

UNIFORM CONSTRUCTION CODE

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SUBCHAPTER 1. GENERAL PROVISIONS

5:23-1.1 Title; division into subchapters

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

(b) The chapter consists of the following subchapters:

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

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

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

i. N.J.A.C. 5:23-3.11B contains references to the Department of Environmental Protection’s rules concerning underground storage tanks, codified at N.J.A.C. 7:14B, which are jointly enforced by this Department and local enforcing agencies pursuant to this chapter.

4. “Enforcing agencies: duties, powers, and procedures” which may be cited throughout the regulations as N.J.A.C. 5:23-4 of this chapter and when referred to in subchapter 4 of this chapter may be cited as this subchapter.

5. “Industrialized/Modular Buildings and Building Components” which may be cited throughout the regulations as N.J.A.C. 5:23-4A and when referred to N.J.A.C. 5:23-4A may be cited as this subchapter.

6. “Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulations” which

1. Inspections of one-and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. The bottom of footing trenches before placement of footings, except that in the case of pile foundations, inspections shall be made in accordance with the requirements of the building subcode;

ii. Foundations and all walls up to grade level prior to covering or back filling;

(1) For new construction, a foundation location survey showing all building corners of the foundation shall be submitted to the construction official as soon as possible after the installation of the foundation wall. A land surveyor licensed in the State of New Jersey shall prepare the survey. The proposed foundation location as shown on the original plot plan shall also be shown on the foundation location survey.

(A) Exception: A foundation location survey shall not be required for additions, decks, swimming pools, sheds as described in N.J.A.C. 5:23-9.9 or similar structures.

(2) For new construction and additions, the foundation location survey for a building that is located in a flood plain shall include flood hazard certificates as required by section 1612.5 of the building subcode or section R301.2.4 of the one-and two-family dwelling subcode.

iii. Utility services, including septic;

iv. Mid-point inspections shall include the following:

(1) Building Subcode: All structural framing, connections, wall and roof sheathing, and insulation.

(A) The framing inspection shall take place after the rough electrical and plumbing inspections and after the installation of the heating, ventilation and/or air conditioning duct system.

(B) For buildings containing roof or other truss systems, a truss system and permanent truss bracing inspection shall be performed prior to the installation of any interior roof truss covering material. Where the truss design utilizes the interior finish as bracing for the bottom cord, that portion of the bracing shall be part of the final inspection and shall be in addition to the components of the final inspection in (d) below.

(C) The insulation inspection shall be performed after all other subcode rough inspections and prior to the installation of any interior finish material.

(D) The inspector shall use a Department approved checklist.

(E) Prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist to be verified and initialed by the inspector and then made part of the permit file.

(2) Electrical Subcode: Rough wiring, panel and service installation.

(3) Plumbing Subcode: Rough piping.

2. Inspections for all subcodes of construction, other than one-and two-family dwellings, shall be limited to those required for one-and two-family dwellings and the following: fire suppression systems; heat producing devices; any special inspections required by any subcode of the regulations;

(i) The mid-point inspection shall include a review for compliance with N.J.A.C. 5:23-7, the Barrier Free Subcode, for buildings required by N.J.A.C. 5:23-7.1 to be accessible.

3. Any additional inspections, as permitted by this chapter and as may be required by the municipality, shall be of the type and nature that construction may continue without interruption;

4. Additional inspection schedule: Where buildings proposed for construction exceed two stories in height or by their nature pose complex or unusual inspection problems, the construction official or appropriate subcode official may specify additional inspections to the applicant in writing prior to the issuance of a permit and during construction in the case of unforeseeable circumstances.

(c) Notice for inspection:

1. The owner or other responsible person in charge of work shall notify the enforcing agency when the work is ready for any required inspection specified herein or required by the construction official or appropriate subcode official. This notice shall be given at least 24 hours prior to the time the inspection is desired. Inspections shall be performed within three business days of the time for which it was requested. The work shall not proceed in a manner which will preclude the inspection until it has been made.

(d) Final inspection: Upon completion of the building or structure, and before the issuance of a certificate of use and occupancy required herein, a final inspection shall be made, and any violations of the code shall be noted and the holder of the permit shall be notified of any discrepancies by the construction official. The final inspection shall include:

1. Building and Fire Subcode: Installation of all interior and exterior finish materials, sealing of exterior joints, mechanical system and any other required equipment.

2. Electrical Subcode: Wiring, devices and fixtures.

3. Plumbing Subcode: Piping, trim and fixtures.

4. Tests required by any provision of the adopted subcodes.

5. A review for compliance with N.J.A.C. 5:23-7, the Barrier Free Subcode, for all buildings required by N.J.A.C. 5:23-7.1 to be accessible.

6. Verification of compliance with N.J.A.C. 5:23-3.5, Posting structures.

(e) Inspections records: The enforcing agency shall make a written record of all inspections, including any discrepancies or violations noted and shall maintain those reports as a public record which shall be available for public inspection during normal business hours.

