

(b) A building or structure shall not be constructed, extended, repaired, removed, renovated, altered or reconstructed in violation of these provisions, except that no permit shall be required for ordinary repairs as provided herein, and except further that the raising, lowering or moving of a building or structure on the same lot, as a unit, necessitated by a change in legal grade or widening of a street, shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy changed.

1. Any new work, such as foundations or utility connections shall, however, be in accordance with the regulations.

(c) Any requirement essential for structural, fire or sanitary safety of a building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by the regulations, shall be determined by the construction official, and appropriate subcode official.

(d) The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the regulations, shall be deemed a violation and subject to the remedies prescribed in this subchapter.

(e) Where provisions herein specify requirements for structural, fire and sanitary safety, no provision of any municipal zoning or other municipal code shall conflict, govern or have effect. Where the provisions herein specify requirements with respect to location, use, permissible area and height, and the municipal zoning code establishes requirements as well, then the more restrictive requirements of this code or the zoning code shall govern.

Amended by 1981 d.134, effective May 7, 1981.

See: 13 N.J.R. 119(a), 13 N.J.R. 258(b).

(e): "other municipal" was "general".  
Administrative Correction to (b): Changed "construed" to "constructed".

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

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

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

Rewrote (b), new exception that no permit required for ordinary repairs.

#### Case Notes

Portable fire extinguishers could not be required to be placed in hotel and motel efficiency units with cooking facilities. *Venuti v. Cape May County Const. Bd. of Appeals*, 231 N.J.Super. 546, 555 A.2d 1175 (A.D.1989).

Construction code official authorized to determine particular fire code prevention requirements of building where building use deviates in any significant respect from building uses "specifically covered" by fire prevention subcode; hearing held by construction board of appeals was procedurally deficient. In the Matter of the "Analysis of Walsh Trucking Occupancy and Sprinkler System," 215 N.J.Super. 22, 2, 521 A.2d 883 (App.Div.1987).

#### 5:23-2.3 Applicability

These regulations shall apply to all construction undertaken after the effective date of the regulations or any subsequent amendment thereof.

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

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

#### Case Notes

Forum for seeking double damages under Planned Real Estate Development Full Disclosure Act (PREDFDA) was Superior Court. *Department of Community Affairs, Div. of Housing and Urban Development v. Atrium Palace Syndicate*, 259 N.J.Super. 578, 614 A.2d 1069 (A.D.1992).

Site lighting installations at locations without construction permits were in violation of uniform construction code act. *Public Service Electric and gas company v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 13.

#### 5:23-2.4 Alterations, replacements and damages

(a) Existing structures, when repaired, renovated, altered or reconstructed, shall conform to the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode.

(b) If an existing structure is damaged by fire or any other cause, the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode, shall apply to the restoration of such building or structure.

(c) Any work which is mandated by any housing, property or fire safety maintenance code, standard or regulation or other State or local law requiring improvements to buildings or structures shall be made to conform only to the requirements of that code, standard, law or regulation and shall not be required to conform to the subcodes adopted pursuant to this chapter unless the code requiring the alteration so provides.

1. Except as otherwise provided in N.J.A.C. 5:23-6.2(g), any requirement of any other code, standard, regulation, ordinance or law that is more restrictive than any requirement of N.J.A.C. 5:23-6 applicable to the same issue shall not be enforceable.

Amended by R.1985 d.16, effective February 4, 1985.

See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a)7 added.

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.381, effective July 17, 1995.

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

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

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

Rewrote (a) stating existing structures shall conform to 5:23-6, "Rehabilitation Subcode"; deleted (a)1 through (a)6; rewrote (b), (c) and inserted (c)1; deleted (a)7i through (b)1.

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

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

Rewrote (c)1.

#### 5:23-2.5 Concerning increase in size

If the structure is increased in floor area or height, then the increased portion of the structure shall conform to the requirements of this chapter applicable to new construction, while any related work within the existing structure shall conform with the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode.

Amended by R.1988 d.389, effective August 15, 1988.

See: 20 N.J.R. 1026(a), 20 N.J.R. 2073(a).

Amended by R.1993 d.61, effective February 1, 1993.

See: 24 N.J.R. 1421(a), 25 N.J.R. 463(c).

Hardwired smoke detectors added.

Amended by R.1994 d.433, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 1910(a), 26 N.J.R. 3706(a).

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

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

In (a)2, amended NFIPA reference.

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

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

Rewrote (a) to conform with "Rehabilitation Subcode"; deleted (a)1 through (c)

#### Case Notes

Municipal order under zoning ordinance to remove sleeping trailers and disconnect utilities used by refinery repair crew proper exercise of police power; action not preempted by Occupational Safety and Health Act. *Twp. of Greenwich v. Mobil Oil Corp.*, 504 F.Supp. 1275 (D.N.J. 1981).

Permits required to ensure use of proper materials and construction methods; permit requirements not inconsistent with pollution control laws; sewerage authority obliged to obtain local permits and approval before beginning pumping station construction. *Shupack v. Manasquan River Regional Sewerage Authority*, 194 N.J.Super. 199, 476 A.2d 816 (App.Div.1984).

#### 5:23-2.6 Change of use

(a) Continuation of existing use: The legal use of any structure existing on the effective date of the regulations may be continued without change, except as may be specifically provided in these regulations or in any property or fire safety maintenance code, or minimum housing standard or regulation, adopted pursuant to law.

1. A certificate of continued occupancy shall be granted upon request, subject to this subchapter.

(b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as herein provided.

1. A certificate of occupancy shall be issued provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode.

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

Amended by R.1985 d.16, effective February 4, 1985.

See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a) Added text: "or fire safety" and "or minimum housing standard or regulation".

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.611, effective December 4, 1995 (operative April 4, 1996).

See: 27 N.J.R. 3257(a), 27 N.J.R. 4884(a).

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

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

New heading "Change of use"; rewrote (b); added "Rehabilitation Subcode" in (b)1; deleted (b)1i through (c).

