall be installed between the floor and the base course

required by Section R406.4.1, except where a separate floor is provided above a concrete slab.

Where installed beneath the slab, dampproofing shall consist of not less than six-mil (0.006 inch; 0.152 mm) polyethylene with joints lapped not less than six inches (152 mm), or other approved methods or materials. Where permitted to be installed on top of the slab, dampproofing shall consist of mopped-on bitumen, not less than four-mil (0.004 inch; 0.102 mm) polyethylene, or other approved methods or materials. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.2.2 Walls. Dampproofing materials for walls shall be installed on the exterior surface of the wall, and shall extend from the top of the footing to above ground level.

Dampproofing shall consist of a bituminous material, three pounds per square yard (16N/m²) of acrylic modified cement, 1/8-inch (3.2 mm) coat of surface-bonding mortar complying with ASTM C 887, any of the materials permitted for waterproofing by Section R406.3.2, or other approved methods or materials.

R406.2.2.1 Surface preparation of walls. Prior to application of dampproofing materials on concrete walls, holes and recesses resulting from the removal of form ties shall be sealed with a bituminous material or other approved methods or materials. Unit masonry walls shall be parged on the exterior surface below ground level with not less than 3/8 inch (9.5 mm) of Portland cement mortar. The parging shall be coved at the footing.

Exception: Parging of unit masonry walls is not required where a material is approved for direct application to the masonry.

R406.3 Waterproofing required. Where the groundwater investigation indicates that a hydrostatic pressure condition exists, and the design does not include a groundwater control system as described in Section R406.1.3, walls and floors shall be waterproofed in accordance with this section.

R406.3.1 Floors. Floors required to be waterproofed shall be of concrete, designed and constructed to withstand the hydrostatic pressures to which the floors will be subjected.

Waterproofing shall be accomplished by placing a membrane of rubberized asphalt, butyl rubber, or not less than six-mil polyvinyl chloride with joints lapped not less than six inches (152 mm) or other approved materials under the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.3.2 Walls. Walls required to be waterproofed shall be of concrete or masonry and shall be designed and constructed to withstand the hydrostatic pressures and other lateral loads to which the walls will be subjected.

Waterproofing shall be applied from the bottom of the wall to not less than 12 inches (305 mm) above the maximum elevation of the ground water table. The remainder of the wall shall be dampproofed in accordance with Section R406.2.2. Waterproofing shall consist of two-ply hot-mopped felts, not less than six-mil (0.006 inch; 0.152 mm)

polyvinyl chloride, 40-mil (0.040 inch; 1.02 mm) polymer-modified asphalt, six-mil (0.006 inch; 0.152 mm) polyethylene or other approved methods or materials capable of bridging nonstructural cracks. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.3.2.1 Surface preparation of walls. Prior to the application of waterproofing materials on concrete or masonry walls, the walls shall be prepared in accordance with Section R406.2.2.1.

R406.3.3 Joints and penetrations. Joints in walls and floors, joints between the wall and floor, and penetrations of the wall and floor shall be made watertight utilizing approved methods and materials.

R406.4 Subsoil drainage system. Where a hydrostatic pressure condition does not exist, dampproofing shall be provided and a base shall be installed under the floor and a drain installed around the foundation perimeter. A subsoil drainage system designed and constructed in accordance with Section R406.1.3 shall be deemed adequate for lowering the groundwater table.

R406.4.1 Floor base course. Floors of basements, except as provided for in Section R406.1.1, shall be placed over a floor base course not less than four inches (102 mm) in thickness that consists of gravel or crushed stone containing not more than 10 percent of material that passes through a No. 4 (4.75 mm) sieve.

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a dedicated drainage system is not required.

R406.4.2 Foundation drain. A drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 (4.75 mm) sieve. The drain shall extend a minimum of 12 inches (305 mm) beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than six inches (152 mm) above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or the top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than two inches (51 mm) of gravel or crushed stone complying with Section R406.4 and shall be covered with not less than six inches (152 mm) of the same material.

R406.4.3 Drainage discharge. The floor base and foundation perimeter drain shall discharge by gravity or mechanical means into an approved drainage system that complies with the plumbing subcode.

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a dedicated drainage system is not required."

R406.4.4 Precast concrete foundations. Precast concrete walls that retain earth and enclose habitable or useable space located below grade that rest on crushed stone

footings shall have a perforated drain pipe installed below the base of the wall on either the interior or the exterior side of the wall, at least one foot (305 mm) beyond the edge of the wall. If the exterior drainage pipe is used, an approved filter membrane material shall cover the pipe. The drainage system shall discharge into an approved drainage system that complies with the plumbing subcode."

ix. At Section R407.3, Structural requirements, in the exception, delete the phrase "In Seismic Design Categories A, B, and C" at the beginning of the sentence.

x. In Section R408.3, Unvented crawl space, in Condition 2.1 and Condition 2.2, "Section N1102.2.9" shall be deleted and "the energy subcode (N.J.A.C. 5:23-3.18)" shall be inserted.

xi. In Section R408.7, Flood resistance, "as established by Table R301.2(1)" shall be deleted.

5. Chapter 5, Floors, shall be amended as follows:

i. In Section R502.11.4, entitled "Truss Design Drawings," the second sentence shall be amended to insert "and truss layout drawings" after "Truss design drawings."

ii. New Section R502.11.5, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

iii. In Section R506.2.2, Base, in the exception, "Table R405.1" shall be deleted and "Table R406.1" shall be inserted.

6. Chapter 6, Wall Construction, shall be amended as follows:

i. In Figure R602.6.1, Notching and Bored Hole Limitations for Exterior Walls and Bearing Walls, "eight 10d nails" shall be deleted and "three-8d nails" shall be inserted.

ii. In Section R602.6.1, Drilling and notching of top plate, "eight 10d (0.148 inch diameter)" shall be deleted and "three-8d" shall be inserted.

iii. Section R606.1.1, Professional registration not required, shall be deleted.

iv. In Section R611.1, General, the second sentence shall be deleted.

7. Chapter 8, Roof-Ceiling Construction, shall be amended as follows:

i. In Section R802.10.1, entitled "Truss Design Drawings," the third sentence shall be amended to insert "and truss layout drawings" after "Truss design drawings."

ii. New Section 802.10.6, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

8. Chapter 9, Roof Assemblies, shall be amended as follows:

i. In Section R903.4.1, Overflow drains and scuppers, in the last sentence, "International Plumbing Code" shall be deleted and "plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted in its place.

ii. In Sections 905.2.7.1, 905.4.3.1, 905.5.3.1, 905.6.3.1, 905.7.3.1 and 905.8.3.1 in the first sentence, delete "In areas where there has been a history of ice forming along the eaves causing a back-up of water as designated in table R301.2(1)", and "In areas where the average daily temperature in January is 25°F (-4°C) or less," shall be inserted.

9. Chapter 10, Chimneys and Fireplaces, shall be amended as follows:

i. In Section R1001.11, Fireplace clearance, Exception 3, "12 inches" shall be deleted and "six inches" shall be inserted.

ii. In Section R1003.18, Chimney clearances, Exception 3, "12 inches" shall be deleted and "six inches" shall be inserted.

iii. In Figure R1003.18, Clearance from Combustibles, "12 IN." shall be deleted and "6 IN." shall be inserted.

10. Chapter 11, Energy Efficiency, shall be deleted in its entirety.

11. Chapter 12, Mechanical Administration, shall be amended as follows:

i. Section M1202, Existing mechanical systems, shall be deleted in its entirety.

12. Chapter 13, General Mechanical System Requirements, shall be amended as follows:

i. In Section M1305.1.3.1, Electrical requirements, "Chapter 39" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

ii. In Section M1305.1.4.3, Electrical requirements, "Chapter 39" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iii. Section M1307.4, Hydrogen generating and refueling operations, shall be deleted in its entirety and the following shall be inserted:

M1307.4 Hydrogen generating and refueling operations. The installation of hydrogen fuel cell systems shall be installed in accordance with the applicable requirements of the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code.

iv. In Section 1307.5, Electrical appliances, "and 34 through 43" shall be deleted and "and the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted at the end of the sentence.

v. Section M1307.6, Plumbing Connections, "Chapters 29 and 30" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted in its place.

vi. Add new Section M1307.7 as follows:

M1307.7 Safety devices and controls. Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner, shall be used for other than electrically driven or controlled equipment.

13. Chapter 14, Heating and Cooling Equipment, shall be amended as follows:

i. Chapter M1401.3, Sizing, "When provided," shall be inserted at the beginning of the sentence.

ii. In Section M1405.1, General, "Chapters 34 through 43 of this code" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iii. In Section M1406.1, General, "Chapters 34 through 43 of this code" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

iv. In Section M1406.2, Clearances, "Chapters 34 through 43 of this code" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.

- v. In Section M1407.1, General, "Chapters 34 through 43 of this code" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.
- vi. In Section M1411.3, Condensate disposal, in the first sentence, "in accordance with the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted after "disposal."
- vii. Section M1411.3.2, Drain pipe materials and sizes, shall be deleted in its entirety.
- viii. In Section M1413.2, Protection of potable water, "Section P2902" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.
14. Chapter 18, Chimney and Vents, shall be amended as follows:
- i. In Section M1801.3.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.
15. Chapter 20, Boilers/Water Heaters, shall be amended as follows:
- i. In Section M2004.1, General, "Chapter 28" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.
- ii. In Section M2005.3, Electric water heaters, "Chapters 34 through 43" shall be deleted and "the electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.
16. Chapter 21, Hydronic Piping, shall be amended as follows:
- i. In Section M2101.2, System drain down, "Chapters 25 through 32 of this code" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.
- ii. In Section M2101.3, Protection of potable water, "Section P2902" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.
17. Chapter 22, Special Piping and Storage Systems shall be amended as follows:
- i. In Section M2201.2, Above-ground tanks, in the first sentence and in the exception, "above ground or" shall be deleted and "residential" shall be inserted before "building."
18. Chapter 23, Solar Systems, shall be amended as follows:
- i. In Section M2301.5, Backflow protection, "Section P2902" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.
19. Chapter 24, Fuel Gas, shall be amended as follows:
- i. In Section G2402.3, Terms defined in other codes, "International Building Code, International Fire Code, and International Plumbing Code" shall be deleted and "electrical, building, fire protection, and plumbing subcodes" shall be inserted.
- ii. Section G2403, entitled "General Definitions" shall be amended as follows:
- (1) The definition of "approved" shall be deleted.
- (2) The definition of "code" shall be deleted.
- (3) The definition of "code official" shall be deleted and the following shall be inserted: "For the purpose of this subcode, the term 'code official' shall mean the appropriate subcode official as required by N.J.A.C. 5:23-3.4."
- iii. In Section G2404.3, Listed and labeled, in the first sentence, "Section R104.11" shall be deleted and "N.J.A.C. 5:23-3.7" shall be inserted. In addition, the last sentence shall be deleted.
- iv. Section G2404.5, Repair, shall be deleted in its entirety.
- v. In Section G2408.1, General, the second paragraph shall be deleted in its entirety.
- vi. In Section G2410.2, Connections, "Chapters 34 through 43" shall be deleted and "the Electrical subcode (N.J.A.C. 5:23-3.16)" shall be inserted.
- vii. Section G2412.2, Liquefied petroleum gas storage, shall be amended as follows: Notwithstanding the provisions contained in NFPA 58, the installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.
- viii. Section G2412.3, Modifications to existing system, shall be deleted in its entirety.
- ix. Add new Section G2412.9 as follows:
- G2412.9 (401.9) Protection from vehicle impact. Gas meters, related regulators and piping that are installed indoors or outdoors and are subject to vehicle impact shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.
- Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.
- x. In Section G2413.6.1, Liquefied petroleum gas systems, insert the following at the beginning of the section: "The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge)."

xi. Section G2414.3, Other materials, shall be deleted in its entirety.

xii. Section G2417.7, entitled "Purging," shall be deleted and the following shall be inserted:

G2417.7 Purging requirements. The purging of piping shall be in accordance with Sections G2417.7.1 through G2417.7.3.

G2417.7.1 Piping systems required to be purged outdoors. The purging of piping systems shall be in accordance with the provisions of Sections G2417.7.1.1 through G2417.7.1.4 where the piping system meets either of the following:

1. The design operating gas pressure is greater than 2 psig.
2. The piping being purged contains one or more sections of pipe or tubing meeting the size and length criteria of Table G2417.7.1.1.