(f) Department inspections: At the request of an enforcing agency, the Department may assist the enforcing agency in the inspection of any construction, provided that the enforcing agency has submitted the plans and specifications for such construction to the Department.

(g) The construction official shall serve as an agent of the Bureau of Housing Inspection of the Department of Community Affairs for the purpose of inspecting newly constructed and altered hotels and multiple dwellings in order to enforce the provisions of the regulations for the maintenance of hotels and multiple dwellings (N.J.A.C. 5:10). Responsibility for inspection may be delegated to the appropriate subcode official(s).

(h) Periodic inspections: The building subcode official or fire protection subcode official may periodically inspect all existing buildings and structures, except one and two family dwellings, for compliance with the rules with respect to posting. Such inspection shall specify any violation of the rules with respect to the posting of floor load, occupancy load and use group of the building.

Amended by R.1981 d.182, effective June 4, 1981.

See: 13 N.J.R. 187(b), 13 N.J.R. 333(b).

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

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

Class I inspections added to (b)iv.

Amended by R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: 28 N.J.R. 2112(a), 28 N.J.R. 3549(a).

Amended by R.1997 d.304, effective July 21, 1997.

See: 29 N.J.R. 2204(a), 29 N.J.R. 3248(a).

Added (b)Iii(1) and (d)1.

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

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

In (d), added 2; and added (h).

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

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

In (b), rewrote Iiv.

Amended by R.2003 d.216, effective May 19, 2003.

See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

Rewrote the section.

Administrative correction.

See: 35 N.J.R. 3298(a).

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

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

Added (b)Iiv(1)(E).

5:23-2.18A Utility load management device installation programs

(a) Whenever a public utility proposes to undertake a program of installing load management devices at the properties of a substantial number of service customers within a limited period of time, it may apply to the Department for permission to utilize the procedure set forth in this section.

(b) A utility with a program to install load management devices shall submit detailed information to the Department on the design of the device.

(c) The utility shall provide an educational program acceptable to the Department to acquaint any interested Department personnel and municipal subcode officials with the device and with installation and operating procedures.

(d) The utility shall insure that all devices to be installed are identical in design, listed and labeled or otherwise approved according to this chapter for their intended use.

(e) At least one month in advance of any installations, the utility shall submit to the Department, and to each affected municipality, notice of the anticipated number of installations to be performed in each municipality. A maximum and a minimum figure may be submitted where there is uncertainty about the number to be scheduled by customers. An approximate number of weeks for installations in that municipality shall be given along with an approximate number of installations per week.

1. Each week, in advance of installation, the utility shall notify the municipality of any change in the anticipated number of installations for that week. No weekly number of installations shall be so great that the cumulative number of installations in the municipality shall exceed the maximum anticipated number submitted.

2. Prior to the commencement of any installation, and as soon as may be practicable, the utility or its contractors will provide to each municipality notice of the actual sites of installations.

3. The Department and the municipalities shall be notified as soon as possible in the event of any change in existing schedules by the utility or its contractors.

(f) On the Monday following installations, the utility shall submit to each municipality a completed permit application for all installations completed in the municipality's jurisdiction during the preceding week.

1. A listing of all permits so delivered shall be filed by the utility with the Department.

2. All devices installed during that week, by a single contractor, shall be included on that application. The application shall include the **Construction Permit Application** and an **Electrical Subcode Technical Section**.

3. Since the permit is not, typically, for work at a single location, the block number shall be entered as "UCC 2.18" and the lot as "A." The work site location shall be the name of the municipality and the owner in fee shall be the utility.

4. In addition to the Construction Permit Application, the utility or contractor shall supply the municipality a complete listing of locations where the devices, listed on this permit, were installed. This list shall include owner's name, owner's address, block and lot, date of installation, type of device(s) installed, and the contractor's name.

(g) If, for any reason, a permit application, or any part, is found to have been submitted in error, the utility or its contractors shall notify the municipality as soon as possible.

(h) When all required municipal and utility inspections have been approved, a single certificate of approval, for that permit, shall be issued to the utility.

(i) If any municipality or the Department has reason to suspect that permit applications are being mishandled or carelessly accounted for, an investigation may be conducted of the utility's permit files for this project and of any permits in the possession of individual contractors in the utility's employ for this project.

(j) The utility shall pay to each municipality 30 percent of the permit fees otherwise due and owing.

(k) The municipality shall inspect 30 percent of the installations performed and shall record the results of those inspections. The utility shall inspect at least 10 percent of the installations performed and shall record the results of those inspections and forward those results concurrently to the municipality and to the Department weekly.