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

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

In (b), added 2.

#### Case Notes

Civil rights action challenging township actions regarding use of property as church were not ripe for adjudication until township planning board decided site plan application and any need for variance. *Trinity Resources, Inc. v. Township of Delanco*, D.N.J.1994, 842 F.Supp. 782.

#### 5:23-2.7 Ordinary maintenance

(a) Ordinary maintenance to structures may be made without filing a permit application with or giving notice to the construction official.

(b) Such maintenance shall not include any of the following:

1. The cutting away of any wall, partition or portion thereof;

2. The removal or cutting of any structural beam or bearing support;

3. The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements;

4. Any work affecting structural or fire safety;

5. Any work that will increase the nonconformity of any existing building or structure with the requirements of the regulations;

6. Addition to, or alteration, replacement or relocation of:

i. Any standpipe;

ii. Water supply, sewer, drainage, gas, soil, waste, vent or similar piping;

iii. Electrical wiring, other than wiring for a low voltage communication system in a one- or two-family dwelling; or

iv. Mechanical or other work affecting public health or general safety; or

7. Any work undertaken for the purpose of lead abatement.

(b) When used alone, the term “subchapter,” “section,” and so forth, refers to that portion of the regulations. When used in conjunction with the term “building subcode,” “plumbing subcode” or “electrical subcode,” and so forth, the term “article” or “section,” and so forth, refers to that subcode.

(c) This subchapter shall control matters relating to:

1. The adoption of subcodes of the Uniform Construction Code.
2. Modifications to the subcodes adopted.
3. The organization of enforcement responsibilities.
4. The use of standards of accepted practice.
5. Approvals and interrelations.
6. The division of plan review responsibilities and State reserved activities; and
7. Procedures for adoption of future subcode amendments.

(d) This subchapter provides a uniform system of construction standards throughout the State through the adoption of model codes applicable throughout the State. Modifications made to the subcodes are for the purpose of providing a uniform, harmonious system of construction code interface and administration, and to resolve conflicts with preempting Federal and State legislation.

(e) Provisions concerning underground storage tanks, jointly enforced by the Department of Environmental Protection (DEP), are in N.J.A.C. 5:23-3.11B and in the DEP’s rules at N.J.A.C. 7:14B.

Amended by R.1990 d.562, effective November 19, 1990.  
See: 22 N.J.R. 2629(c), 22 N.J.R. 3482(d).  
Added reference to N.J.A.C. 7:14B.

### 5:23-3.2 Matters covered; exceptions

(a) Except as is otherwise provided in (b), (c) and (d) below, the provisions of this subchapter shall apply uniformly throughout the State. Any standards other than those provided herein are void and of no effect.

(b) Rules concerning exceptions in health care facilities are as follows:

1. Construction or rehabilitation of health care facilities shall be in accordance with this code and with the “Guidelines for Construction and Equipment of Hospital and Medical Facilities” (American Institute of Architects Committee on Architecture for Health), 1996-1997 edition or current edition. In the event of any conflict, the more restrictive code provision shall govern.
2. The Department of Health may adopt licensing standards for the physical plant and environment of health care facilities that supplement this code and the

“Guidelines for Construction and Equipment of Hospital and Medical Facilities,” although these standards may not be in conflict with these codes.

3. The publication “Guidelines for Construction and Equipment of Hospital and Medical Facilities” is available from The American Institute of Architects Press, 1735 New York Ave., N.W., Washington, D.C. 20006.

(c) Individual on-site water supply and sewage disposal systems shall be in accordance with N.J.S.A. 58:11-23 et seq., and N.J.A.C. 7:10-3.1 et seq. and N.J.A.C. 7:9-2.1 et seq.

(d) Rules concerning commercial farm buildings are as follows:

1. A commercial farm building means any building located on a commercial farm which produces not less than \$2,500 worth of agricultural or horticultural products annually which building’s main use or intended use is related to the production of agricultural or horticultural products produced on that farm.

2. Buildings constructed in accordance with the provisions of this section and meeting the requirements of (d)1 above shall be classified as commercial farm buildings. For those provisions not covered by this section, commercial farm buildings shall comply with the construction code provisions applicable to Use Group S-2. Commercial farm buildings shall include, but not be limited to, the following: stall barns, milking parlors, poultry houses, horse arenas, packing houses for agricultural or horticultural commodities, farrowing houses, greenhouses, and buildings used for the storage of agricultural or horticultural products, farm machinery and farm equipment, or farm materials and supplies that are produced or used on the farm.

3. Pre-engineered grain bins, silos, manure handling equipment and impoundments used on a farm for the storage of agricultural commodities or by-products which are produced by or used on the farm shall not require a construction permit. However, all on-site construction work such as foundations and plumbing and electrical connections shall be subject to all requirements and inspections of any applicable subcode(s).

4. The type and amount of materials or supplies stored in a commercial farm building, including hay, straw, and livestock bedding materials, shall not be subject to limitation. However, other hazardous materials within spaces of commercial farm buildings occupied by more than 10 persons shall not exceed the allowable exempt amounts shown in Tables 307.8(1) and 307.8(2) of the building subcode unless separated from the occupied area by appropriate fire resistance rated construction as prescribed in the building subcode.

5. A commercial farm building may be used as a place of public assembly for not more than 15 days in a

calendar year. For the purposes of enforcing this requirement, a public assembly shall be a gathering of 50 or more people. A permit shall be obtained from the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 et seq., and the fee for issuing the permit shall not exceed \$75.00 per event.

i. A commercial farm building that is used as a place of public assembly for not more than 15 days in a calendar year and that is provided with electricity shall comply with section 1024 of the BOCA National Building Code.