G2417.7.1.1 Removal from service. Where existing gas piping is opened, the section that is opened shall be isolated from the gas supply and the line pressure vented in accordance with Section G2417.7.1.3. Where gas piping meeting the criteria of Table G2417.7.1.1 is removed from service, the residual fuel gas in the piping shall be displaced with an inert gas.

Table G2417.7.1.1 Size and Length of Piping

Nominal Pipe Size (inches) ^a	Length of Piping (feet)
>2 ½ <3	> 50
>3 <4	> 30
>4 <6	> 15
>6 <8	> 10
>8	Any length

For SI units: 1 inch = 25.4mm; 1 ft =304.8mm.

a. CSST EHD size of 62 is equivalent to nominal 2 inch pipe or tubing size.

G2417.7.1.2 Placing in operation. Where gas piping containing air and meeting the criteria of Table G2417.7.1.1 is placed in operation, the air in the piping shall first be displaced with an inert gas. The inert gas shall then be displaced with fuel gas in accordance with Section G2417.7.1.3.

G2417.7.1.3 Outdoor discharge of purged gases. The open end of a piping system being pressure vented or purged shall discharge directly to an outdoor location. Purging operations shall comply with all of the following requirements:

1. The point of discharge shall be controlled with a shutoff valve.
2. The point of discharge shall be located at least 10 feet from sources of ignition, at least 10 feet from building

openings and at least 25 feet from mechanical air intake openings.

3. During discharge, the open point of discharge shall be continuously attended and monitored with a combustible gas indicator that complies with Section G2417.7.1.4.

4. Purging operations introducing fuel gas shall be stopped when 90% fuel gas by volume is detected within the pipe.

5. Persons not involved in the purging operations shall be evacuated from all areas within 10 ft of the point of discharge.

G2417.7.1.4 Combustible gas indicator. Combustible gas indicators shall be listed and shall be calibrated in accordance with the manufacturer's instructions. Combustible gas indicators shall numerically display a volume scale from 0% to 100% in 1% or smaller increments.

G2417.7.2 Piping systems allowed to be purged indoors or outdoors. The purging of piping systems shall be in accordance with the provisions of Section G2417.7.2.1 where the piping system meets both of the following:

1. The design operating gas pressure is 2 psig or less.
2. The piping being purged is constructed entirely from pipe or tubing not meeting the size and length criteria of Table G2417.7.1.1.

G2417.7.2.1 Purging procedure. The piping system shall be purged in accordance with one or more of the following:

1. The piping shall be purged with fuel gas and shall discharge to the outdoors.
2. The piping shall be purged with fuel gas and shall discharge to the indoors or outdoors through an appliance burner not located in a combustion chamber. Such burner shall be provided with a continuous source of ignition.
3. The piping shall be purged with fuel gas and shall discharge to the indoors or outdoors through a burner that has a continuous source of ignition and that is designed for such purpose.
4. The piping shall be purged with fuel gas that is discharged to the indoors or outdoors, and the point of discharge shall be monitored with a listed combustible gas detector in accordance with Section G2417.7.2.2. Purging shall be stopped when fuel gas is detected.
5. The piping shall be purged by the gas supplier in accordance with written procedures.

G2417.7.2.2 Combustible gas detector. Combustible gas detectors shall be listed and shall be calibrated or tested in accordance with the manufacturer's instructions. Combustible gas detectors shall be capable of indicating the presence of fuel gas.

G2417.7.3 Purging appliances and equipment. After the piping system has been placed in operation, appliances and equipment shall be purged before being placed into operation.

xiii. In Section G2425.15.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.

xiv. In Section G2427.5.5, Inspection of chimneys, "examined to ascertain that it is clear and free of obstructions" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.

xv. In Section G2448.1.1, Installation requirements, "this code" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

xvi. In Section G2448.2, Water heaters utilized for space heating, "this code" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

20. Chapters 25 through 28 shall be deleted in their entirety. Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode.

21. Chapter 29, Water Supply and Distribution, shall be deleted except P2904, Multi-purpose fire sprinkler systems.

i. Section P2904 shall be amended as follows:

(1) In Section P2904.1, General, the last sentence shall be deleted and "A backflow flow preventer shall be required to separate a stand-alone sprinkler system from the water distribution system in accordance with the plumbing subcode (N.J.A.C. 5:23-3.15)." shall be inserted.

(2) In Section P2904.2.3, Freezing areas, "Section P2603.6" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

(3) In Section P2904.8.1, Preconcealment Inspection, item 8, "Section P2503.7" shall be deleted and "the plumbing subcode (N.J.A.C. 5:23-3.15)" shall be inserted.

22. Chapters 30 through 33 shall be deleted in their entirety. Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode.

23. Chapters 34 through 43 shall be deleted in their entirety. Electrical requirements under the scope of this subcode shall be regulated by the electrical subcode.

24. Chapter 44, Referenced standards, shall be amended as follows:

i. Under the subheading, NFPA, "NFPA 13R-07, Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height" shall be inserted.

25. The Appendices shall be amended as follows:

i. Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents; and Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems are informative and are not part of the one- and two-family dwelling subcode.

ii. Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix E, Manufactured Housing Used as Dwellings; and Appendix F, Radon Control Methods, are deleted in their entirety.

iii. In Appendix G, Section AG105.1, Application, "subject to this code" shall be inserted at the end of the first sentence.

iv. Appendix G, Swimming pools, Spas and hot tubs, shall be adopted as part of this subcode and Section AG105.2, Outdoor swimming pool, Provision 9 shall be deleted in its entirety. In the same section, under Provision 10, Item 10.1 shall be deleted. In addition, the last sentence in Item 10.2 shall be deleted. Also, Section AG105.3, Indoor swimming pool, "Item 9" shall be deleted and "Items 1 through 7" shall be inserted.

v. Appendix H, Patio Covers, and Appendix K, Sound Transmission, shall be adopted as part of this subcode.

vi. Appendix I, Private Sewage Disposal; Appendix J, Existing Buildings and Structures; Appendix L, Permit Fees; Appendix M, Home Day Care – R-3 Occupancy; Appendix N, Venting Methods; Appendix O, Gray Water Recycling Systems; Appendix P, Sizing of Water Piping Systems; and Appendix Q, ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference, shall be deleted in their entirety.

New Rule, R.1985 d.324, effective July 1, 1985.

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

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

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

Model subcode revisions.

Amended by R.1988 d.388, effective August 1, 1988.

See: 20 N.J.R. 1130(a), 20 N.J.R. 2073(b).

Added (c).

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

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

References to 1989 Supplement added; (b)lii(5), 2, 4, 8 and 9 amended; (b)5, 6 and 7 added; (c) deleted; Table R-201.2 added.

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.208, effective May 18, 1992.

See: 24 N.J.R. 680(a), 24 N.J.R. 1879(a).

Code provisions applicable to flood hazard zones clarified.

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

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

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

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

Rewrote the section.

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

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

In (c)4, substituted "more pressure than would be exerted by backfill" for "lateral pressure from soils" following "subject to" in ii, and substituted "drainage" for "designated disposal" preceding "system" and added "according to the Unified Soil Classification System, Group I Soils" at the end of iii; and inserted (c)9iv.

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

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

In (b), inserted "that are" following "type 5B construction", "no more" preceding "than 4,800 square feet", and substituted "seven feet" for "7 1/3 feet (2,235 mm.)".

Amended by R.2003 d.187, effective May 5, 2003.

See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).

Rewrote the section.

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

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

Rewrote (c).

Amended by R.2005 d.403, effective November 21, 2005.

See: 37 N.J.R. 2753(a), 37 N.J.R. 4399(b).

Rewrote (c).

Amended by R.2006 d.28, effective January 17, 2006.

See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).

Rewrote (c)15.

Administrative correction.

See: 38 N.J.R. 926(a).

Amended by R.2006 d.75, effective February 21, 2006.

See: 37 N.J.R. 3110(a), 38 N.J.R. 1183(a).

Added (c)10; recodified former (c)10-15 as (c)11-16.

Administrative correction.

See: 38 N.J.R. 1827(b).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

Rewrote (a) and (c).

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

Added new (c)17; and recodified existing (c)17 through (c)22 as (c)18 through (c)23.

Amended by R.2008 d.84, effective April 7, 2008.

See: 39 N.J.R. 5144(a), 40 N.J.R. 1827(a).

Deleted former (c)3xviii; recodified former (c)3xix through (c)3xxxi as (c)3xviii through (c)3xxx; in the introductory paragraph of (c)4, inserted a comma following "Foundations"; and in (c)4iii, added the second sentence.

Administrative correction.

See: 40 N.J.R. 1829(a).

Amended by R.2009 d.48, effective February 2, 2009.

See: 40 N.J.R. 5319(a), 41 N.J.R. 733(b).

In (c)3xxvii, inserted the final sentence; recodified the former second occurrence of (c)3xxiii as (c)3xxviii; added new (c)4iii; recodified former (c)4iii and (c)4iv as (c)4iv and (c)4v; added new (c)4vi; recodified former (c)4v through (c)4vii as (c)4vii through (c)4ix; added (c)5iii; in (c)8i, inserted "(N.J.A.C. 5:23-3.15)"; in (c)9iii, deleted "Figure R1003.11 and" following "In"; added new (c)19ix; recodified former (c)19ix through (c)19xiii as (c)19x through (c)19xiv; and rewrote (c)23iv.

Amended by R.2009 d.126, effective April 20, 2009.

See: 41 N.J.R. 16(a), 41 N.J.R. 1725(a).

Added new (c)4ii; and recodified former (c)4ii through (c)4ix as (c)4iii through (c)4x.

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

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

Rewrote (a) and (c).

Amended by R.2011 d.269, effective November 7, 2011.

See: 43 N.J.R. 904(a), 43 N.J.R. 3008(a).

Added new (c)3vii; deleted former (c)3xxii; recodified former (c)3vii through (c)3xxi as (c)3viii through (c)3xxii; added new (c)19xii; and recodified former (c)19xii through (c)19xv as (c)19xiii through (c)19xvi. Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: 46 N.J.R. 2186(a).

Rewrote (c)3.

Adopted concurrent amendment, R.2015 d.077, effective April 15, 2015.

See: 46 N.J.R. 2186(a), 47 N.J.R. 989(b).

Provisions of R.2014 d.161 adopted without change.

5:23-3.22 Fuel gas subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Fuel Gas Code/2009. This code is hereby adopted by reference as the fuel gas subcode for the State of New Jersey subject to the modifications in (b) below.

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

ii. The International Fuel Gas Code/2009 may be known and cited as the "fuel gas subcode."

2. Any references to the International Plumbing Code or the International Existing Building Code listed in Chapter 8 shall be considered a reference to the appropriate plumbing subcode in N.J.A.C. 5:23-3 or rehabilitation subcode in N.J.A.C. 5:23-6.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Fuel Gas Code/2009 shall be amended as follows:

1. Chapter 1 of the fuel gas subcode, entitled "Scope and Administration," is deleted in its entirety.

2. Chapter 2 of the fuel gas subcode, entitled "Definitions," is amended as follows:

i. In Section 201.3, Terms defined in other codes, delete "International Plumbing Code," and insert "the plumbing subcode."

ii. The definition of the term "alteration" is deleted;

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

iv. The definition of the term "code" is deleted;

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

vi. The definition of the term "unlisted boiler" is deleted.

3. Chapter 3 of the fuel gas subcode, entitled "General Regulations," shall be amended as follows:

i. Section 301.1, Scope, is amended to delete the words "in accordance with Section 101.2."

ii. In Section 301.3, Listed and labeled, "in accordance with Section 105," shall be deleted. In addition, the second sentence shall be deleted in its entirety.

iii. Section 301.9, Repair, is deleted.

iv. Section 305.1, General, delete the second paragraph in its entirety.

v. Section 307.1, Evaporators and cooling coils, delete "International Mechanical Code" and insert "plumbing subcode (N.J.A.C. 5:23-3.15)."

vi. Section 307.2, Fuel-burning appliances, shall be amended to insert "drywell, sump pump, floor drain, or drainage system below floor" after "fixture."

vii. Section 307.3, Drain pipe materials and sizes, shall be deleted.