(l) If a municipality or a utility discovers a defect rate of not less than seven percent for any contractor employed by the utility, the Department shall be immediately notified. The Department shall investigate and, in the interest of public safety, shall be authorized to order that:

1. The offending contractor cease to be employed by the utility for this project;

2. The utility remit the fees necessary to inspect all existing installations of the offending contractor in all municipalities where that contractor has performed work;

3. That each municipality affected perform inspections of all the offending contractor's existing installations; and

4. That the utility or its designees correct or remove all defective installations to the satisfaction of the municipal officials.

(m) If, at any time, the Department tabulates a program-wide defect rate equal to or exceeding three percent, the utility shall be notified and the inspection rate and fee rate in (j) and (k) above shall rise to 50 percent.

5:23-2.29 Entry

(a) The owner of any premises upon which a building or structure is to be constructed shall be deemed to have consented to inspection, by the enforcing agency, of the entire premises and of any and all construction being performed on it until a certificate of occupancy has been issued.

(b) An inspector, or team of inspectors, on presentation of proper credentials, shall have the right to enter and inspect such premises, and any and all construction thereon, for purposes of insuring compliance with the provisions of the applicable construction permit, and the regulations. All inspection pursuant to the act and the regulations shall be between the hours of 9:00 A.M. and 5:00 P.M. on business days, or when construction is actually being undertaken; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, or his agent, architect, engineer or builder. No person shall accompany an inspector or team of inspectors on any inspection pursuant to the regulations, unless his presence is necessary for the enforcement of the regulations, or unless consent is given by an owner or his agent, architect, engineer or builder.

(c) Any construction official, subcode official or any inspector, presenting themselves for inspection of any occupied building shall present to the owner the owner's agent or occupant their personal identification as provided by the municipality.

(d) After the certificate of occupancy shall have been granted, the construction official shall not enter upon such premises for purpose of inspection, unless upon reasonable grounds to believe that a condition of the certificate of occupancy has been violated, or in the case of equipment granted approvals of limited duration pursuant to this subchapter, or in the case of emergencies, or unsafe buildings, or upon reasonable cause to believe construction work is underway without a permit having been issued.

(e) Nothing herein is intended to limit the right of a municipality to adopt property maintenance regulations and provide for inspection, pursuant to any other law, ordinance or judicial decision of this State. However, no such regulation shall conflict with any provision of the regulations.

Administrative Correction to (b): Changed "than" to "that".
See: 22 N.J.R. 2503(b).

5:23-2.30 Violation, notice and orders

(a) Whenever the construction official or the appropriate subcode official shall determine that there exists a violation of the provisions of the regulations or where there exists a violation of a permit or certificate issued under the regulations, the construction official shall issue a notice of violation and orders to terminate directing the discontinuance of

the illegal action or condition and the correction of the violation.

(b) The notice and orders shall contain at least the following information:

1. The name and address of the owner; the address at which the violation occurred; the name and address of the person to whom the order is directed, and if it be other than the owner, a copy shall be delivered to the owner or his agent stating that the owner bears joint responsibility for bringing about compliance with the person named and that if a penalty is imposed, the enforcing agency will not issue a certificate of occupancy until such penalty has been paid; the permit number, a citation to the sections of the regulations violated; an order to terminate violations within a time specified in the order; the amount of penalty assessed, if any, and if cumulative, an explanation of the method of computation; and shall be signed by the appropriate subcode official and the construction official.

2. Unless an immediate hazard to health and safety is posed, the construction official shall permit such time period for correction as is reasonable within the context of the situation.

(c) Extensions: The construction official may grant extensions of time whenever he shall determine that despite diligent effort, compliance cannot be accomplished within the time specified in the notice. If, however, such extension shall be for a period in excess of three business days, or if more than one extension of less than three business days is sought, the construction official shall require a written application of extension stating the need, upon which he shall rule in writing, and which shall be made a part of the permanent file of the project.

Amended by R.2003 d.216, effective May 19, 2003.
See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

In (a), deleted " , or of a detailed statement or plan approved thereunder," following "provisions of the regulations".

Case Notes

Penalty assessed against property owners for violations of housing code; failure to request an extension of time for reinspection. *Piery v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 27.

5:23-2.31 Compliance

(a) If the notice of violation and orders to terminate have not been complied with, the construction official in addition to any other available remedies likely to bring about compliance, may request the legal counsel of the municipality, or of the joint enforcement agency, or the Attorney General in the case of the State, to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the regulations or of the order or direction made pursuant thereto.

(b) Penalties;

1. Any person or corporation, including an officer, director or employee of a corporation, shall be subject to a penalty if that person:

- i. Violates any of the provisions of the act or the regulations;
- ii. Constructs a structure or building in violation of a condition of a building permit;
- iii. Fails to comply with any order issued by an enforcing agency or the department;
- iv. Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an enforcing agency or the department.

2. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to the act or the regulations, or who unreasonably interferes with such an inspection, shall be subject to a fine of not more than \$250.00.