6. Buildings containing any of the following uses are not included in the definition of a commercial farm building:

i. Residential structures;

ii. High hazard facilities, such as grain elevators or grain storage silos used to store products which are neither used nor produced on the farm itself;

iii. Processing facilities that include specialized machinery to perform functions other than the washing, cleaning, hydrocooling, vacuum cooling, grading, sizing and packing of agricultural or horticultural products, unless the exempted functions are only the first step in a sequence of processing to be performed on the farm;

iv. Mercantile structures, such as farm retail markets or nursery greenhouse retail sales areas;

v. Offices with either 11 or more occupants, or floor area of greater than 1,200 square feet; and

vi. Buildings that contain any use not included in the definition of commercial farm building, except incidental offices as provided in (d)9vii below.

7. A commercial farm building may include a use that does not meet the definition of a "commercial farm building," provided that the space that does not meet the commercial farm building definition is separate from the remainder of the building with the required fire separation assemblies and meets all applicable requirements of the building subcode.

8. Construction type, height and allowable area requirements for commercial farm buildings and structures shall be as specified in the building subcode and shall not exceed the area or height limitations of Table 503 for the type of construction used, except as follows:

i. The height and area of a one story commercial farm building of any type of construction shall not be limited if the building meets the fire resistance rating and fire separation distance as specified in section 507.2 of the building subcode.

ii. The height and area of a two story commercial farm building of any type of construction shall not be limited if the building meets the fire resistance rating and fire separation distance as specified in section 507.2 of the building subcode and is provided with an approved automatic fire suppression system throughout, conforming to the Uniform Construction Code.

iii. Two or more commercial farm buildings excepted under (d)8i and ii above may be constructed on the same lot, or on an owner's contiguous lots without meeting the fire separation distance between them specified in section 507.2 of the building subcode. However, the fire separation distance specified in section 507.2 of the building subcode must be maintained between a commercial farm building and any building not eligible for this exemption.

9. Commercial farm buildings exempted under (d)8i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chapter 10, Means of Egress, of the BOCA National Building Code:

i. In lieu of the requirements of Section 1006.0, the maximum distance of travel from any point in the building to an exit shall not exceed 150 feet;

ii. In lieu of the requirements of Section 1010.0, one exit is required for each 15,000 square feet of floor area and fraction thereof;

iii. In lieu of the requirements of Section 1023.0, exit signs must be posted. Exit signs are not required to be illuminated;

iv. The provisions of section 1024.0 shall apply in commercial farm buildings where the owner has determined to provide electricity. Where electricity is provided, any electric light provided in the commercial farm building shall be deemed to meet the means of egress lighting requirements and a back up power source shall not be required unless the commercial farm building will be used as a place of public assembly in accordance with (d)5 above.

v. In lieu of the requirements of section 1008.0, occupancy is limited to 30 people;

vi. Lightning protection of the type required for the structure by NFPA 780, fire extinguishers and "no smoking" signs shall be provided;

vii. Offices with 10 or fewer occupants and a floor area not in excess of 1,200 square feet shall be considered incidental to the structure, if direct exit to the exterior is provided.

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

Amended by R.1981 d.132, effective May 7, 1981.  
 See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).  
 Amended by R.1986 d.448, effective November 3, 1986.  
 See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).  
 Deleted (b)1 and 4; recodified (b)2 and 3 to (b)1 and 2.  
 Amended by R.1987 d.374, effective September 21, 1987.  
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).  
 (b)1: model subcode revisions.  
 Amended by R.1988 d.144, effective April 4, 1988.  
 See: 19 N.J.R. 1778(a), 20 N.J.R. 783(a).  
 Changed (b)2 to (c) and (d).  
 Amended by R.1993 d.662, effective December 20, 1993.  
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).  
 Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).  
 See: 27 N.J.R. 2655(a), 27 N.J.R. 4699(a).  
 Amended by R.1997 d.269, effective July 7, 1997.  
 See: 29 N.J.R. 968(a), 29 N.J.R. 2817(a).  
 Inserted (d)5i; in (d)6vi, amended N.J.A.C. reference; in (d)8, inserted reference to construction type and inserted “, except as follows:”; deleted (d)8i; recodified former (d)8i(1) through (3) as (d)8i through iii; inserted new (d)9iv; recodified former (d)9iv through vi as (d)9v through vii; and recodified former (e) as (d)10.  
 Amended by R.1997 d.417, effective October 6, 1997.  
 See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).  
 Substantially amended (b)1.  
 Amended by R.1999 d.424, effective December 6, 1999.  
 See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).  
 In (a)1, substituted a reference to rehabilitation for a reference to alteration, and changed guideline reference.  
 Administrative correction.  
 See: 33 N.J.R. 3735(a).

**5:23-3.3 Enforcement**

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

1. Applications, certificates and permits: Such official(s) shall review applications for permits for the erection, repair (other than ordinary maintenance), renovation, alteration and reconstruction of buildings and structures; indicate approval or denial to the construction official; and inspect the premises for which such permits have been issued and enforce compliance with the provisions of the regulations.
2. Notices and orders: Such official(s) shall issue all necessary notices or orders to remove illegal or unsafe conditions; to require the necessary safeguards during construction; and to insure compliance with all requirements for the safety, health and general welfare of the public.
3. Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to

report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.

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

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

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

**5:23-3.4 Responsibilities**

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

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

**BUILDING SUBCODE**

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

**ELECTRICAL SUBCODE**

Section 250-50(c)<sup>F</sup>Concrete-Encased Electrode—as applicable

**MECHANICAL SUBCODE**

|   |
|---|
| Chapter 3 as follows:                     |
| 301 <sup>F</sup>                          |
| 302                                       |
| 308 <sup>F</sup>                          |
| 310 <sup>F</sup>                          |
| 311 <sup>F</sup>                          |
| Chapter 4                                 |
| Chapter 5 as follows:                     |
| 501                                       |
| 502 <sup>F</sup> through 511 <sup>F</sup> |

512  
 513<sup>F</sup>  
 Chapter 6<sup>F</sup>  
 Chapter 8<sup>F</sup>  
 Chapter 9<sup>F</sup> (All except 908.5,  
 908.6 and 908.7)  
 Chapter 13 as follows:  
 1301.2<sup>F, P</sup>  
 1301.3<sup>F</sup>  
 1301.4<sup>F, P</sup>  
 1306<sup>F</sup>  
 Chapter 14<sup>P</sup>