4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," shall be amended as follows:

i. Section 401.2, Liquefied petroleum gas storage, shall be amended to add the following: Notwithstanding the provisions contained in NFPA 58, the installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.

ii. Add new Section 401.9 as follows:

401.9 Protection from vehicle impact. Gas meters, related regulators and piping that are installed indoors or outdoors and are subject to vehicle impact shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

(1) Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

iii. In Section 402.6.1, Liquefied petroleum gas systems, insert the following at the beginning of the section: "The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge)."

iv. Section 403.3, Other materials, is deleted.

v. Section 406.7, entitled "Purging," shall be deleted and the following shall be inserted:

406.7 Purging requirements. The purging of piping shall be in accordance with Sections 406.7.1 through 406.7.3.

406.7.1 Piping systems required to be purged outdoors. The purging of piping systems shall be in accordance with the provisions of Sections 406.7.1.1 through 406.7.1.4 where the piping system meets either of the following:

1. The design operating gas pressure is greater than 2 psig.

2. The piping being purged contains one or more sections of pipe or tubing meeting the size and length criteria of Table 406.7.1.1.

406.7.1.1 Removal from service. Where existing gas piping is opened, the section that is opened shall be isolated from the gas supply and the line pressure vented in accordance with Section 406.7.1.3. Where gas piping meeting the criteria of Table 406.7.1.1 is removed from service, the residual fuel gas in the piping shall be displaced with an inert gas.

Table 406.7.1.1 Size and Length of Piping

Nominal Pipe Size (inches) ^a	Length of Piping (feet)
>2 ½ <3	> 50
>3 <4	> 30
>4 <6	> 15
>6 <8	> 10
>8	Any length

For SI units: 1 inch = 25.4mm; 1 ft = 304.8mm.

a. CSST EHD size of 62 is equivalent to nominal 2 inch pipe or tubing size.

406.7.1.2 Placing in operation. Where gas piping containing air and meeting the criteria of Table 406.7.1.1 is placed in operation, the air in the piping shall first be displaced with an inert gas. The inert gas shall then be displaced with fuel gas in accordance with Section 406.7.1.3.

406.7.1.3 Outdoor discharge of purged gases. The open end of a piping system being pressure vented or purged shall discharge directly to an outdoor location. Purging operations shall comply with all of the following requirements:

1. The point of discharge shall be controlled with a shutoff valve.

2. The point of discharge shall be located at least 10 feet from sources of ignition, at least 10 feet from building openings and at least 25 feet from mechanical air intake openings.

3. During discharge, the open point of discharge shall be continuously attended and monitored with a combustible gas indicator that complies with Section 406.7.1.4.

4. Purging operations introducing fuel gas shall be stopped when 90% fuel gas by volume is detected within the pipe.

5. Persons not involved in the purging operations shall be evacuated from all areas within 10 ft of the point of discharge.

406.7.1.4 Combustible gas indicator. Combustible gas indicators shall be listed and shall be calibrated in accordance with the manufacturer's instructions. Combustible gas indicators shall numerically display a volume scale from 0% to 100% in 1% or smaller increments.

406.7.2 Piping systems allowed to be purged indoors or outdoors. The purging of piping systems shall be in accordance with the provisions of Section 406.7.2.1 where the piping system meets both of the following:

1. The design operating gas pressure is 2 psig or less.
2. The piping being purged is constructed entirely from pipe or tubing not meeting the size and length criteria of Table 406.7.1.1.

406.7.2.1 Purging procedure. The piping system shall be purged in accordance with one or more of the following:

1. The piping shall be purged with fuel gas and shall discharge to the outdoors.
2. The piping shall be purged with fuel gas and shall discharge to the indoors or outdoors through an appliance burner not located in a combustion chamber. Such burner shall be provided with a continuous source of ignition.
3. The piping shall be purged with fuel gas and shall discharge to the indoors or outdoors through a burner that has a continuous source of ignition and that is designed for such purpose.
4. The piping shall be purged with fuel gas that is discharged to the indoors or outdoors, and the point of discharge shall be monitored with a listed combustible gas detector in accordance with Section 406.7.2.2. Purging shall be stopped when fuel gas is detected.

5. The piping shall be purged by the gas supplier in accordance with written procedures.

406.7.2.2 Combustible gas detector. Combustible gas detectors shall be listed and shall be calibrated or tested in accordance with the manufacturer's instructions. Combustible gas detectors shall be capable of indicating the presence of fuel gas.

406.7.3 Purging appliances and equipment. After the piping system has been placed in operation, appliances and equipment shall be purged before being placed into operation.

5. Chapter 5 of the fuel gas code, entitled "Chimneys and vents," shall be amended as follows:

- i. In Section 501.15.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.
- ii. In Section 503.5.6, Inspection of chimneys, "examined to ascertain that it is clear and free of obstructions" shall be deleted and "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(d)" shall be inserted.
- iii. In Section 503.5.6.1, Chimney lining, the exception shall be deleted in its entirety.

6. Chapter 6 of the fuel gas code, entitled "Specific Appliances," shall be amended as follows:

- i. In Section 614.8, Common exhaust systems for clothes dryers located in multistory structures, item 7, insert ", if provided," after the word "and".
- ii. Section 627.10, Switches in electrical supply line, shall be deleted.

7. Chapter 8 of the fuel gas code, entitled "Referenced Standards," shall be amended as follows:

- i. Under the heading "ICC," amend the following titles:
 - (1) Delete "IEBC—06, International Existing Building Code."
 - (2) Delete "IPC—06, International Plumbing Code."

8. Appendices A, B, and C of the fuel gas subcode are informative and are not part of the subcode itself.

9. Appendix D of the fuel gas subcode, entitled "Recommended Procedure for Safety Inspection of an Existing Appliance Installation," is deleted in its entirety.

New Rule, R.2001 d.196, effective June 18, 2001.

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

Administrative correction.

See: 33 N.J.R. 3310(a).

Amended by R.2004 d.468, effective December 20, 2004.

See: 36 N.J.R. 1858(b), 36 N.J.R. 5711(a).

In (b), added a new 4i and recodified existing i through ii as ii through iii.

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).

Amended by R.2007 d.65, effective February 20, 2007.

See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).

Rewrote the section.

Administrative correction.

See: 40 N.J.R. 1829(a).

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

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

Rewrote the section.

Amended by R.2011 d.269, effective November 7, 2011.

See: 43 N.J.R. 904(a), 43 N.J.R. 3008(a).

Added (b)4v.

APPENDIX 3-A

APPENDIX

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

CODE CHANGE PROPOSAL

REHABILITATION SUBCODE (N.J.A.C. 5:23-6)

Proposals must be presented with language proposed for deletion in brackets [].

Proposals must be presented with language proposed for addition underlined:

Mail code change proposals to: Fax code change proposals to:
 Code Development Unit Code Development Unit
 Department of Community Affairs (609) 984-7717 or
 Division of Codes and Standards (609) 633-6729
 PO Box 802
 Trenton, New Jersey 08625

New Rule, R.2004 d.261, effective July 6, 2004.
 See: 36 N.J.R. 1267(a), 36 N.J.R. 3275(a).

Direct questions to the Code Development or Code Assistance Units at
 (609) 984-7609.

Section (citation) proposed for change: _____
 Sections (companion changes) that might also need to be changed:

NAME: _____

ORGANIZATION (if any): _____

ADDRESS: _____

TELEPHONE: _____ FAX: _____ E-mail: _____

Proposed Code Change:

Supporting Statement (reason for code change):

SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES

5:23-3A.1 Scope

This subchapter shall govern the enforcement by the Department of Community Affairs of the State Uniform Construction Code, in conjunction with other rules administered by the Department, in facilities and installations for which the Department is the sole enforcing agency, as set forth in N.J.A.C. 5:23-3.11(j).

5:23-3A.2 Subcodes established

(a) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of carnival-amusement rides or ski lifts shall be designated collectively as the amusement ride subcode.

(b) All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of high pressure boilers, pressure vessels or refrigeration systems shall be designated collectively as the boiler, pressure vessel and refrigeration subcode.

9. Stairways: Stairways shall comply with the following:

i. Enclosure: Stairway enclosures may be omitted in a historic building for that portion of the stair serving the first and second floor. This provision shall be applied to only one stair per building.

(1) In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by the use of tight fitting doors and solid elements. Such elements shall not require a fire-resistance rating.

ii. Riser height and tread width: When stairs are replaced or repaired, the existing or original riser height and tread width shall be permitted to remain. (Plan review—Building, Fire. Inspection—Building)

10. Railings: Railings shall comply with the following:

i. Handrails: Existing handrails may remain or may be replaced with handrails matching the original handrails.

ii. Guardrails: For vertical drops of between 30 inches and 48 inches, a rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.

(1) Exception: Replacement guardrails in buildings of Group E or R-1 shall comply with Section 1013.1 of the building subcode. (Plan review—Building, Fire. Inspection—Building)

11. Exit Signs: The fire protection subcode official may accept alternate exit sign design and/or location where strict compliance would damage the historic character of the building. Alternative signs shall identify the exits and exit path. (Plan review—Building, Fire. Inspection—Building)

12. Ceiling height: Existing ceiling heights shall be permitted to remain.

i. Exception: Buildings of Group R-1 or R-2 shall comply with the applicable requirements of the Hotel and Multiple Dwelling Regulations (N.J.A.C. 5:10) or shall obtain an exception under those rules. (Building)

(c) Relocated historic buildings: The following apply to relocated historic buildings:

1. Foundations of relocated historic buildings and structures shall comply with the building subcode. (Building)

2. Relocated historic buildings shall be so sited that exterior walls and openings comply with the requirements of the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) Special change of use provisions: Compliance with the following and with the provisions of (b) above shall be permitted for any change of use of a historic building provided

that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.

1. Building Area: The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of N.J.A.C. 5:23-6.31 may exceed the allowable areas specified in the building subcode for the proposed group by 50 percent. (Plan review—Building, Fire. Inspection—Building)

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

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

In (a), inserted 2ii, deleted a former 3, and recodified former 4 as 3.

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

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

In (b)4, substituted "Section 1504" for "Section 1505.0" and substituted "Sections 1506 and 1507" for "Section 1507.0"; in (b)8i, inserted "or R-5" after "Use Group R-3"; in (b)10ii(1), substituted "Section 1003.2.12" for "Section 1021.0".

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

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

Deleted "Use" preceding "Group" throughout, and substituted references to automatic sprinkler for references to fire suppression in (b)8i.

Administrative correction.

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

Amended by R.2007 d.122, effective May 7, 2007.

See: 38 N.J.R. 4951(a), 39 N.J.R. 1673(a).

In (b)10ii(1), substituted "1013.1" for "1003.2.12".

SUBCHAPTER 7. BARRIER FREE SUBCODE

Law Review and Journal Commentaries

Disability Law: Public Accommodations and the ADA. David J. Popiel, 170 N.J.Law. 16 (Mag.) (July 1995).

Disability Law: Housing Discrimination and the Disabled. David P. Lazarus, Susan DiMaria, 170 N.J.Law. 20 (Mag.) (July 1995).

5:23-7.1 Applicability

The provisions of this subchapter shall apply to all buildings, including their associated sites and facilities, and portions thereof, unless exempted by this subchapter. This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors.

Repeal and New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Section was "Accessibility Standards".

5:23-7.2 Accessibility standard

(a) The International Code Council/American National Standards Institute standard (ICC/ANSI) A117.1-2003, entitled "Accessible and Usable Buildings and Facilities," is adopted by reference with modification as the technical design standard for accessible construction.