3. With respect to (b)liii above, a person shall be guilty of a separate offense for each day that he fails to comply with a stop construction order validly issued by an enforcing agency or the department and for each week that he fails to comply with any other order validly issued by an enforcing agency or the department. With respect to (b)li and iv above, a person shall be guilty of a separate offense for each violation of any provision of the act or the regulations and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the department. With respect to (b)lii above, a person shall be guilty of a separate offense for each violation of conditions of a construction permit.

4. No such penalty shall be assessed except upon notice of violation and orders to terminate and upon the expiration of the time period delineated in the notice; except that in the case of a false or misleading statement pursuant to (b)liv above, the failure to obtain a construction permit or request required inspections, or allowance of occupancy prior to receipt of a certificate of occupancy, an order to pay a penalty shall be issued immediately upon the discovery of the violation.

5. The construction official may separately serve a notice of penalty assessment and order to pay a penalty, whenever he shall not have done so in the original notice and orders.

6. The penalties pursuant to this section may be collected pursuant to the "Penalty Enforcement Law of 1999" (N.J.S.A. 2A:58-10 et seq.). Jurisdiction to enforce such penalties is conferred upon judges of the municipal court and of the Superior Court. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit brought by a municipality to the municipal treasurer and in the case of a suit brought by the State of New Jersey to the State Treasurer.

(c) The construction official may assess a monetary penalty whenever such shall be likely to assist in bringing about compliance.

(d) Stop construction order: If the construction of a structure or building is being undertaken contrary to the provisions of the regulations, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order in writing which shall state the reasons for such order and the conditions upon which construction may be resumed and which shall be given to the owner or the holder of the construction permit or to the person performing the construction. If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction. No person shall continue, or cause to allow to be continued, the construction of a building or structure in violation of a stop construction order, except with the permission of the enforcing agency to abate a dangerous condition or remove a violation, or except by court order. If an order to stop construction is not obeyed, the enforcing agency may apply to the appropriate court as otherwise established by law for an order enjoining the violation of the stop construction order. The remedy for violation of such an order provided in this subsection shall be in addition to, and not in limitation of, any other remedies provided by the regulations, law or ordinance.

(e) Penalties may be levied by an enforcing agency as follows:

1. Up to \$1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$2,000 per violation;
2. Up to \$2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;
3. Up to \$2,000 per violation for failure to comply with a stop construction order;
4. Up to \$2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;
5. Up to \$500.00 per violation for any violation not covered under (e)1 through 4 above;
6. For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.

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

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

In (b), inserted "of 1999" following "Penalty Enforcement Law", amended the N.J.S.A. reference in (6), and substituted "and of the Superior Court" for "in addition to the courts specified by N.J.S.A. 2A:58-2"; added (e).

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.

5:23-2.32 Unsafe structures

(a) All buildings or structures that shall become unsafe, or unsanitary, or that contain deficient or blocked exitway facilities, or which constitute a fire hazard or are otherwise

dangerous to human life or the public welfare, or that by reason of illegal or improper use or occupancy shall be deemed unsafe buildings or structures, shall be taken down and removed or made safe and secure. A vacant building that is unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this chapter.

1. Examination and record of damaged structure: The appropriate subcode official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

5:23-3.14 Building subcode

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the International Code Council, International Building Code, known as the "IBC/2000." This code is hereby adopted by reference as the building subcode for New Jersey subject to the modifications stated in (b) below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

vii. Section 308.5.2, Child Care Facility, shall be deleted and the following shall be inserted: "A facility that provides supervision and personal care on less than a 24-hour basis for children 2½ years of age or less shall

be classified as Group I-4." In the same section, the exception shall be deleted.

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

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

Hotels (including motels) having transient occupancy

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

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

Apartment houses

Convents

Dormitories

Fraternity and sorority houses

Monasteries

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

Therapeutic residences with more than 16 residents

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

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

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

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents.

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

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

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

and two-family dwelling subcode. Group R-5 also includes:

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

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

Rooming houses with five or fewer residents.

Therapeutic residences with five or fewer residents.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) Use Group U shall be deleted.

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

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

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

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

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

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

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

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

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

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

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

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

"Exceptions

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

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

ii. Section 903.2.8, Group R-2, shall be deleted in its entirety. Section 904.9 of the 1996 BOCA National

Building Code shall be inserted as follows: “Group R-2: An automatic fire sprinkler system shall be provided throughout all buildings with an occupancy in Group R-2 in accordance with Section 903.3.1.1 or 903.3.1.2:

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

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

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

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

2. Openings entirely above the adjoining ground level totaling 20 square feet (1.9 m²) in each 50 linear feet (15240 mm) or fraction thereof of exterior wall in the story or basement, on at least one side of the building. Openings shall have a least dimension of not less than 22 inches (559 mm), and shall have a minimum net clear opening of 5 square feet (0.5 m²). Access to such openings from the exterior shall be provided to the fire department and such openings shall be unobstructed to allow fire fighting and rescue operations from the exterior.