410.0-412.5  
 413.1-413.2  
 413.5.3-414.4  
 415.0-416.3  
 416.6-416.10  
 416.12-416.14.5  
 416.16-416.15.1  
 416.15.3  
 417.6.4-417.6.5  
 418.1-418.3.1.6  
 418.3.3.3-421.11

3010.2.3  
 3010.4  
 3011.2  
 3011.2.1  
 Chapters 31-32  
 Chapter 33 as follows:  
 3301.0-3304.0  
 3306.0-3315.0  
 Chapter 34 as follows:  
 3406.0

ENERGY SUBCODE

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

FUEL GAS SUBCODE

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

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

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

BUILDING SUBCODE

|                       |                        |
|-----------------------|------------------------|
| Chapter 3             | Chapters 5-8           |
| Chapter 4 as follows: | Chapter 10             |
| 401.0-402.9           | Chapter 12             |
| 402.14-403.1          | Chapters 14-20         |
| 403.3.3               | Chapter 21             |
| 404.1                 | Chapters 22-26         |
| 404.3                 | Chapter 28             |
| 404.5                 | Chapter 30 as follows: |
| 404.7-405.2           | 3007.1                 |
| 405.4                 | 3007.4-3007.6          |
| 406.0-408.3           | 3008.1-3008.3          |
| 408.3.2-409.4         | 3010.1-3010.2.1        |

ELECTRICAL SUBCODE

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

MECHANICAL SUBCODE

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

ENERGY SUBCODE

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

FUEL GAS SUBCODE

Chapter 3 as follows:  
 301.8  
 301.10 through 301.15  
 302  
 Chapter 5 as follows:  
 501.3  
 501.7  
 501.11  
 501.15.3  
 503.5.3  
 Chapter 6 as follows:  
 602  
 608 through 613  
 614 (All except 614.4  
 and 614.5)  
 616 through 618  
 619 (All except 619.4)

- 620 through 622
- 624
- 626.1
- 626.4 through 626.7
- 627 (All except 627.4)
- 628
- 629
- 632

P = Joint with Plumbing Subcode Official

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

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

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

Chapter 3 as follows:

- 305
- 307

Chapter 9 as follows:

- 908.5
- 908.6
- 908.7<sup>F</sup>

Chapter 10

Chapter 11

Chapter 12

Chapter 13 as follows:

- 1301.2<sup>B, F</sup>
- 1301.4<sup>B, F</sup>
- 1302 through 1305
- 1307
- 1308

Chapter 14<sup>B</sup>

ENERGY SUBCODE

Chapter 1 as applicable

Chapter 5 as follows:

- 504

Chapter 6 as follows:

- 604

B = Joint with Building Subcode Official

FUEL GAS SUBCODE

Chapter 3 as follows:

- 301.6
- 307

Chapter 4

Chapter 6 as follows:

- 623
- 625
- 626.2
- 626.3
- 626.8
- 626.9
- 627.4
- 630

B = Joint with Building Subcode Official

F = Joint with Fire Subcode Official

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

PLUMBING SUBCODE

ALL

MECHANICAL SUBCODE

Chapter 3 as follows:

- 305
- 307

Chapter 9 as follows:

- 908.5 through 908.7

Chapter 10

Chapter 11

Chapter 12

Chapter 13 as follows:

- 1301.4<sup>B</sup>
- 1302 through 1305
- 1307
- 1308

Chapter 14

ENERGY SUBCODE

Chapter 1 as applicable

Chapter 5 as follows:

- 504

Chapter 6 as follows:

- 604

FUEL GAS SUBCODE

Chapter 3 as follows:

- 301.6
- 307

Chapter 4

Chapter 6 as follows:

- 623
- 625
- 626.2
- 626.3
- 626.8
- 626.9
- 627.4
- 630

B = Joint with Building Subcode Official

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

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

BUILDING SUBCODE

Chapter 4 as follows:

- 403.9<sup>F</sup>
- 405.7-405.9<sup>F</sup>
- 414.5<sup>F</sup>

416.11<sup>F</sup>

416.14.6<sup>F</sup>

417.5.4<sup>F</sup>

## ELECTRICAL SUBCODE

## Article 90—Introduction

## Chapter 1

## Chapter 2 as follows:

200-1 to 250-50(b)

250-50(c)<sup>B</sup>

250-50(d) to 280-25

## Chapter 3 as follows:

300-1 to 300-20

300-21<sup>F</sup>

300-22 to 384

## Chapter 4 as follows:

400 to 450 part B

450 part C<sup>F</sup>

455 to 480

Chapter 5<sup>F</sup>

## Chapter 6 as follows:

600 to 610

620<sup>EL</sup>

625 to 690

695<sup>F</sup>

## Chapter 7 as follows:

700 to 727

760<sup>F</sup>

770 to 780

## Chapter 8

## Chapter 9

620-85 (except for cartop receptacles)

620-91(b)

625-695

## Chapters 7-9

## ENERGY SUBCODE

## Chapter 1 as applicable

## Chapter 5 as follows:

505

## Chapter 6 as follows:

605

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

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

## ENERGY SUBCODE

## Chapter 1 as applicable

## Chapter 5 as follows:

505

## Chapter 6 as follows:

605

F = Joint with Fire Subcode Official

E = Joint with Electrical Subcode Official

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

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

## ELECTRICAL SUBCODE

## Article 90—Introduction

## Chapter 1

## Chapter 2 (except for section 250-50(c) Concrete-Encased Electrode)

## Chapter 3-5

## Chapter 6 as follows:

600-610

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

620-13 (on the line side of the machine room/machinery space disconnect(s))

620-22 (on the line side of the machine room/machinery space disconnect(s))

620-23

620-24

620-38 (for elect. equipment and materials only)

620-51 (except for (b), (c) and (d))