1. Copies of ICC/ANSI A117.1-2003 may be obtained from ANSI at 25 West 42nd Street, Fourth Floor, New York, New York 10036 or from the International Code

Council at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(b) Dimensions and construction specifications for sites, buildings and structures required by this subchapter to be accessible shall comply with ICC/ANSI A117.1-2003, modified as follows:

1. In section 101.1, delete exceptions 3 and 4;
2. The text at section 105.2, entitled "Standards," shall be amended as follows:
 - i. In section 105.2.2, entitled "National Fire Alarm Code," delete "NFPA 72-2002" and insert "the edition of NFPA 72 adopted by reference in the building subcode;"
 - ii. In section 105.2.3, entitled "Power Assist and Low Energy Power Operated Doors," delete "ANSI/BHMA A156.19-1997" and insert "the edition of ANSI/BHMA A156.19 adopted by reference in the building subcode;"
 - iii. In section 105.2.5, entitled "Safety Code for Elevators and escalators," delete "ASME/ANSI A17.1-2000 and Addenda A17.1a-2002" and insert "the edition of ASME/ANSI A17.1, Addenda A17.1a, and Supplement A17.1S adopted by reference in the building subcode;"
 - iv. In section 105.2.6, entitled "Safety Standard for Platform Lifts and Stairway Chairlifts," delete "ASME/ANSI A18.1-1999, with Addenda A18.1a-2001 and A18.1b-2001" and insert "ASME/ANSI A18.1, with Addenda A18.1 adopted by reference in the building subcode."
3. In section 106.5, delete the definition of "Administrative Authority";
4. Delete Chapter 2, "Scoping";
5. In Sections 308.2.2, entitled "Forward Reach: Obstructed High Reach," and 308.3.2, entitled "Side Reach: Obstructed High Reach," add the following language at the end of each section: "Exception: The maximum height and depth of the obstruction shall not apply to kitchen counters in dwelling units."
6. In section 405.2, delete the exception and Table 405.2;
7. At the end of section 410.3, add new section 410.3.1, entitled "Size of platform," as follows: "The dimension of a platform for a vertical wheelchair lift that is equipped with one door at an end and another door on a side shall be 42 inches by 54 inches."
8. Delete Section 504, entitled "Stairways", in its entirety.
9. In section 505.6, entitled "Handrails, Gripping Surface," delete exception 1, and insert the following: "Handrail brackets or mounting hardware, including attached

posts and balusters, shall not be considered obstructions and shall be allowed to be fastened on the underside of the handrail, but shall not interfere with the grasping surface of the handrail."

10. In Section 604.3.2, entitled "Overlap," add the following exception:

Exception: In a toilet or bathing facility for a single occupant, accessed only through a private office and not for common use or public use, a lavatory, complying with Section 1003.11.5, shall be permitted on the rear wall 18 inches (455 mm) minimum from the center line of the water closet where the clearance at the water closet is 66 inches minimum measured perpendicular from the rear wall.

11. In Section 604.5, entitled "Grab Bars," delete exceptions 4 and 5 in their entirety.

12. Amend section 604.5.1, entitled "Fixed Side Wall Grab Bars," as follows:

i. In Exception 1, delete the text "and Type B" in the first sentence;

ii. Delete Exception 2 in its entirety.

13. Amend section 604.5.2, entitled "Rear Wall Grab Bars," as follows:

i. At Exception 2, delete the text "or Type B" in the first sentence;

ii. Delete Exception 3 in its entirety.

14. Delete section 604.5.3, entitled "Swing-up Grab Bars," in its entirety.

15. In the first sentence of the exception to section 606.5, entitled "Lavatories with Enhanced Reach Range," delete "and Type B".

16. Delete section 607.8, entitled "Water Temperature," in its entirety.

17. Delete section 608.9 entitled "Water Temperature," in its entirety.

18. In section 609.3, entitled "Spacing," delete exception 2 in its entirety.

19. In section 611, entitled "Washing Machines and Clothes Dryers," delete section 611.3, entitled "Operable parts," and section 611.4, entitled "Height."

20. In the first sentence, Section 802.10 shall be amended to delete "Table 802.10" and to insert "in accordance with N.J.A.C. 5:23-7.11(a)3. Table 802.10 shall be deleted in its entirety."

21. In section 804.4, entitled "Sinks," add the following: "Exception: In spaces that do not provide a cooktop or conventional range, the sink may be installed at a con-

ventional height of 36 inches; a parallel approach must be provided.”

22. Sections 804.6.2, entitled “Operable Parts”, 804.6.3, entitled “Dishwasher,” 804.6.4, entitled “Range or Cooktop,” 804.6.5, entitled “Oven,” and 804.6.6, entitled “Refrigerator/Freezer,” shall be deleted in their entirety.

23. Amend section 1002.3.1, entitled “Location,” as follows:

i. In the Exception, delete the word “unfinished” in two places.

24. In Section 1002.9, entitled “Operable Parts,” delete the text of Exception 2 and insert the following: “In new construction, electrical panelboards shall meet 309.2 and 309.3 only.”

25. Delete section 1002.13 entitled “Windows,” in its entirety.

26. Amend section 1003.3, entitled “Accessible route,” as follows: “Exception: Exterior decks, patios, or balconies that are part of an accessible or adaptable dwelling unit and that have impervious or improved surfaces that are not more than four (4) inches below the finished floor level of the adjacent interior space of the dwelling unit.”

27. Amend section 1003.3.1, entitled “Location,” in the Exception, delete “unfinished” in two places.

28. In section 1003.9, entitled “Operable Parts,” delete the text of exception 2 and insert the following: “In new construction, electrical panelboards shall meet 309.2 and 309.3 only.”

29. Section 1003.10, Laundry equipment, shall be deleted in its entirety.

30. In section 1003.11.1, entitled “Toilet Facilities: General,” delete the first sentence.

31. In section 1003.11.6, entitled “Mirrors,” add the following text: “Exception: The mirror height may be adaptable as long as adjusting the mirror can be accomplished with minimal expense and effort.”

32. Section 1003.11.9, entitled “Shower,” shall be amended as follows:

i. In the first line, after the word “Exception,” insert the number “1.”

ii. Add the following text at the end of the Exception: “2. The threshold for a shower compartment may be adaptable provided the shower threshold can be made accessible with minimal expense and effort.”

33. In section 1003.12.3.1, entitled “Clear Floor Space”, delete Exception (a) in its entirety and insert in its place: “(a) the cabinetry can be removed or replaced as a unit,”

34. In section 1003.12.3.2, entitled “Height”, delete the exception in its entirety and insert the following in its place: “Exception: A counter that is adjustable or replace-

able as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum shall be permitted.”

35. In section 1003.12.4.1, entitled “Clear Floor Space”, delete Exception (a) in its entirety and insert in its place: “(a) the cabinetry can be removed or replaced as a unit,”

36. In section 1003.12.4.2, entitled “Height”, delete the exception in its entirety and insert the following in its place: “Exception: A sink and counter that is adjustable or replaceable as a unit at heights between 29 inches minimum and 36 inches maximum, provided rough-in plumbing permits connections of supply and drain piping for sinks mounted at heights of 29 inches, shall be permitted.”

37. At Figure 1003.12.4 entitled “Kitchen Sink for Type A Units”, delete the text “6 ½ max/165” from the right side of the figure.

38. At section 1003.12.5 entitled “Kitchen Storage”, add the following text: “Exception: Kitchen cabinets mounted above the kitchen counters may be mounted at a standard height as long as remounting the kitchen cabinets can be accomplished with minimal expense and effort.”

39. In section 1003.12.6, entitled “Appliances,” delete the following sections: section 1003.12.6.1, entitled “Operable parts;” section 1003.12.6.3, entitled “Dishwasher;” section 1003.12.6.4, entitled “Range or cooktop;” section 1003.6.5, entitled “Oven;” section 1003.12.6.6, entitled “Refrigerator/Freezer;” and section 1003.12.6.7, entitled “Trash compactor.”

40. Delete section 1003.13, entitled “Windows,” in its entirety.

41. Delete section 1004, entitled “Type B Units,” in its entirety.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to N.J.A.C. 5:23-7.15.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2004 d.59, effective February 2, 2004.

See: 35 N.J.R. 4631(a), 36 N.J.R. 649(a).

Rewrote (b).

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

Added new (b)20, (b)26, and (b)29; recodified former (b)20 through (b)24 as (b)21 through (b)25, former (b)25 and (b)26 as (b)27 and (b)28, and former (b)27 through (b)38 as (b)30 through (b)41; and rewrote (b)21.

Amended by R.2009 d.254, effective August 17, 2009.

See: 41 N.J.R. 1920(a), 41 N.J.R. 3065(b).

In (b)24 and (b)28, inserted “the text of” and substituted “and insert the following: ‘In new construction, electrical panelboards shall meet 309.2 and 309.3 only.’” for “in its entirety”.

Case Notes

Condominium association's violation of N.J.A.C. 5:23-7.2, by not providing parking spaces designated for physically handicapped people and accessible passenger loading zones on the shortest possible circulation route to an accessible entrance of the building, supported plaintiff's claim that the association violated N.J.S.A. 10:5-4.1 and 10:5-12(g) of the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 10:5-49. *Estate of Nicolas v. Ocean Plaza Condo. Ass'n, Inc.*, 388 N.J. Super. 571, 909 A.2d 1144, 2006 N.J. Super. LEXIS 304 (App.Div. 2006).

5:23-7.3 Exceptions

(a) The following nonresidential buildings or structures or portions thereof shall not be required to comply with the provisions of this subchapter.

1. Temporary structures, sites and equipment directly associated with the construction process, such as construction site trailers, bridging, or material hoists shall be exempt from the provisions of this subchapter;

i. Exception: Construction site trailers used as sales offices shall be accessible;

2. Areas of buildings or structures where work cannot reasonably be performed by persons having a severe impairment (sight, mobility or hearing) shall not be required to comply with the specific provisions of this subchapter that provide accessibility to such persons;

i. Such areas include, but are not limited to, observation galleries used primarily for security purposes, non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways, including elevator pits, elevator penthouses, piping, or equipment catwalks; and

3. Unclassified accessory buildings or structures of Use Group U shall be exempt from the provisions of this subchapter, except as follows:

i. In agricultural buildings, areas used for employment, such as, but not limited to, offices or areas used for packing, sorting, or grading products, as well as areas open to the general public shall be accessible.

(b) The following residential buildings or structures shall not be required to comply with the provisions of this subchapter:

1. Townhouses, except townhouses for which credit is sought for low and moderate income housing through the Council on Affordable Housing (COAH), as provided at N.J.A.C. 5:23-7.5;

i. For the purposes of applying this exemption, a townhouse shall be a single dwelling unit with two or more stories of dwelling space, exclusive of basement or attic, where each dwelling unit extends from foundation to roof. The dwelling unit shall have an independent entrance that shall serve one dwelling unit only at or near grade; most or all of the sleeping rooms shall be on one story; and most or all of the remaining habitable

space, such as kitchen, living, and dining areas, shall be on another story; or

2. Buildings of Group R-2, R-3, R-4, or R-5 with one, two, or three dwelling units in a single structure;

i. For the purposes of determining the number of dwelling units in a single structure, firewalls or partywalls shall not constitute separate buildings.

ii. Exception: Townhouses or multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with the applicable provision of N.J.A.C. 5:23-7.5.

(c) Regardless of whether individual residential structures or dwelling units on a site are required to be accessible, all common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.3, Recreation: definitions, recodified to N.J.A.C. 5:23-7.16.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a), rewrote the introductory paragraph, deleted (3), and recodified former (4) as (3); in (b), inserted "not" following "shall" and substituted "required to comply with" for "exempt from" in the introductory paragraph; added (c).

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

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

In (b)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (b), rewrote 1i and inserted "or partywalls" following "firewalls" in 2i.

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote (b)1; and added (b)2ii.

5:23-7.4 Nonresidential buildings and buildings of Use Group R-1

(a) Nonresidential buildings, and buildings of Use Group R-1, shall provide accessibility as follows:

1. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Except as provided in (a)1i through iv below, small buildings that are not more than two stories shall not be required to have an elevator(s) to provide a vertical accessible route between floors. Small buildings that are three or more stories shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

i. Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors;

ii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors;

iii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors; and

iv. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

(1) For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

2. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in (a)1 above. In addition, large buildings shall be required to have an elevator(s) to provide a vertical accessible route between floors; however:

i. In such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

(1) Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on a floor or mezzanine that is not required to be served by an elevator and where no vertical accessible route is provided, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

(2) A limited use limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 may be used to provide a vertical accessible route to the floor or mezzanine provided that the travel distance does not exceed 25 feet.

3. For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

4. The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building:

i. An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

ii. In buildings, facilities, or portions thereof that primarily serve children, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:23-7.4, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.17.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

Administrative correction.

See: 40 N.J.R. 4945(a).

5:23-7.5 Residential buildings other than buildings of Group R-1

(a) Buildings of Group R-2, R-3, or R-5 with four or more dwelling units in a single structure shall comply with the provisions of this subchapter.

1. Exception: Multistory dwelling units, which are ground floor dwelling units and for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with the applicable provision of this section.

2. For the purposes of applying this subsection, firewall separations shall not designate separate buildings within a single structure.

3. When being applied to a dwelling unit, the term "adaptable" shall mean a Type A dwelling Unit as per the ICC/ANSI A117.1-03 standard and shall mean that the dwelling unit has an accessible entrance; an accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms required to comply with this subchapter. The dwelling unit shall have either the adaptable features in the kitchen and one full bathroom as per Section 1003 of ICC/ANSI A117.1-03 or a fully accessible kitchen and one full bathroom as per Section 1002 of ICC/ANSI A117.1-03.