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

Exception: Occupancies in Group R-3.”

v. New Section 903.2.16, Automatic sprinkler system thresholds, shall be inserted as follows: “An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups B, F-2, and S-2 according to table 903.2.16, Automatic Sprinkler System Thresholds. All others not listed shall

follow the applicable requirements as set forth in the IBC/2000.”

“Automatic Sprinkler System Thresholds

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

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

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

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

*Requirements as set forth in the IBC/2000”

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

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

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

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

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

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

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

Exceptions:

1. Where only 1½-inch valves are provided, the riser(s) shall be sized to provide a minimum flow of 100 gpm (378 L/min.).
2. In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the riser shall be sized to satisfy total demand.
3. For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 906.2.1, each riser shall be sized for a minimum flow of 250 gpm (945 L/min.).
4. Risers that are sized in accordance with the pipe schedule requirements of NFPA 14 listed in Chapter 35 are not subject to this requirement.

905.2.1.2 System pipe sizing: The system piping, including the horizontal or common feeder lines shall be sized for a minimum flow of 500 gpm (1,892 L/min.). Where more than one standpipe riser is required or provided, all common system piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the

total shall not be required to exceed 1,250 gpm (4731 L/min.).

Exceptions

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

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

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

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

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

Exceptions

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

2. Dry standpipe systems installed in open parking structures.

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

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

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

Exceptions

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

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

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

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

Exceptions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(864 mm) in height measured vertically from the nosing of the treads.”

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

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

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

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

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

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

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

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

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

xi. In Section 1003.3.3.11.1 add the following text: “Exception: For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2,

handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads.”

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

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

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

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

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

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

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

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

xx. In Section 1005.3.2, Vertical exit enclosures, Exception 1 shall be deleted and the following shall be inserted: “1. In other than Group H and I occupancies, a stairway connecting not more than two floor levels, one

of which is the level of exit discharge, which serves an occupant load of not more than 10 or serves four or fewer dwelling units is not required to be enclosed.” In the same section, Exception 8 shall be deleted.

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

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

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

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

Exception: Horizontal sliding doors complying with Section 1003.3.1.3.3.

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

1. 30 square feet (3 m²) per patient for hospitals and nursing homes.
2. Six square feet (0.56 m²) per occupant on stories not housing patients confined to a bed or litter in an occupancy in Group I-2.
3. Six square feet (0.56 m²) per occupant in an occupancy in Group I-3.
4. Three square feet (0.28 m²) in all other cases.

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

horizontal exit or another exit shall not exceed the requirements of Section 1004.2.4.”

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

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

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

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

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

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

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

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

iii. New Section 1604.9, General structural integrity, from Section 1604.2 of the 1996 BOCA National Building Code, shall be inserted as follows: “The requirements for general structural integrity shall be in accordance with Section 1.4 of ASCE 7 listed in Chapter 35.”

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

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

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

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

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

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

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

xi. New Section 1607.14, entitled "Residential Attics with trusses," from Section 1606.2.3 of the 1996 BOCA National Building Code, shall be inserted as follows: "A storage live load shall be applied to those portions of the bottom chord of not less than two adjacent trusses with the same web configuration containing a rectangle 42 inches (1067 mm) high or greater by 2 feet (610 mm) wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided each of the following criteria are met:

(1) The attic area is accessible by a permanent stairway, pull down stairway, or scuttle opening meeting the size requirement specifications of Section 1208.2, and

(2) The truss shall have a bottom chord pitch less than 2 in 12."

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

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

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

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

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

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

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

iv. Add new section 1703.1.4 as follows: "1703.1.4 Certification. An approved agency shall employ personnel certified in accordance with the administrative pro-

visions of the Uniform Construction Code, to conduct, supervise and evaluate tests or inspections."

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

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

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

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

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

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

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

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

xiii. In Section 1705.1, Scope, "for Seismic Design Category D buildings" shall be inserted after "provided."

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

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

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

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

i. In the title of Section 1802.2.6, "Seismic Design Category C" shall be deleted and "Seismic Design Category D" shall be inserted. In the first sentence, the ref-