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

## BUILDING SUBCODE

Chapter 3<sup>B</sup>

## Chapter 4 as follows:

401.0-403.7<sup>B</sup>403.9<sup>E</sup>403.10-405.6<sup>B</sup>405.7-405.9<sup>E</sup>406.0<sup>B</sup>408.0-414.4<sup>B</sup>414.5<sup>E</sup>416.0-416.10<sup>B</sup>416.11<sup>E</sup>416.12-416.14.5<sup>B</sup>416.14.6<sup>E</sup>416.15-417.5.3<sup>B</sup>417.5.4<sup>E</sup>417.5.5-419.3<sup>B</sup>Chapters 7-8<sup>B</sup>

## Chapter 9

Chapter 10<sup>B</sup>

## Chapter 21 as follows:

2113.0-2117.0<sup>B</sup>

## Chapter 26 as follows:

2603.0-2605.0<sup>B</sup>

## Chapter 30 as follows:

3006.0-3011.0<sup>B, EL</sup>

## Chapter 31 as follows:

3106.0<sup>B</sup>

## Chapter 33 as follows:

3305.0<sup>B</sup>

## Chapter 34 as follows:

3406.0<sup>B</sup>

## MECHANICAL SUBCODE

## Chapter 3 as follows:

301<sup>B</sup>

303

304

306

308<sup>B</sup>310<sup>B</sup>311<sup>B</sup>

## Chapter 5 as follows:

502<sup>B</sup> through 511<sup>B</sup>513<sup>B</sup>Chapter 6<sup>B</sup>

## Chapter 7

Chapter 8<sup>B</sup>

(All except 801.3)

Chapter 9<sup>B</sup>

(All except 908.5 and

908.6)

908.7<sup>P</sup>

## Chapter 13 as follows:

1301.2<sup>B, P</sup>1301.3<sup>B</sup>1301.4<sup>B, P</sup>1306<sup>B</sup>

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

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

i. Phase II emergency operation shall be provided only if required by the requirements for highrise buildings contained in the supplemental requirements for each use group, N.J.A.C. 5:23- 6.12A through 6.28A. In addition, when phase II emergency operation is required, standby power shall be provided. Standby power shall be installed in accordance with the electrical subcode. The elevator powered by a standby power system shall be subject to the requirements of ANSI/ ASME A17.1-1993 Rule 211.2.

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

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

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

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

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

### 5:23-6.31 Change of use

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

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

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

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

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

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

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

- i. Covered Mall Buildings—Section 402.0;
- ii. Atriums—Section 404.0;
- iii. Underground Structure—Section 405.0;
- iv. Open Parking Structures—Section 406.0;
- v. Private Garages—Section 407.0;
- vi. Public Garages—Section 408.0;
- vii. Use Group I-3—Section 410.0;
- viii. Motion Picture Projection Rooms, Screening Rooms and Sound Stages—Section 411.0;
- ix. Stages and Platforms—Section 412.0;
- x. Special Amusement Buildings—Section 413.0;
- xi. HPM Facilities—Section 416.0. (Plan review—Building, Fire, Inspection—Building);
- xii. Hazardous Materials—Sections 417.0 and 418.0; and

xiii. Spray Booths, Spray Rooms, and Spray Storage Rooms—Section 419.0. (Plan review—Building, Fire, Inspection—Building).

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

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

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

TABLE B  
Relative Use Group Hazard

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

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

i. Where a portion of a building is changed to a higher relative use group hazard, the building shall comply with the basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for fire suppression and fire detection and/or alarms applied throughout the building for the new use group unless the proposed use is separated from the existing use(s) by assemblies with the appropriate fire-resistance rating in accordance with Table 313.1.2 of the building subcode in which case only the portion changed shall comply. The portion of the building changed shall comply with all the other basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for the new use group.

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

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

TABLE C  
Hazard Categories and Classifications  
Means of Egress

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

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

i. For Use Group A-2, the occupant load shall be calculated using section 1008.1 of the building subcode, except the maximum occupant load shall not exceed one occupant per 5 square feet of occupiable floor space.

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

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

i. Sections 1005.5 (Open-sided walking surfaces) and 1005.7 (Air movement in egress elements).

ii. Sections 1006.2 (Arrangement), 1006.3 (Exit discharge), 1006.4 (Remote location), 1006.5 (Length of travel), 1006.6 (Elevators, escalators and moving walks) and 1006.7 (Common path of travel).

iii. Section 1008.1 for Use Group A-2, except the maximum occupant load shall not exceed one occupant per 5 square feet of occupiable floor space.

iv. Sections 1010.2 (Minimum number) and 1010.3 (Buildings with one exit).

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

v. Section 1011.4 (Corridor enclosure) and the Basic Requirements of this subcode (N.J.A.C. 5:23-6.10 through 6.30) for corridor widths.

(1) Existing lath and plaster in good condition or existing 1/2-inch thick gypsum wall board on both sides of the wall shall be accepted where a one-hour fire separation assembly is required by 1011.4 (Corridor enclosure).

vi. Section 1012.0 (Assembly aisles and aisle accessways).

vii. Section 1013.0 (Grandstands).

viii. Section 1014.8 (Stairway egress doors) and the Basic Requirements of this subcode (N.J.A.C. 5:23-6.10 through 6.30) for stairway widths, handrails and guardrails.

ix. Section 1017.0 (Means of egress doorways) except 1017.3 (size of doors) and the Basic Requirements of this subcode (N.J.A.C. 5:23-6.10 through 6.30) for door widths.

x. Section 1019.0 (Horizontal exits).

xi. Section 1020.0 (Level of exit discharge passageways used as an exit element).

xii. Section 1023.0 (Exit signs and lights).

xiii. Section 1024.0 (Means of egress lighting).

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

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

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

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a single exit building, the building shall meet the requirements of Section 1010.3 (single exits) of the building subcode for the proposed use.