4. When being applied to dwelling units, the term "accessible" shall mean a unit that complies with Section 1003 of ICC/ANSI A117.1-03.

5. All common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

6. The exemption for townhouses in N.J.A.C. 5:23-7.3(b) above notwithstanding, multistory or multifloor townhouses for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1-03:

i. An adaptable entrance, with the plans for the adaptation to provide an accessible entrance;

(1) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;

ii. An adaptable toilet and bathing facility on the first floor;

iii. An adaptable kitchen on the first floor;

iv. An accessible interior route of travel;

(1) An interior accessible route of travel shall not be required between stories; and

v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.

(b) Except as provided at N.J.A.C. 5:23-7.3(b), all dwelling units in elevator-serviced buildings shall comply with the provisions of this subchapter.

1. In an elevator-serviced building, whether a dwelling unit is single story or multi-story, the entry level of each dwelling unit shall have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

i. An interior vertical accessible route shall not be required within a multi-story dwelling unit.

(c) Except as provided at N.J.A.C. 5:23-7.6, in a building without elevator service, each ground floor dwelling unit shall be required to have an accessible entrance, accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

1. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

2. In a building without elevator service and with a building entrance that serves more than one dwelling unit or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b), all multistory dwelling units with a ground floor entrance shall be accessible as provided in (b) above.

i. Exception: The requirement for an accessible entrance for multistory dwelling units notwithstanding, multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1-03:

(1) An adaptable entrance, with the plans for the adaptation to provide an accessible entrance;

(A) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;

(2) An adaptable toilet and bathing facility on the first floor;

(3) An adaptable kitchen on the first floor;

(4) An accessible interior route of travel;

(A) An interior accessible route of travel shall not be required between stories; and

(5) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.

(d) In an accessible or adaptable dwelling unit, an accessible route shall be permitted to pass through the kitchen.

(e) Assisted living facilities that are licensed by the Department of Health and Senior Services shall be Group I-2 for the purposes of compliance with the building subcode, fire protection subcode, and other subcodes of the Uniform Construction Code, shall be Group R-2 for the purposes of accessibility as provided at N.J.A.C. 5:23-7.11, and shall comply with Section 1003 of ICC/ANSI A117.1-03.

(f) In each dormitory that is owned and operated by an educational facility, five percent or fraction thereof (rounded to the next higher whole number) of the sleeping rooms or suites shall be accessible and shall comply with Section 1002 of ICC/ANSI A117.1-03. Accessible rooms or suites shall be dispersed and shall be provided throughout all types of rooms. When determining the dispersal of accessible dormitory rooms or suites, factors to be considered shall include location, dwelling unit type, room size, amenities provided, and number of beds provided. The remainder of the sleeping rooms or suites shall be adaptable as provided at N.J.A.C. 5:23-7.5(b) for elevator serviced buildings and at N.J.A.C. 5:23-7.5(c) for buildings without elevator service.

1. All common use facilities, including, but not limited to, toilet facilities, bathing facilities, laundry areas, mailboxes, meeting rooms, and recreation rooms, shall be accessible.

(g) When any dwelling unit, regardless of whether it is exempt from the provisions of this subchapter, includes a B

use or an M use, any portion used for the B use or M use shall comply with the provisions of this subchapter.

1. This shall include, but not be limited to, parking, sidewalk, entrance, hallway, and those portions of the dwelling unit, interior or exterior, available to or used by customers or clients, including toilet facilities.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.5, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.18.

Amended by R.2002 d.256, effective August 5, 2002.

See: 33 N.J.R. 4184(a), 34 N.J.R. 2787(a).

Rewrote the section.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Administrative correction.

See: 34 N.J.R. 4195(a).

Amended by R.2003 d.402, effective October 20, 2003.

See: 35 N.J.R. 2797(b), 35 N.J.R. 4861(b).

Rewrote the section.

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

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

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

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (c), inserted "or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b)" preceding "all multistory dwelling" in 2; rewrote (f); added a new (g); recodified former (g) as (h).

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Section was "Residential buildings other than Group R-1". Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

In (a)3, inserted "required to comply with this subchapter" and inserted "one full" twice.

Amended by R.2009 d.254, effective August 17, 2009.

See: 41 N.J.R. 1920(a), 41 N.J.R. 3065(b).

In (e), inserted "and" following "Code" and updated the N.J.A.C. reference.

Amended by R.2013 d.081, effective June 3, 2013.

See: 44 N.J.R. 1303(a), 45 N.J.R. 1393(a).

In the introductory paragraph of (a), inserted a comma following "R-3"; rewrote (a)4 and (e); and in the introductory paragraph of (f), inserted "and shall comply with Section 1002 of ICC/ANSI A117.1-03", and substituted "elevator service" for "an elevator".

5:23-7.6 Exception for accessible entrance due to site impracticality

(a) Terrain: Site impracticality due to terrain shall mean the following:

1. Single building with common entrance: A site with a single non-elevator-serviced building with a common building entrance for all units shall not be required to provide an accessible building entrance when the following conditions have been met:

i. The slopes of the undisturbed site measured between the planned building entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance exceed 10 percent; and

ii. The slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance also exceed 10 percent.

iii. Where there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the slope shall be measured to the closest vehicular or pedestrian arrival point.

iv. For the purposes of this subchapter, vehicular or pedestrian site arrival points shall include public or resident parking areas, public transportation stops, passenger loading zones, and public streets or sidewalks.

(1) In the case of sidewalks, the closest point to the entrance shall be where a public sidewalk entering the site intersects with the sidewalk to the entrance.

(2) In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.

2. Multiple buildings or single building with multiple entrances: For a site with multiple buildings or a site with a single building with multiple entrances, an accessible building entrance shall not be required to be provided when the following conditions have been met:

i. The percentage of the total buildable area of the undisturbed site with a natural grade less than 10 percent slope shall be calculated. The analysis of the existing slope (before grading) shall be done on a topographic survey with two-foot contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by a licensed professional engineer, landscape architect, architect, or surveyor.

ii. The minimum percentage of ground floor dwelling units to be made accessible shall equal the percentage of the total buildable area (not including floodplains, wetlands, or other restricted use areas) of the undisturbed site that has an existing natural grade of less than 10 percent slope.

(b) Floodplain: Site impracticality due to unusual characteristics shall apply to non-elevator-serviced buildings on sites located in a Federally designated floodplain or coastal high-hazard area or sites that are subject to other similar requirements of law or code that require that the lowest floor or lowest structural member of the lowest floor be raised to a specified level at or above the base flood elevation. An accessible entrance shall be deemed to be impractical due to usual characteristics when one of the following conditions is met:

1. The unusual site characteristic results in a difference of finished grade elevation exceeding 30 inches and 10 percent when measured between a building entrance and all

vehicular or pedestrian arrival points within 50 feet of the planned building entrance; or

2. If there are no vehicular or pedestrian arrival points within 50 feet of the planned building entrance, the unusual characteristics result in a difference in finished grade elevation exceeding 30 inches and 10 percent measured between the planned building entrance and the closest vehicular or pedestrian arrival point.

(c) Site impracticality exceptions shall not apply to elevator-serviced buildings.

(d) The exemption for an accessible building entrance notwithstanding, the interior of the dwelling units required to comply with this subchapter shall be required to be accessible or adaptable in accordance with the provisions of this subchapter.

(e) The exemption from an accessible building entrance notwithstanding, a minimum of 20 percent of the dwelling units shall have an accessible entrance.

New Rule, R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.6, Exterior accessible route, recodified to N.J.A.C. 5:23-7.7.

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

Added (e).

5:23-7.7 Exterior accessible route

(a) Every site containing one or more buildings required by this subchapter to be accessible shall have at least one accessible route which shall provide access to and between buildings and facilities on the same site that are also required to be accessible.

1. Exterior accessible routes may include parking access aisles, curb ramps, walks, or ramps.

2. Where the natural and undeveloped contour of the land exceeds the slope required for an accessible route and it is technically infeasible to alter the land contour, a vehicular route may be provided as an alternate accessible route.

3. An accessible route within a site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the building entrance served.

4. Entrances to buildings or spaces in buildings that are not required to be accessible shall not be required to be on an accessible route.

5. Unless it is the only building entrance, a loading or service entrance shall not be required to be on an accessible route.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.6, Recreation: pools, recodified to N.J.A.C. 5:23-7.19.

Recodified from N.J.A.C. 5:23-7.6 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.7, Accessible building entrances, recodified to N.J.A.C. 5:23-7.8.

5:23-7.8 Accessible building entrances

(a) Unless exempted by N.J.A.C. 5:23-7.6, for buildings or structures required by this subchapter to be accessible, at least 50 percent of the entrances, but not fewer than one entrance, shall be accessible and shall comply with the provisions of this subchapter. The primary entrance(s) used by the general public shall be accessible.

1. Where a building or facility has separate entrances that serve such functions as accessible parking facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, at least one entrance serving each such function shall be accessible.

2. At least one accessible entrance shall serve each separate tenancy or function within a building or facility.

3. Unless it is the only building entrance, a loading or service entrance shall not be required to be accessible.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.7, Recreation: swimming and skating areas, recodified to N.J.A.C. 5:23-7.20.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (a), inserted the last sentence in the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.7 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), substituted "Unless exempted by N.J.A.C. 5:23-7.6, for" for "For".

Former N.J.A.C. 5:23-7.8, Interior accessible routes, recodified to N.J.A.C. 5:23-7.9.

5:23-7.9 Interior accessible routes

(a) An interior accessible route shall connect all portions of buildings required by this subchapter to be accessible.

1. An interior accessible route may include corridors, floors, ramps, elevators, and clear floor space at fixtures.

(b) Platform lifts shall not be part of an accessible route in new construction, except in special areas permitted below:

1. To provide a line of sight while complying with dispersal requirements for buildings and portions of buildings of Use Group A;

2. To provide access to a performing area; or

3. To provide access to incidental occupiable spaces, such as, but not limited to, a projection booth or equipment control room that is not open to the general public and has not more than five occupants.

(c) Where floor levels are required to be connected by an accessible route and an interior vertical route is provided between levels, the vertical interior route shall be accessible.

New Rule, R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 Former N.J.A.C. 5:32-7.8, Recreation: boating areas, recodified to N.J.A.C. 5:23-7.21.
 Recodified from N.J.A.C. 5:23-7.8 by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Former N.J.A.C. 5:23-7.9, Accessible parking, repealed.

5:23-7.10 Accessible parking

(a) Accessible parking spaces shall be the closest parking spaces provided and those spaces shall be on the shortest route, which shall be an accessible route, to an accessible entrance.

1. For buildings with multiple accessible entrances, accessible parking spaces shall be dispersed and shall be located near each accessible entrance.
2. For every eight accessible parking spaces, or fraction thereof, at least one shall be a van accessible parking space.
3. Each accessible parking space shall be marked with an R7-8 sign from the Manual of Uniform Traffic Control Devices and shall display the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with an R7-8P sign, as required by N.J.S.A. 39:4-198, containing the following language:

PENALTY
 \$250 FIRST OFFENSE
 SUBSEQUENT OFFENSES
 \$250 MINIMUM AND/OR
 UP TO 90 DAYS COMMUNITY SERVICE
 TOW AWAY ZONE

- i. The bottom of the R7-8 sign shall be mounted approximately 60 inches above the parking lot or sidewalk surface when the sign is parallel to the sidewalk and approximately 72 inches above the parking lot or sidewalk when the sign is perpendicular to the sidewalk.
 - ii. The R7-8 sign shall be centered and mounted at the head of each parking space.
4. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.
- i. In multi-level parking structures, van accessible parking spaces may be clustered on one level.

(b) Parking facilities that do not serve a particular building shall contain accessible parking and the accessible parking spaces shall be located on the shortest accessible route to an accessible entrance to the parking facility.

(c) Except as provided at (d) and (e) below, the required number of accessible parking spaces shall comply with the following table:

Total Parking Spaces	Required Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	Two percent of total
1,001+	20 plus 1 for each 100 over 1,000

(d) For buildings of Group R-2, R-3, R-4, or R-5 that contain adaptable or accessible dwelling units, two percent of the parking spaces serving the units shall be accessible.

1. Where additional parking spaces or parking lots are provided for visitors, the number of required accessible parking spaces shall comply with the table at (c) above.