(b)3i: amended text.
 Amended by R.1986 d.380, effective September 22, 1986.
 See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
 Substantially amended.
 Amended by R.1987 d.374, effective September 21, 1987.
 See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
 Model subcode revisions.
 Amended by R.1988 d.270, effective June 20, 1988.
 See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).
 Added (a)3 and (c).
 Amended by R.1990 d.253, effective May 21, 1990.
 See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
 Text added at (c)2ii, 4, 5 and 7.
 Amended by R.1990 d.325, effective July 2, 1990.
 See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).
 Text added at (b)5xii(1) to conform to Fire Code.
 Amended by R.1990 d.507, effective October 15, 1990.
 See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
 Text conformed to BOCA National Code/1990.
 Amended by R.1990 d.558, effective November 19, 1990.
 See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).
 Conditional exemption for hoophouses or polyhouses added.
 Amended by R.1991 d.325, effective July 1, 1991.
 See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
 Article 26 amended at (b)14.
 Amended by R.1991 d.429, effective August 19, 1991.
 See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
 In (a), added 3. Added (c).
 Amended by R.1992 d.244, effective June 15, 1992.
 See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).
 Text added at (b)10v through viii.
 Amended by R.1993 d.662, effective December 20, 1993.
 See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1995 d.477, effective September 5, 1995.
 See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).
 Added (b)2v.
 Amended by R.1998 d.332, effective July 6, 1998.
 See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
 Rewrote the section.
 Amended by R.2000 d.492, effective December 18, 2000.
 See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).
 Rewrote (b)25.
 Amended by R.2001 d.127, effective April 16, 2001.
 See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).
 In (a)9, added new ix and recodified former ix through xiii as new x through xiv.
 Amended by R.2001 d.368, effective October 15, 2001.
 See: 33 N.J.R. 1990(a), 33 N.J.R. 3673(b).
 In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.
 Amended by R.2001 d.369, effective October 15, 2001.
 See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).
 In (b), substituted "seven" for "7 1/3 (2335 mm)" in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.
 Amended by R.2002 d.215, effective July 1, 2002.
 See: 34 N.J.R. 1078(a), 34 N.J.R. 2312(a).
 In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.
 Administrative correction.
 See: 34 N.J.R. 3771(b).
 Amended by R.2003 d.187, effective May 5, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).
 Rewrote the section.
 Administrative correction.
 See: 35 N.J.R. 2864(b).
 Amended by R.2003 d.351, effective September 2, 2003.
 See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).
 In (b)9, added xi; recodified existing xi to xiii as xii to xiv.
 Amended by R.2003 d.420, effective November 3, 2003.
 See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).
 Rewrote (b).

Administrative correction.
 See: 36 N.J.R. 3525(c).
 Amended by R.2004 d.423, effective November 15, 2004.
 See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).
 In (b)5, added ii.
 Amended by R.2005 d.4, effective January 3, 2005.
 See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).
 In (b)19, added new iv and recodified former iv and v as v and vi.
 Administrative correction.
 See: 37 N.J.R. 502(b), 674(a).
 Amended by R.2005 d.403, effective November 21, 2005.
 See: 37 N.J.R. 2753(a), 37 N.J.R. 4399(b).
 Added (b)14xi and recodified former (b)14xi-xiii as (b)14xii-xiv; added (b)18 and recodified former (b)18-25 as (b)19-26.
 Amended by R.2005 d.446, effective December 19, 2005.
 See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).
 In (b)3viii(3), substituted "one- and two-family" for "single-family"; in (b)3viii(5), "Group R-5 also includes: ..."
 Amended by R.2006 d.28, effective January 17, 2006.
 See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).
 Rewrote (b)9, 20 and 21.
 Amended by R.2006 d.157, effective May 1, 2006.
 See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).
 Rewrote (b)21ii
 Administrative Correction.
 See: 38 N.J.R. 3024(a).
 Amended by R.2006 d.381, effective November 6, 2006.
 See: 38 N.J.R. 35(a), 38 N.J.R. 4691(a).
 In (b)15ii, added the last sentence; added new (b)15iv; and recodified former (b)15iv through (b)15xv as (b)15v through (b)15xvi.

Case Notes

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

5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the Model Code of the National Association of Plumbing Heating-Cooling Contractors, known as "The National Standards Plumbing Code/2003," as the plumbing subcode for New Jersey.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Section 2.5 is deleted in its entirety.

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

iii. Section 2.12 is amended to delete subparagraph e.

iv. In Section 2.16, at Item 1, insert the number "42" in the blank space provided. Additionally, add the following sentence: "Combination domestic/fire water service piping shall be installed such that the minimum earth cover is 42 inches or the top of the pipe is 12 inches below the frost depth of the locality, whichever is greater. Limited-area sprinkler systems installed in accordance with Section 903.3.5.1.1 of the building subcode, shall be installed such that the minimum earth cover is 42 inches." In the same section, at Item 2, insert the number "24" in the blank space provided and add the following sentence at the end: "Minimum earth cover for building sewers connected to a private sewage disposal system shall be 6 inches."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Chapter 5 of the plumbing subcode entitled, “Traps, Cleanouts and Backwater Valves” is amended as follows:

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

F221	Inspection Sticker Approval for Building
F-222A	Inspection Sticker Approval for Electric
F223	Inspection Sticker Approval for Plumbing
F-224A	Inspection Sticker Approval for Fire Protection
F-225	Inspection Sticker Approval for Elevator
F-230B	Inspection Sticker Approval—Not Approved
F241	Notice of Unsafe Structure
F242	Notice of Imminent Hazard
F-245A	Unsafe Structure Notice
F250	Stop Construction Order
F-255A	Stop Construction Notice
F260	Certificate
F270	Application for Certificate
F310	Elevator Inspection
F-320A	Elevator Notice
F-325	Notice of Elevator Device Sealed Out of Operation
F326	Accident/Incident Report
F-350B	Cut-In Card
F-360	Denial of Permit
F-370	Chimney Certification for Replacement of Fuel Fired Equipment
F380	Hydraulic System Data Plate
F390	Framing Checklist

3. The following standardized forms established by the Commissioner are optional for use by the municipal enforcing agency; provided, however, that where they are not used, equivalent forms or mechanisms are used by the enforcing agency to accomplish the same purpose:

Form No.	Name
F-200A	Inspection Notice
F-280B	T.C.O. Control Card
F-290A	Ongoing Inspections Control Card
F-300A	Ongoing Inspections Schedule
F375	Tickler/X-Ref Card

4. No forms other than those established by the Commissioner shall be required of the public in connection with the administration and enforcement of the State Uniform Construction Code. The municipal enforcing agency may use additional forms for its own internal processing and recordkeeping. Nothing in this section pertaining to forms or in the forms themselves shall be deemed to affect the requirements for plans and specifications or documentation of prior approvals. Where there is insufficient space on a form for all required information, the form shall be used with attachments.

5. Printing of forms: The municipal enforcing agency shall arrange for the printing of all forms. Other interested persons may also arrange for the printing of forms or they may purchase and use forms printed by others. The municipal enforcing agency may provide for the inclusion of its name and other appropriate identifying information on the forms it has printed. However, the municipal

enforcing agency shall accept forms not having municipal identification and shall, in any such case, insert the name of the municipality. All required forms shall be exact replicas of the forms required by the Commissioner, conforming in content, size, format and colors, except that all multi-part forms may be printed with an additional copy so long as the additional copy shall be in a color distinct from those specified by the Commissioner. Forms F-110A, F-120A, F-130A and F-140A may have the Subcode Technical Sections printed in any color or colors of ink as desired and Form F-310A (Elevator Inspection) may be printed as a multipart form on separate pages with up to four copies of each page.

(c) Logs:

1. The following standardized logs established by the Commissioner are required to be maintained by the municipal enforcing agency:

Log No.	Name
L700	Permit Fee Log
L-710A	Inspection Log
L720	Certificate Log
L730	Ongoing Inspection Log

2. The municipal enforcing agency shall maintain the required logs either on log sheets established by the commissioner or on log sheets or ledger books of its own choice or design, provided that all required entries are maintained.

(d) Monthly reports:

1. The following standardized report forms established by the Commissioner are required to be completed by the municipal enforcing agency and transmitted to the Department by the tenth business day following the end of each calendar month:

Report No.	Name
R-811B	Municipal Monthly Activity Report Certificates
R-812B	Municipal Monthly Activity Report Permits

2. Municipalities currently submitting monthly reports electronically shall continue to do so. Municipalities that do not already submit monthly reports electronically using UCCARS I shall begin to do so according to the following schedule:

- i. By December 31, 1992, all municipalities issuing 600 or more permits per year as determined by the Department shall submit monthly reports electronically.
- ii. By December 31, 1993, all municipalities issuing fewer than 600, but more than 200, permits per year as determined by the Department shall submit monthly reports electronically.
- iii. All other municipalities shall have the option of submitting monthly reports electronically or by mail.

Any municipality which issues more than 200 permits per year as determined by the Department for any future year shall submit monthly reports electronically beginning during the following year.

iv. A municipality that determines that compliance with this schedule would impose an undue hardship may apply to the Department for an extension of time. A request for an extension shall be in writing and shall set forth the reason(s) for such extension and the period of time for which the extension is sought. The Department shall give the municipality written notice of its determination in response to the extension request.

3. As long as funding permits, the Department shall provide the UCCARS I software, training and technical support for the system free of charge to municipalities. Municipalities may submit monthly reports electronically using an alternative system compatible with UCCARS as determined by the Department and capable of transmitting a monthly report based on UCCARS specifications.

4. Municipalities, at their option, may choose to add UCCARS II and III systems to their UCCARS I System and may obtain them, at no cost, from the Department, when available.