6. When a change of use is made to any residential use group (R-1, R-2, R-3 or R-4) or to Use Group I-1, every sleeping room below the fourth story shall have at least one operable window or exterior door. Where windows are provided to comply with this requirement,

the window shall have a sill height of not more than 44 inches, and have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

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

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

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

(d) Enclosure of vertical openings:

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

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

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

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

TABLE E  
Hazard Categories and Classifications  
Height and Area

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

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

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

and roof construction, including beams, trusses and framing, arches and roof decks.

ii. Exception: One and two story buildings in use groups other than H may exceed the floor area permitted by Table 503 of the building subcode by up to 25 percent of the existing floor area without providing fire separation.

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

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

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

(1) One and two story buildings of all use groups, except H, are permitted to exceed that allowable area by 25 percent.

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

(3) Accessory occupancies in compliance with Section 302.1.2 of the building subcode are not required to comply with this requirement.

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

ii. Separated use groups: Each portion of the building containing a use group shall be completely separated from adjacent use groups by fire separation assemblies and floor/ceiling assemblies having a fire resistance determined in accordance with Table 313.1.2 of the building subcode. For buildings equipped throughout with an automatic fire suppression system, the required fire resistance rating for use groups other than H is permitted to be reduced by one hour, but shall not be reduced to less than one hour. Each portion of the building shall comply with the height limitation of Table 503 of the building subcode for that use group. In each story, the area shall be such that the sum of the ratios of the floor area of each use group divided by the allowable area of Table 503 of the building subcode for each use group shall not exceed 1.0 for buildings three or more stories in height, and 1.25, for one and two story buildings.

(1) Exception: Accessory occupancies in compliance with Section 302.1.2 of the building subcode are not required to comply with this requirement.

iii. Separate buildings: If each use group is separated from other uses by fire walls that meet the requirements of Table 602 of the building subcode, then each use shall be considered a separate building. Each building shall comply with the height and area limitation of Table 503 of the building subcode. One and two story buildings of all use groups, except H, are permitted to exceed the allowable area of the new use group by 25 percent.

(1) Exception: Accessory occupancies in compliance with Section 302.1.2 of the building subcode are not required to comply with this requirement.

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

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

TABLE F  
Hazard Categories and Classifications  
Exposure of Exterior Walls

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

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

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

| Fire Separation<br>Distance | A, B, E, F-2, S-2, |                  |                |
|-----------------------------|--------------------|------------------|----------------|
|                             | H-2                | F-1, H-3, M, S-1 | H-4, I, R-1    |
| 0-5 feet                    | 4                  | 3                | 2 <sup>a</sup> |
| Over 5-10 feet              | 3                  | 2 <sup>a</sup>   | 1              |
| Over 10-15 feet             | 2                  | 1                | 0              |
| Over 15-30 feet             | 1                  | 0                | 0              |
| Over 30 feet                | 0                  | 0                | 0              |

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

Note b: When the use group of a building is changed to H-1, the building shall be located in accordance with Table F3004.3 of the 1996 BOCA National Fire Prevention Code.

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

ii. Where a portion of a building is changed to a higher hazard classification, exterior walls and openings of the entire building shall comply with the provisions of this section. If the proposed use is separated from the rest of the building by walls with the appropriate fire-resistance rating in accordance with Table 313.1.2 of the building subcode, then only the portion changed must comply with the provisions of this section.

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

iv. The fire resistance rating of non-loadbearing exterior walls may be reduced by one hour in buildings equipped throughout with an automatic fire suppression or sprinkler system. Exceptions shall be as provided in Section 705.2.4 of the building subcode, as follows:

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

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

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

| Use Group   | Exterior Wall Requirements  |
|---|---|
| H   | No opening permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of 20 feet or less.   |
| A-1, A-2, A-3, A-4, B, E, F-1, I-1, I-2, I-3, M, S-1, R-1 | No openings permitted with a fire separation distance of three feet or less. Walls with a fire separation distance of 10 feet or less are permitted to have unprotected openings with an aggregate area not exceeding 10 percent of the area of the wall. Openings in excess of 10 percent of the aggregate wall area shall be protected. |
| F-2, S-2  | No openings permitted with a fire separation distance of three feet or less. Protected openings required with a fire separation distance of five feet or less.  |

i. If the building is provided with an automatic fire suppression system throughout, the amount of unprotected openings shall be permitted to be increased to the limit for protected openings.

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

a street by a posted fire lane not less than 18 feet in width.

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

(g) Fire Suppression Systems: The following fire suppression system requirements apply in changes of use.

TABLE G  
Hazard Categories and Classifications  
Fire Suppression

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

1. When a change of use is made to a higher hazard category as shown in Table G, the building shall be provided with an automatic fire suppression system as required by the following sections of the building subcode: Section 904.2 of the building subcode for Use Groups A-1, A-3 and A-4, Section 904.3 of the building subcode for Use Group A-2, Section 904.4 of the building subcode for Use Group E, Section 904.5 of the building subcode for Use Group H, Section 904.6 of the building subcode for Use Group I, Section 904.7 of the building subcode for Use Groups F-1, M and S-1, Section 904.8 of the building subcode for Use Group R-1, Section 904.9 of the building subcode for Use Group R-2 and Section 904.10 of the building subcode for windowless stories. When the use group of a building is changed to Use Group A, E, H, I, M, or R, and a fire suppression system is required by this section, the fire suppression system shall be supervised in accordance with Section 924.1 of the building subcode.

i. When a portion of a building is changed to a higher hazard category and the proposed use is separated from the existing use(s) by assemblies that meet the applicable fire rating in Table 313.1.2 of the building subcode, an automatic fire suppression system as required above shall be installed only in the portion changed.