(e) For medical outpatient facilities, 10 percent of the parking spaces shall be accessible.

1. Exception: For medical facilities that specialize in the treatment of or services for people with mobility impairments, 20 percent of the parking spaces shall be accessible.

New Rule, R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Former N.J.A.C. 5:23-7.10, Requirements applicable to specific non-residential Groups and Group R-1, recodified to N.J.A.C. 5:23-7.11.
 Amended by R.2009 d.60, effective February 17, 2009.
 See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).
 In the introductory paragraph of (a), inserted "provided", "those spaces" and "route, which shall be an", and inserted a comma following "accessible route".

5:23-7.11 Requirements applicable to specific nonresidential Groups and Group R-1

(a) Occupancies of Group A shall be accessible as follows:

1. Where services and facilities are provided in areas that are not required to be accessible, the same services and facilities shall be provided in an accessible area and shall be accessible.
2. In dining areas of occupancies of Use Groups A-2 and A-3, the total floor area allotted for seating and tables shall be accessible, except as follows:

i. Where fixed or built-in seats and tables are provided, at least five percent, but not fewer than one, of the seats and tables shall be accessible. Where more than one accessible seat and table is provided, they shall be dispersed.

ii. In buildings without elevators, an accessible route to a raised or lowered dining area of less than 3,000 square feet is not required provided that the raised or lowered dining area contains less than 25 percent of the total dining area and the same services are available on the accessible level.

3. Accessible spaces for wheelchairs shall be provided in each assembly area in accordance with the following table.

Capacity of Seating	Accessible Seating
4-25	1
26-50	2
51-300	4
301-500	6
over 500	6 plus 1 for each 100 over 500

4. In buildings or portions of buildings of Use Group A-1, Use Group A-3, or Use Group A-5, where fixed seats are provided on more than one viewing level, accessible spaces for wheelchairs shall be provided on more than one viewing level.

i. The accessible seating shall be integrated with inaccessible seats.

ii. Where five or more accessible seats are required, the accessible seating shall be integrated and dispersed throughout all classes of seats.

5. In buildings or portions of buildings of Use Group A-1 or Use Group A-5, including stadiums, sports arenas, or other facilities where fixed seating is provided and spectators are likely to stand in place, a line of sight shall be provided over standing spectators.

6. Pursuant to N.J.A.C. 5:23-7.9(b)1, when necessary to provide a line of sight, a platform lift may be part of an accessible route.

7. Four percent of the seats, but not fewer than two seats, in stadiums, in theaters, auditoriums, or lecture halls that have fixed seating and audio-amplification systems or that have an occupant load of 50 or more persons shall have permanently installed assistive listening system.

8. Assembly areas that are not equipped with audio-amplification devices or that have an occupant load of fewer than 50 persons shall have either a permanently installed assistive listening system or an adequate number of electrical outlets or other supplementary wiring to support a portable assistive listening system, which shall be available to patrons.

i. Where this alternative is selected, signage shall be provided to notify patrons of the availability of a listening system.

(b) Occupancies of Group I shall be accessible as follows:

1. All public or common use facilities, including employee areas, shall be accessible.

2. Accessible bedrooms shall be distributed among all types of patient care areas and all types and classes of bedrooms.

3. In residential health care facilities of Group I-1 that are licensed by the Department of Health and Senior Services, and in buildings or portions thereof of Group I-1 used as boarding homes, four percent or fraction thereof (rounded to the next higher whole number) of the resident bedrooms, including toilet or bathing facilities that serve these bedrooms, shall be accessible.

4. In buildings or portions thereof of Use Group I-2, including hospitals licensed by the Department of Health and Senior Services, 10 percent or fraction thereof (rounded to the next higher whole number), of the patient bedrooms, including toilet and bathing facilities that serve a patient bedroom, shall be accessible.

i. In nursing homes or portions thereof of Use Group I-2 licensed by the Department of Health and Senior Services, 50 percent or fraction thereof (rounded to the next higher whole number) of patient bedrooms, including toilet and bathing facilities that serve a patient bedroom, shall be accessible.

5. In hospital or rehabilitation facilities or portions thereof of Use Group I-2 licensed by the Department of Health and Senior Services that specialize in treating conditions that affect mobility, 100 percent of the patient bedrooms, including toilet and bathing facilities that serve a patient bedroom shall be accessible.

6. Assisted living facilities that are licensed by the Department of Health and Senior Services are Group I-2 for the purposes of building subcode, fire protection subcode compliance, and compliance with the other subcodes of the Uniform Construction Code, shall be Group R-2 for the purposes of accessibility, and shall be required to comply with Section 1003 of ICC/ANSI A117.1-03, where those dwelling units or rooms are available for occupancy only for 30 or more consecutive days.

i. When dwelling units or rooms are available for occupancy for less than 30 consecutive days, 50 percent of those dwelling units or rooms shall be accessible in conformance with Section 1002 of ICC/ANSI A117.1-03 and shall include one full bathroom that complies with Section 1002 of ICC/ANSI A117.1-03 and, where a kitchen is provided, it shall comply with Section 1002 of ICC/ANSI A117.1-03.

ii. In dwelling units in an assisted living facility that are designated Group R-2 for the purposes of accessibility, the following may be adaptable:

(1) The threshold for an accessible transfer shower may be adaptable as long as the shower

threshold can be adapted with minimal expense and effort to be accessible; and

(2) A transfer-type shower of 36 inches by 48 inches that includes an accessible seat may be provided in individual dwelling units. The threshold of this shower shall not exceed four inches;

7. In occupancies of Use Group I-2, there shall be at least one accessible passenger loading zone.

8. Buildings or portions thereof of Use Group I-3 shall have at least one accessible inmate confinement area or room per institution and at least one accessible inmate toilet and bathing facility per institution. All public or common areas and all employee areas shall be accessible.

(c) In buildings of Group E and in education buildings at an institution of higher education, where fixed or built-in seats or tables include work areas, such as, but not limited to, counters or laboratories, five percent of the fixed or built-in seats or tables, but not fewer than one, shall be accessible.

1. Exception: Work areas that are adjustable or replaceable as a unit to provide a work surface at heights between 28 inches minimum and 34 inches maximum shall be deemed to be accessible.

(d) In Group R-1, accessible guestrooms shall be provided in accordance with Table C-1 below.

Table C-1
Accessible Guestrooms and Roll-In Showers

Number of Rooms	Accessible Rooms	Roll-In Showers
1-25	1	N/A
26-50	2	N/A
51-75	3	1
76-100	4	1
101-150	5	2
151-200	6	2
201-300	7	3
301-400	8	4
401-500	9	4 plus 1 for each additional 100 over 400
501-1,000	2 percent of total	
1,001 and up	20 plus 1 for each 100 over 1,000	

1. Each accessible guestroom shall provide an accessible bed, as follows. To allow for the use of a transfer device, the accessible bed shall be a minimum of six and one-half inches clear from the floor to the lowest level of the bed frame. Adjacent to the bed there shall be clear floor space that meets the requirements of ICC/ANSI A117.1, Section 305. A platform bed shall not be allowed.

2. A building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor shall be exempt from the provisions of this subchapter.

3. Visible and audible alarms and notification devices shall be provided in the accessible guestrooms required by Table C-1 above and shall be provided in additional rooms in compliance with Table C-2 below.

Table C-2
Visible and Audible Alarms and Notification Devices

Number of Guestrooms	Rooms With Accessible Alarms
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total
1,001 and up	20 plus 1 for each 100 over 1,000

4. Accessible guestrooms shall be provided throughout all classes and types of rooms.

i. When determining dispersal of accessible guestrooms, factors shall include room size, room cost, amenities provided, and the number of beds provided.

5. One toilet and bathing facility shall be on an accessible route and shall be required to be accessible.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.10, Recreation: court games, recodified to N.J.A.C. 5:23-7.23.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

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

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

In (c)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

Rewrote (b) and (c).

Recodified from N.J.A.C. 5:23-7.10 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), deleted "Use" preceding "Group"; in (a)6, updated the N.J.A.C. reference; and rewrote the introductory paragraph of (c) and (c)2.

Former N.J.A.C. 5:23-7.11, Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1, recodified to N.J.A.C. 5:23-7.12.

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

In the introductory paragraph of (c), inserted a comma; and added (c)5.

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

Added new (c); and recodified former (c) as (d).

Amended by R.2013 d.081, effective June 3, 2013.

See: 44 N.J.R. 1303(a), 45 N.J.R. 1393(a).

In the introductory paragraph of (b)6, inserted "and shall be required to comply with Section 1003 of ICC/ANSI A117.1-03,"; and rewrote (a)6i.

5:23-7.12 Requirements applicable to all nonresidential groups, including spaces other than guestrooms in Group R-1

(a) All toilet and bathing facilities shall be accessible.

1. At least one of each type of fixture or element in each accessible toilet room or bathing facility shall be accessible.

i. Exception: Where multiple individual toilet rooms are clustered and serve a common medical office area or suite(s), five percent of the individual toilet rooms shall be accessible.

2. Where water closet compartments are provided in a toilet room or bathing facility, at least one wheelchair accessible compartment shall be provided.

3. Where six or more water closet compartments are provided in a toilet room or bathing facility, at least one ambulatory accessible compartment, designed and constructed in accordance with Section 604.9 of ICC/ANSI A117.1-03, shall be provided in addition to the wheelchair accessible toilet compartment.

(b) Where multiple examination rooms are clustered and serve a common medical area or suite(s), five percent of the examination rooms, but not less than one, shall be accessible.

(c) All passenger elevators on an accessible route shall be accessible and shall comply with the dimensional requirements of an accessible elevator.

1. An elevator that provides an accessible route within an individual dwelling unit shall not be required to comply with the dimensional requirements of an accessible elevator.

2. Platform lifts shall not be part of an accessible route to bridge level differentials in new construction, except as provided by N.J.A.C. 5:23-7.9(b).

(d) At least 50 percent of the drinking fountains provided on each floor, but not fewer than one, shall be accessible.

1. When only one drinking fountain is provided on a floor, it shall be accessible to wheelchair users and to people who have trouble stooping or bending.

(e) Where storage facilities, such as, but not limited to, cabinets, shelves, closets, drawers, or lockers are provided in spaces required to be accessible, at least one of each type be accessible.

(f) Where fixed or built-in seats or tables are provided, at least five percent, but not fewer than one, shall be accessible.

1. Where more than one built-in seat or table is provided, the accessible seats and tables shall be dispersed throughout the area.

(g) Customer service facilities shall be accessible as follows:

1. Where dressing or fitting rooms are provided, at least five percent, but not fewer than one, in each distinct area or function on a site shall be accessible.

2. Where service counters or windows are provided, one of the following accessible options shall be provided:

i. A portion of the service counter which is a minimum of 36 inches in length and a maximum of 36 inches in height;

ii. An auxiliary service counter with a maximum height of 36 inches in close proximity to the main service counter; or

iii. Equivalent facilitation, such as a folding shelf attached to the main service counter or space at the side of the service counter.

3. Where check-out aisles are provided, accessible check-out aisles shall be installed in accordance with the table below:

Number of Check-Out Aisles	Accessible Check-Out Aisles
1-4	1
5-8	2
9-15	3
over 15	3 plus 1 for each additional 5 over 15

i. Where check-out aisles of different types, such as, but not limited to, express lanes, are provided, at least one of each type shall be accessible.

ii. Traffic control devices, security devices, or turnstiles located in accessible check-out lanes or aisles shall be accessible.

(h) Where public telephones are provided, one telephone per floor or one telephone in each bank of public telephones shall be accessible.

1. Each accessible telephone and 25 percent of other public telephones in each bank shall be equipped with volume control.

2. At each accessible telephone, clear floor space for either a forward or a parallel approach shall be provided.

(i) Where automatic teller machines (ATM) are provided, clear floor space shall be provided at each ATM as follows:

1. Where only a forward approach is provided, all operations and controls shall be accessible.

2. Where only a parallel approach is provided, reach ranges shall comply with the following:

i. Where the reach depth to the controls is 10 inches or less, the maximum height for the controls shall be 54 inches.

ii. For each increase in reach depth of one inch, the maximum height for the controls shall be reduced one-half inch.

iii. The reach depth shall not exceed 24 inches with a corresponding maximum height of 46 inches.

3. Where both a parallel and a forward approach are provided, the reach ranges shall comply with both the parallel and forward approach reach ranges in the adopted technical standard or with the parallel reach ranges in (i)2 above.

(j) In buildings and portions of buildings required by this subchapter to be accessible, controls, operating mechanisms, and hardware, including electrical outlets and switches that control lighting, ventilation, or electrical outlets shall be accessible.

(k) Accessible signage shall be provided at the following locations in buildings and portions of buildings required by this subchapter to be accessible:

1. Areas of refuge required by the building subcode to be accessible;
2. Accessible toilet and bathing facilities;
3. Accessible parking spaces shall have signage that complies with N.J.A.C. 5:23-7.10.
4. Where one or more building entrances are not accessible, accessible signage shall be provided giving directions to the closest accessible building entrance; and
5. Where an elevator does not provide a vertical accessible route, accessible signage shall be provided giving directions to the closest accessible elevator.

i. Detectable warnings shall be provided at the edges of passenger transit platforms that border a drop-off and that are not otherwise protected by platform screens or guards.

(l) Braille shall be included on building signage designating permanent rooms and spaces.

1. Directional signage within a building shall not be required to include braille.
2. Building directories and other temporary signage are exempt from the provisions of this subchapter.

(m) Spaces required to be accessible in buildings covered by this subchapter shall be provided with an accessible means of egress that complies with the building subcode.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.11, Recreation: ice rinks and roller rinks, recodified to N.J.A.C. 5:23-7.24.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote (a), (b) and (h); in (j)3, amended the N.J.A.C. reference.

Recodified from N.J.A.C. 5:23-7.10 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Deleted (a)2; recodified (a)3 and (a)4 as (a)2 and (a)3; in (a)3, inserted “, designed and constructed in accordance with Section 604.9 of ICC/ANSI A117.1-03,”; and in (b)2 and (j)3, updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.12, Existing facilities, recodified to N.J.A.C. 5:23-7.13.

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

Inserted new (b); recodified former (b) through (l) as (c) through (m); and in (i)3, substituted “(i)2” for “(h)2”.

Amended by R.2009 d.60, effective February 17, 2009.

See: 40 N.J.R. 3779(a), 41 N.J.R. 875(a).

Section was “Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1”. In (g)2i through (g)2iii, inserted “service” throughout.

5:23-7.13 Existing facilities

(a) Construction projects in existing buildings or facilities shall comply with the Rehabilitation Subcode, N.J.A.C. 5:23-6.

(b) Any building or portion of a building constructed or altered to be accessible shall be maintained accessible.

(c) A limited use/limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 shall be allowed to provide a vertical accessible route in the following buildings or tenancies, provided that the travel distance of the device does not exceed 25 feet:

1. In small buildings as defined in this subchapter;
2. In individual tenancies of less than 10,000 square feet in buildings of 10,000 square feet or more;
3. To serve floors or mezzanines of less than 3,000 square feet; or
4. In Use Groups A-3, places of religious worship, or E of any size.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.12, Recreation: playing fields, recodified to N.J.A.C. 5:23-7.25.

Recodified from N.J.A.C. 5:23-7.12 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.13, Variations, recodified to N.J.A.C. 5:23-7.14.

Amended by R.2007, d.384, effective December 17, 2007.

See: 39 N.J.R. 2684(a), 39 N.J.R. 5211(a).

In (c)4, substituted “A-3, places of religious worship” for “A-4”.

5:23-7.14 Variations

(a) Where it can be demonstrated that one or more of the provisions of this subchapter are technically infeasible, variations or exceptions to those specific provisions may be granted if:

1. The spirit and intent of the law are observed;
2. Public welfare and safety are assured; and
3. Equivalent facilitation and protection for people with disabilities are secured.

(b) In no case shall a complete waiver of these requirements be granted.

(c) Procedures for granting variations and exceptions shall be in accordance with N.J.A.C. 5:23-2.9 through 2.13.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.13, Recreation: golf facilities, recodified to N.J.A.C. 5:23-7.26.

Recodified from N.J.A.C. 5:23-7.13 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.14, Enforcement, recodified to N.J.A.C. 5:23-7.15.

5:23-7.15 Enforcement

(a) Enforcement of this subchapter shall be the primary responsibility of the building subcode official except as otherwise designated below:

1. Plan review with regard to compliance with the following sections of ICC/ANSI A117.1-2003 shall be the joint responsibility of the building and plumbing subcode officials:

- i. Section 602 (drinking fountains);
- ii. Sections 604 (water closets and toilet compartments); and 605 (urinals);
- iii. Section 606 (lavatories and sinks);
- iv. Sections 607 (bathtubs); and 608 (shower compartments);
- v. Section 1003.11.7 (dwelling unit—water closet);
- vi. Section 1003.11.8 (dwelling unit, bathtub—faucets);
- vii. Section 1003.11.9 (dwelling unit, shower—spray unit); and
- viii. Section 1003.12.4 (dwelling unit—sink).

2. Plan review and inspection with regard to compliance with ICC/ANSI A117.1-2003, Section 309 (operable parts) that are regulated by the electrical, fire protection, or plumbing subcodes shall be the responsibility of the corresponding subcode official. Plan review and inspection

of all other mechanisms shall be the responsibility of the building subcode official.

3. Inspection with regard to compliance with the following sections of ICC/ANSI A117.1-2003 shall be the responsibility of the plumbing subcode official:

i. Sections 602.3 (drinking fountains—operable parts); and 602.4 (drinking fountains—spouts, height); 602.5 (drinking fountain—spout location); and 606.6 (drinking fountain—water flow);

ii. Sections 604.2 (water closets—location); 604.4 (water closets—height); 604.6 (water closets—flush controls); 605.2 (urinals—height); and 605.4 (urinals—flush controls);

iii. Sections 606.3 (lavatories and sinks—height); 606.4 (lavatories and sinks—faucets); and 606.6 (lavatories and sinks—exposed pipes and surfaces);

iv. Sections 607.5 (bathtubs—controls); and 607.6 (bathtubs—hand shower);

v. Sections 608.2 (shower compartments—size and clearance); 608.4 (showers—seats); 608.5 (showers—controls and hand showers); 608.6 (showers—hand shower); and 608.7 (showers—thresholds);

vi. Sections 1003.11.7.1 (dwelling units, water closet—location); 1003.11.7.4 (dwelling units, water closet—height); 1003.11.7.5 (dwelling unit—flush controls); and 1003.12.4 (dwelling units—sink).

4. Enforcement of the technical requirements for elevators shall be the responsibility of the elevator subcode official. The building subcode official shall be responsible to ensure that the elevator is on an accessible route.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.14, Recreation: ski lifts, aerial tramways, and conveyors, recodified to N.J.A.C. 5:23-7.27.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Recodified from N.J.A.C. 5:23-7.14 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.15, Recreation, recodified to N.J.A.C. 5:23-7.16.

Amended by R.2009 d.51, effective February 2, 2009.

See: 40 N.J.R. 5325(a), 41 N.J.R. 738(a).

In the introductory paragraph of (a)1, (a)2 and the introductory paragraph of (a)3, substituted “2003” for “1998”; in (a)1i, deleted “and water coolers” following “fountains”; in (a)1v, substituted “1003.11.7” for “1002.11.5”; in (a)1vi, substituted “1003.11.8” for “1002.11.6”; in (a)1vii, substituted “1003.11.9” for “1002.11.7”; in (a)1viii, substituted “1003.12.4” for “1002.12.4”; in (a)3iii, inserted “and sinks” three times; in (a)3iv, substituted “bathtubs—hand shower” for “bathtub—shower unit”; in (a)3v, inserted “and hand showers”, deleted “and” preceding “608.6”, substituted “hand shower” for “shower unit”; and inserted “and” preceding “608.7”; and in (a)3vi, substituted “1003.11.7.1” for “1002.11.15.1”, “1003.11.7.4” for “1002.11.5.3”, “1003.11.7.5” for “1002.11.3.3” and “1003.12.4” for “1002.12.4”.

5:23-7.16 Recreation

(a) All facilities, equipment, and sites or portions thereof, intended for outdoor active or passive recreation shall meet all applicable requirements of this subchapter in addition to the provisions of N.J.A.C. 5:23-7.17 through 7.32. All support facilities and site access points required to be on an accessible route of travel shall be made accessible in accordance with the applicable provisions of this subchapter.

1. Indoor recreational facilities shall be on an accessible route of travel and shall comply with all applicable requirements of this subchapter.

(b) Compliance with the provisions of this subchapter that relate to the accessibility of recreational equipment or recreation sites shall be the responsibility of the manager of that recreational facility, of the owner of that facility, whether publicly or privately held, and of the agency responsible for the administration of that facility.

1. The facility manager and/or the facility owner or agency responsible for administration of the facility shall certify, in writing, that any work performed complies with all applicable provisions of this subchapter and shall retain this certification on file.

2. The enforcement of the accessibility features of recreational equipment notwithstanding, the construction of recreational equipment may require a construction permit if so determined by the building subcode official.

3. The enforcement of the requirements for swimming pools, including the accessibility features, shall be the responsibility of the building subcode official.

4. Complaints regarding lack of enforcement of these provisions shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager shall respond within 30 days to any written complaint received detailing the position taken with respect to this complaint. If the facility manager fails to respond in a manner satisfactory to the party registering the complaint, then that party shall have recourse to the appeals process as set forth at N.J.A.C. 5:23-2.38 and 3.11.

5. Any alteration, renovation and/or addition to any existing recreational facility, the cost of which meets or exceeds the limit set forth in N.J.S.A. 40A:11-3, shall be performed in compliance with all applicable provisions of this subchapter. This limit shall apply to both privately- and publicly-owned recreational facilities. If it is feasible to achieve a greater degree of compliance with this subchapter with respect to the entire recreation area, then the facility manager may make alterations, renovations or additions in compliance with the applicable provisions of this subchapter to other facilities or equipment in lieu of the facility or equipment originally being altered, renovated and/or added.

i. Notwithstanding the above provisions, no alteration, renovation or addition shall be made which reduces or diminishes the degree to which any facility meets the criteria of this subchapter.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

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

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

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Amended by R.1996, d.274, effective June 17, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1443(a), 28 N.J.R. 3121(a).

Amended (b), added (b)2 and 3 and recodified former (b)2 and 3 as (b)4 and 5.

Recodified from N.J.A.C. 5:23-7.2 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (a), changed N.J.A.C. reference in the introductory paragraph. Former N.J.A.C. 5:32-7.15, Recreation: trails, recodified to N.J.A.C. 5:23-7.28.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b)3, deleted the N.J.A.C. reference.

Recodified from N.J.A.C. 5:23-7.15 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.16, Recreation: definitions, recodified to N.J.A.C. 5:23-7.17.

5:23-7.17 Recreation: definitions

“Multi-functional play equipment” means play equipment designed to provide multiple play activities such as, but not limited to, swinging, jumping, sliding, and climbing.

“Park” or “recreation area” means an area set aside and designated for recreation, including either active participation, as in sports, or passive recreation, as in the observation of nature.

“Recreation equipment” means equipment and prescribed surrounding safety areas, including, but not limited to, fixed equipment, fixed manipulative play equipment (such as playground equipment), picnic tables, benches, fire places and grills, ski lifts, and aerial tramways.

“Recreation facility” means a facility, body of water, dock, court, field, location, or portion thereof, intended for active or passive recreation that is required by this subchapter to be accessible regardless of whether the facility is indoor or outdoor.

“Single function play equipment” means play equipment designed to provide a single play activity, such as, but not limited to, swinging, jumping, climbing, or sliding.

“Site access points” means entrances, waiting areas, drop-off zones, parking areas, and public transportation stops serving the recreational area or facility, except those used solely for maintenance purposes.

“Support facility” means a facility ancillary to a recreation facility including, but not limited to, toilet facilities, food services, information services, first aid stations, drinking fountains, telephones, spectator seating and shelters. Facilities primarily housing mechanical equipment or those exclusively used for storage are not included in this definition.

“Transfer platform” means a platform with a minimum dimension of 18 inches by 24 inches mounted 15 inches to 17 inches above grade as an integral part of the multi-functional play equipment to provide access.

“Transfer point” means a clear space 36 inches by 60 inches adjacent to a transfer platform.

“Undeveloped areas” means areas used for activities such as camping, hunting, fishing, the observation of nature or open space conservation and which contain no recreation equipment or recreation facilities.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.3 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.16, Recreation: camping sites, recodified to N.J.A.C. 5:23-7.29.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote “Recreational facility”.

Recodified from N.J.A.C. 5:23-7.16 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.17, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.18.