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

3. Notwithstanding the relative hazard as determined by Table G, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary

Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy. (Fire)

(h) Fire Alarm Systems: When a change of use is made to any of the following use groups, a fire alarm system shall be installed in accordance with sections 918.0 and 924.2 of the building subcode. Where a portion of a building is changed to any of the following use groups, a fire alarm system shall be installed throughout the building in accordance with sections 918.0 and 924.2 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire-resistance rating in accordance with Table 313.1.2 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Use Group A-4 or E: A fire alarm system shall be installed and maintained as required by Section 918.4.1 of the building subcode.
2. Use Group B: A fire alarm system shall be installed and maintained as required by Section 918.4.2 of the building subcode.
3. Use Group H: A fire alarm system shall be installed and maintained as required by Section 918.4.3 of the building subcode.
4. Use Group I: A fire alarm system shall be installed and maintained as required by Section 918.4.4 of the building subcode.
5. Use Group R-1: A fire alarm system shall be installed and maintained as required by Section 918.4.5 of the building subcode.
6. Use Group R-2: A fire alarm system shall be installed and maintained as required by Section 918.4.6 of the building subcode. (Fire)

(i) Automatic Fire Detection Systems: When a change of use is made to any of the following use groups, an automatic fire detection system shall be installed in accordance with Sections 919.0 and 924.2 of the building subcode. Where a portion of a building is changed to any of the following use groups, an automatic fire detection system shall be installed throughout the building in accordance with Sections 919.0 and 924.2 of the building subcode unless the proposed use is separated from the other use(s) in the building by assemblies with the appropriate fire resistance rating in accordance with Table 313.1.2 of the building subcode in which case only the portion changed shall comply. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Use Group I-1: An automatic fire detection system shall be installed and maintained as required by Section 919.4.1 of the building subcode.

2. Use Group I-2: An automatic fire detection system shall be installed and maintained as required by Section 919.4.2 of the building subcode.

3. Use Group I-3: An automatic fire detection system shall be installed and maintained as required by Section 919.4.3 of the building subcode.

4. Use Group R-1: An automatic fire detection system shall be installed and maintained as required by Section 919.4.4 of the building subcode.

5. Exception: A fire detection system is not required in the above use groups when the building is equipped throughout with an automatic fire sprinkler system installed in accordance with Sections 906.2.1 or 906.2.2 of the building subcode. These buildings are required to be provided with a fire alarm system installed in accordance with Section 918.0 of the building subcode. (Fire)

6. An automatic fire detection system shall be installed throughout all Use Group E buildings or portions thereof as follows:

- i. An approved system of automatic smoke detectors;
- ii. An approved automatic fire suppression system equipped with automatic fire alarm devices; or
- iii. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:

(1) Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces;

(2) Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures; and

(3) Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.

(j) Single and Multiple Station Smoke Detectors: When a change of use is made to any of the following use groups, single and multiple station smoke detectors shall be installed in accordance with Section 920.0 of the building subcode. Smoke detectors that are located closer than five feet to a kitchen or bathroom area shall be of the photoelectric type only.

1. Use Group R-1: Single or multiple station smoke detectors shall be installed and maintained as required by Section 920.3.1 of the building subcode.

2. Use Group R-2, R-3 and R-4: Single or multiple station smoke detectors shall be installed and maintained as required by Section 920.3.2 of the building subcode.

3. Use Group I-1: Single or multiple station smoke detectors shall be installed and maintained as required by Section 920.3.3 of the building subcode. Single or multiple station smoke detectors shall not be required where the building is equipped throughout with an automatic detection system in accordance with Section 919.4.1 of the building subcode.

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

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

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

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

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

Carbon monoxide alarms and fire alarms may be incorporated into a common monitored system.

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

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

TABLE K  
Structural Load Categories

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

1. When the use or the character of use of a building is changed to a higher load category as shown in Table K above, then the structure shall be capable of supporting the load requirement for the new use or character of use as specified in Table 1606 of the building subcode.

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

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

ii. The corridor and lobby loading requirements of Table 1606 shall be met only if the corridor exceeds six feet in width or if the lobby or corridor area is used for queuing purposes.

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

3. When a change of use results in a building being reclassified into one of the following occupancies, the building shall comply with the seismic design require-

ments of Section 1610.0 of the building subcode: Fire, rescue and police station; Use Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307.0 of the building subcode where the quantity of material exceeds the exempt amount as per Section 307.8 of the building subcode. (Building)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities as to be irritating or injurious to health shall be provided with local exhaust in accordance with M-1605.0 of the mechanical subcode. (Building)

TABLE N  
Outdoor Air Rates Based on Occupancy Type

| Occupancy               | P/1,000<br>sq. ft. | CFM/<br>person |
|-------------------------|--------------------|----------------|
| Storage Warehouses      | 5                  | 10             |
| Correction Facilities   |                    |                |
| Dining Halls            | 100                | 15             |
| Guard Stations          | 40                 | 15             |
| Dry Cleaners, laundries |                    |                |
| Coin oper dry cleaner   | 20                 | 15             |
| Coin oper laundries     | 20                 | 15             |
| Education               |                    |                |
| Auditoriums             | 150                | 15             |
| Classrooms              | 50                 | 15             |
| Libraries               | 20                 | 15             |
| Music Rooms             | 50                 | 15             |
| Food & Bev Service      |                    |                |