5:23-7.18 Recreation: exceptions

These recreation requirements do not apply to undeveloped areas as defined in N.J.A.C. 5:23-7.17.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

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

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

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.4 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.17, Recreation: equipment, recodified to N.J.A.C. 5:23-7.30.

Recodified from N.J.A.C. 5:23-7.17 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Updated the N.J.A.C. reference.

Former N.J.A.C. 5:23-7.18, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.19.

5:23-7.19 Recreation: route of travel

(a) There shall be an accessible route of travel connecting the following elements: at least one site access point and all

support facilities, accessible recreation facilities, and accessible recreation equipment at each park or recreation area. For purposes of applying this requirement, parks may be divided into smaller areas and an accessible route provided from one site access point at each area to all support facilities, accessible recreation facilities, and accessible recreation equipment in that area.

(b) An accessible route of travel shall meet the following criteria:

1. An accessible route of travel that connects an accessible site access point and support facilities, accessible recreation facilities, and accessible recreation equipment shall meet all of the criteria for an accessible route in the technical standard adopted as part of this subchapter, except that the following are also acceptable surfacing materials: flat surfaced pavers on concrete, flat surfaced pavers on sand, and wood decking. Crushed stone laid over a compacted subgrade and bound with sufficient cement to provide a non-shifting, firm surface shall also be acceptable.

2. A challenge level I accessible route may connect additional site access points, if provided, and support facilities, recreation equipment, and recreation facilities. A challenge level I accessible route shall meet the criteria for an accessible route in the technical standard adopted as part of this subchapter, except as follows:

i. In addition to the materials listed in (b)1 above, the following materials are acceptable as surfacing: soil cement, graded wood chips, grass, and compacted earth.

ii. An accessible route with a running slope of 1:16 or steeper shall be considered a ramp. Cross slopes shall not exceed 1:30.

iii. Landings for ramps shall be provided at the top, bottom, at all changes in direction, and after each 48 feet of projection.

iv. Materials specified in (b)1 above are acceptable ramp surfacing materials.

v. When the running slope is between 1:20 and 1:16, a level rest area at least five feet by five feet shall be provided every 200 feet.

(c) The accessible route to multi-functional play equipment shall lead onto the equipment itself, as specified at N.J.A.C. 5:23-7.31(c)1.

(d) When a resilient safety area is specified by the manufacturer of the play equipment, an accessible route through the resilient safety area shall be provided. It shall meet the following conditions:

1. Commercially manufactured or processed materials must be certified by the manufacturer as permitting independent wheelchair passage;

2. Natural materials must be of the type and depth to meet the specifications in the Consumer Products Safety Commission Handbook on Playground Safety (Consumer Products Safety Commission, Washington, D.C. 20207) or must be one of the following:

- i. Wood chips of relatively uniform size from hard wood without bark, leaves, twigs, or brush, or
 - ii. Double shredded bark and mulch of relatively uniform size without leaves, twigs, or brush; and
3. The accessible route and the resilient safety area shall be of the same material.

(e) The accessible route to single function play equipment shall lead to the safety area surrounding the equipment.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.5 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (c), changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.18, Recreation: equestrian facilities, recodified to N.J.A.C. 5:23-7.31.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b), rewrote 1 and the introductory paragraph of 2; in (d), rewrote the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.18 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In (c), updated the N.J.A.C. reference.

Former N.J.A.C. 5:23-7.19, Recreation: pools, recodified to N.J.A.C. 5:23-7.20.

5:23-7.20 Recreation: pools

(a) At least one pool of each type provided in each distinct area on a site, intended for swimming, soaking, wading, or

diving, exclusive of those intended for ornamental, decorative, or mechanical purposes, must adjoin an accessible route of travel.

1. The interior of swimming pools, defined as pools with a depth ranging between 24 inches and 13 feet, and the interior of soaking pools, shall be made accessible by one of the methods detailed in (a)3 through 5 below.

2. Wading pools, defined as pools with a maximum depth of less than 24 inches, and diving pools, defined as pools or tanks with a minimum depth of over 13 feet, are not required to provide interior access.

3. A vertical lift meeting the following criteria, and as shown in Figure 7.19a, shall be provided:

i. Designed by its manufacturer for independent operation by the user;

ii. Equipped with a chair designed for independent transfer from a wheelchair. The chair shall have a rigid seat with a depth of at least 15 inches and shall have a rigid back support at least 15 inches high;

(1) As an alternative to (a)3ii above, a pool may be equipped with a moving platform. A wheelchair shall be provided to the user if this option is used.

iii. Adjoining a clear level floor area with a minimum dimension of five feet by five feet;

iv. Having controls that meet the criteria for controls and operating mechanisms in the technical standard adopted as part of this subchapter; and

v. Located to meet the criteria of Figure 7.19a.

4. Interior/exterior steps that meet the criteria of Figure 7.19b.

Figure 7.19a
Pool Entry

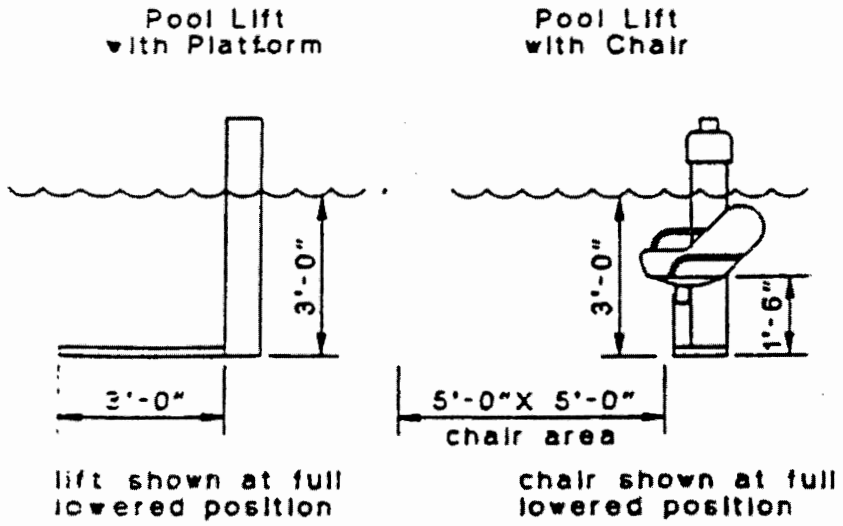
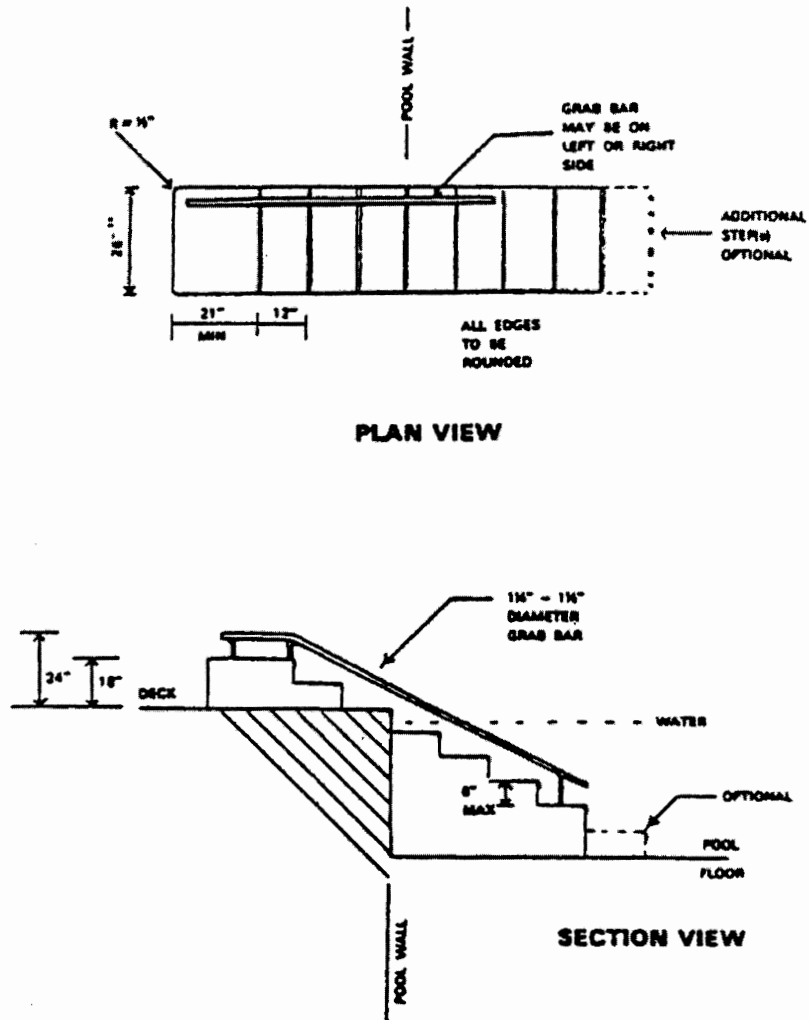
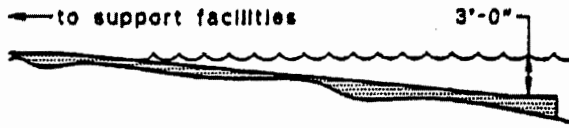


Figure 7.19b



- i. The edge of the steps shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.
5. A ramp that meets the criteria of Figure 7.19c.

Figure 7.19c
Ramp Into Water



Maximum ramp slope 1:12.
Provide no handrails but provide curbs.
Maximum ramp run 30'-0", use
additional ramp runs with 5'-0" level
platforms between, as necessary.
In pools, assure no access under ramp.

- i. Where this option is used, a wheelchair shall be provided.
- ii. The edge of the ramp shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1988 d.503, effective November 7, 1988.
 See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).
 Added (a)2i and (a)3ii; also amended Figure 7.104b.
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.6 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 Amended by R.2002 d.350, effective November 4, 2002.
 See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).
 Rewrote the section.
 Administrative Correction.
 See: 38 N.J.R. 3024(a), 38 N.J.R. 3776(c).
 Recodified from N.J.A.C. 5:23-7.19 by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Former N.J.A.C. 5:23-7.20, Recreation: swimming and skating areas, recodified to N.J.A.C. 5:23-7.21.

5:23-7.21 Recreation: swimming and skating areas

(a) At each designated swimming and/or skating area at natural or man-made bodies of water, there shall be an accessible route or an accessible trail meeting the criteria of N.J.A.C. 5:23-7.29 that connects at least one point to the water's edge to other elements at the site as required by N.J.A.C. 5:23-7.19(a).

1. At designated swimming and/or skating areas, the provision of access as described in (a) above at one location per site shall be deemed as satisfying the requirements of this section.

2. This provision shall not apply in those ocean front areas where wave action renders the provision of an accessible route or an accessible trail impractical from an engineering standpoint.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1996 d.132, effective March 18, 1996.
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.7 and amended by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 In (a), changed N.J.A.C. references in the introductory paragraph.
 Recodified from N.J.A.C. 5:23-7.20 and amended by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 In (a), updated the N.J.A.C. references.
 Former N.J.A.C. 5:23-7.21, Recreation: boating areas, recodified to N.J.A.C. 5:23-7.22.

5:23-7.22 Recreation: boating areas

- (a) Each boating area with docking facilities shall have one accessible docking space.
- (b) Each accessible mooring space shall adjoin an accessible route of travel and shall have a minimum clear space of five feet by five feet to allow transfer to the boat. Additionally, each accessible mooring space shall be a maximum of 36 inches above the mean water level in non-tidal areas.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Recodified from N.J.A.C. 5:23-7.8 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 Amended by R.2002 d.350, effective November 4, 2002.
 See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).
 In (a), substituted "docking" for "mooring".
 Recodified from N.J.A.C. 5:23-7.21 by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Former N.J.A.C. 5:23-7.22, Recreation: fishing areas, recodified to N.J.A.C. 5:23-7.23.

5:23-7.23 Recreation: fishing areas

If docks are provided in a fishing area, the criteria of N.J.A.C. 5:23-7.22 shall apply.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Recodified from N.J.A.C. 5:23-7.9 and amended by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 Changed N.J.A.C. reference.
 Recodified from N.J.A.C. 5:23-7.22 and amended by R.2007 d.144, effective May 7, 2007.
 See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).
 Updated the N.J.A.C. reference.
 Former N.J.A.C. 5:23-7.23, Recreation: court games, recodified to N.J.A.C. 5:23-7.24.