| Occupancy                                 | P/1,000<br>sq. ft. | CFM/<br>person |
|---|--------------------|----------------|
| Dining Rooms                              | 70                 | 15             |
| Kitchens (cooking)                        | 20                 | 15             |
| Hospitals, Nursing & Convalescent Homes   |                    |                |
| Med Procedure Rooms                       | 20                 | 15             |
| Physical Therapy                          | 20                 | 15             |
| Recovery and ICU                          | 20                 | 15             |
| Hotels, Motels, Resorts, Dormitories      |                    |                |
| Assembly Rooms                            | 120                | 15             |
| Dormitory Sleep Areas                     | 20                 | 15             |
| Lobbies                                   | 30                 | 15             |
| Specialty Shops                           |                    |                |
| Barber                                    | 25                 | 15             |
| Florists                                  | 8                  | 15             |
| Hardware, drug, fabric                    | 8                  | 15             |
| Reducing Salons                           | 20                 | 15             |
| Supermarkets                              | 8                  | 15             |
| Theaters                                  |                    |                |
| Auditoriums                               | 150                | 15             |
| Stages and Studios                        | 70                 | 15             |
| Transportation                            |                    |                |
| Platforms                                 | 100                | 15             |
| Vehicles                                  | 150                | 15             |
| Waiting Rooms                             | 100                | 15             |
| Workrooms                                 |                    |                |
| Bank Vaults                               | 5                  | 15             |
| Meat Processing <sup>a</sup>              | 10                 | 15             |
| Pharmacy                                  | 20                 | 15             |
| Photo Studios                             | 10                 | 15             |
| Sports and Amusement                      |                    |                |
| Spectator Areas                           | 150                | 15             |
| Correctional Facilities                   |                    |                |
| Cells                                     | 20                 | 20             |
| Education                                 |                    |                |
| Laboratories                              | 50                 | 20             |
| Training Shops                            | 30                 | 20             |
| Food & Bev Service                        |                    |                |
| Cafeteria, fast food                      | 100                | 20             |
| Hotels, Motels, Resorts, Dormitories      |                    |                |
| Conference Rooms                          | 50                 | 20             |
| Dry Cleaners                              |                    |                |
| Commercial Laundry                        | 10                 | 25             |
| Hospitals, Nursing and Convalescent Homes |                    |                |
| Patient Rooms                             | 10                 | 25             |
| Specialty Shops                           |                    |                |
| Beauty                                    | 25                 | 25             |
| Dry Cleaners, Laundries                   |                    |                |

| Occupancy   | P/1,000<br>sq. ft.                   | CFM/<br>person |
|---|--------------------------------------|----------------|
| Commercial Dry Cleaner  | 30                                   | 30             |
| Food & Bev Service<br>Bars & Cocktail Lounges   | 100                                  | 30             |
| Dry Cleaners, Laundries<br>Storage, Pick-up   | 30                                   | 35             |
| Smoking Lounges   | 70                                   | 60             |
| Offices<br>Conference Rooms   | 50                                   | 20             |
| Office Spaces   | 7                                    | 20             |
| Reception Areas   | 60                                   | 20             |
| Telecommunication<br>Ctrs & Data Entry  | 60                                   | 20             |
| Theaters<br>Lobbies   | 150                                  | 20             |
| Ticket Booths   | 60                                   | 20             |
| Sports and Amusement<br>Playing floors (gym)  | 30                                   | 20             |
| Sports and Amusement<br>Ballrooms and Discos  | 100                                  | 25             |
| Bowling Alleys<br>(Seating areas)   | 70                                   | 25             |
| Game Rooms  | 70                                   | 25             |
| Hospitals, Nursing &<br>Convalescent Homes<br>Operating Rooms                               | 20                                   | 30             |
| Hotels, Motels, Resorts,<br>Dormitories<br>Gambling Casinos                                 | 120                                  | 30             |
| <b>Occupancy</b><br><b>Education</b><br>Corridors   | 0.1                                  |                |
| Locker Rooms  | 0.5                                  |                |
| Hospitals, Nursing and<br>Convalescent Homes<br>Autopsy Rooms                               | 0.5                                  |                |
| Public Spaces<br>Corridors and Utilities  | 0.05                                 |                |
| Elevators   | 1.0                                  |                |
| Locker & Dressing Rooms   | 0.5                                  |                |
| Public Restrooms  | 75 cfm per water<br>closet or urinal |                |
| Retail Stores, Sales Floors<br>and Showroom Floors<br>Basement and Street<br>Dressing Rooms | 0.3                                  |                |
| Malls and Arcades   | 0.2                                  |                |
| Shipping and Receiving  | 0.15                                 |                |
| Storage Rooms   | 0.15                                 |                |
| Upper Floors  | 0.2                                  |                |
| Warehouses  | 0.05                                 |                |

| Occupancy                                   | CFM/<br>sq. ft. |
|---|-----------------|
| Specialty Shops<br>Automotive Service       | 1.5             |
| Clothes and Furniture                       | 0.3             |
| Pet Shops                                   | 1.0             |
| Sports & Amusement<br>Ice Arenas            | 0.5             |
| Swimming Pools<br>(Pool & Deck Area)        | 0.5             |
| Storage<br>Repair Garages/Public<br>Garages | 1.5             |
| Workrooms<br>Darkrooms                      | 0.5             |
| Duplicating                                 | 0.5             |

Note: P/1,000 sq. ft. = persons per 1,000 square feet of building area.  
Note a. Spaces unheated or maintained below 50 degrees F are not covered by these requirements unless the occupancy is continuous.

- Where the ventilation rates in Table N are based on CFM/person
- (1)  $OL_n \times V_n$  is less than or equal to  $OL_e \times V_e$  + no upgrade
  - (2)  $OL_n \times V_n$  is greater than  $OL_e \times V_e$  + upgrade
- Where the ventilation rates in Table N are based on CFM/square footage
- (3)  $SF_n \times V_n$  is less than or equal to  $SF_e \times V_e$  + no upgrade
  - (4)  $SF_n \times V_n$  is greater than  $SF_e \times V_e$  + upgrade
- Where the ventilation rates in Table N are based on CFM/square footage and CFM/person
- (5)  $OL_n \times V_n$  is less than or equal to  $SF_e \times V_e$  + no upgrade
  - (6)  $OL_n \times V_n$  is greater than  $SF_e \times V_e$  + upgrade
  - (7)  $SF_n \times V_n$  is less than or equal to  $OL_e \times V_e$  + no upgrade
  - (8)  $SF_n \times V_n$  is greater than  $OL_e \times V_e$  + upgrade

Where:

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

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

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

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

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

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

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

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

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

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

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

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

Administrative correction.

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

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

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

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

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

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

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

Administrative correction.

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

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

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

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

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

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

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

Amended by R.2002 d.15, effective August 5, 2002.

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

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

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

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

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

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

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

Rewrote (k).

### 5:23-6.32 Additions

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

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

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

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