(e) Quarterly reports: The following standardized report established by the Commissioner is required to be completed by the municipal enforcing agency for State of New Jersey training fees and must be submitted quarterly, with the accompanying fees, pursuant to N.J.A.C. 5:23-4.19:

Report No.	Name
R840	State Training Fee Report

(f) The following standardized report form established by the Commissioner is optional for use by the municipal enforcing agency:

Report No.	Name
R-800A	Inspector's Report

(g) Exceptions: Exceptions may be made by the municipal enforcing agency to those requirements for records and procedures, forms, logs, and reports as stated in this section and in the Municipal Procedures Manual established by the commissioner only with the express written authorization of the Department. Requests for exceptions shall be in writing and shall detail the requirement(s) to which an exception is sought, the reason(s) for such exception and the duration for which the exception is sought, and shall be accompanied by any appropriate documentation and examples of alternative procedures, forms, logs or reports.

(h) Duties of construction officials:

1. The construction official shall enforce the regulations and:

i. Provide that applications are available, and assist the public in preparing the applications whenever necessary;

ii. Review all applications for completeness as to form and for verification of prior approvals. He may request additional documentation concerning prior approvals whenever it is deemed necessary;

iii. Upon receipt of the completed application, the construction official shall determine the proper fee for the work required;

iv. Collect all fees and penalties and ensure that funds are properly accounted for;

v. Ensure that the proper subcode official shall have an adequate time period to review appropriate applications, plans and specifications;

vi. Ensure that all requests for variation are properly prepared, documented and referred to the appropriate subcode officials;

vii. Issue the construction permit upon receiving the approval of all appropriate subcode officials;

viii. Record all notices of violation upon receiving notification of the appropriate subcode official, and determine all penalties for noncompliance with the penalty notices;

ix. Ensure that all required inspections are scheduled and performed within three business days of the time for which inspection has been requested;

x. Ensure that the reports of all inspections are completed and properly filed;

xi. Record stop work orders, upon notification of the appropriate subcode official;

xii. Ensure that all final inspections have been completed prior to the issuance of a certificate of occupancy.

(1) Ensure that all inspection required for the purpose, has been completed prior to the issuance of temporary certificate of occupancy;

xiii. Issue the certificate of occupancy, upon receiving the approval of all appropriate subcode officials.

(1) Issue the temporary certificate of occupancy, upon receiving the approval of all appropriate subcode officials;

xiv. Ensure, in the case of a change of use, or upon a request for a certificate of continued occupancy, that each subcode official gives an approval based on an inspection and the review of all submitted data before issuing a certificate of continued occupancy;

xv. Prepare and obtain reports required in the regulations;

xvi. Attend meetings and hearings as required by the regulations;

xvii. Carry out such other functions as are necessary and appropriate to the position of construction official;

xviii. Coordinate the activities of the subcode officials in enforcement of the energy radon hazard, elevator safety and mechanical subcodes;

xix. Reply within three business days to any request from the municipal search officer for information concerning construction permits or certificates of occupancy;

xx. Comply with any local procedures which may be established by the governing body to provide the municipal search officer with information concerning construction permits and certificates of occupancy;

xxi. File with the Department a notice of the execution of each contract with a private on-site inspection agency, which notice shall specify the subcode(s) covered by the contract, within 10 days after the effective date of the contract;

xxii. Take or initiate appropriate disciplinary action in the case of any subcode official or inspector failing to properly enforce the UCC. If the action includes suspension or dismissal, the construction official shall report this action to the Office of Regulatory Affairs via mail: Department of Community Affairs, Office of Regulatory Affairs, 101 S. Broad Street, PO Box 817, Trenton, NJ 08625;

xxiii. Issue a notice of violation pursuant to N.J.A.C. 5:23-2.35 for any violation of the provisions of the Code in effect at the time of permit application that comes to his or her attention. Pursuant to N.J.S.A. 2A:14-1.1, no notice of violation may be issued to the developer or to any contractor more than 10 years after issuance of the certificate of occupancy;

xxiv. Ensure that all units within a residential development, other than Group R-1, that might have similar violations are inspected for such violations and that any such violations found are cited and abated if violations of the provisions of the Code in effect at the time of permit application listed at N.J.A.C. 5:23-2.35(a)1 are found in a residential structure in the development subsequent to the issuance of a certificate of occupancy. The construction official shall supervise the work of any professional engineer or registered architect hired by the municipality for this purpose; and

xxv. Report the name of the developer and the nature of the code violation(s) to the Department by sending this information in writing to the Office of Regulatory Affairs, 101 S. Broad Street, PO Box 818, Trenton, NJ 08625 whenever:

(1) It is necessary to take development-wide action for code violations discovered after issuance of certificate(s) of occupancy pursuant to N.J.A.C. 5:23-2.35(a)1;

(2) The municipal engineer advises the construction official that the municipality has had to call a bond posted pursuant to N.J.S.A. 40:55D-53 due to failure of the developer to complete site improvements satisfactorily; or

(3) The developer fails to maintain funds in the escrow account required pursuant to N.J.A.C. 5:23-4.17 unless the charges to the escrow account are under appeal.

2. Nothing contained herein shall prevent the construction official from overruling a decision of a subcode official if he is qualified and certified in that subcode pursuant to subchapter 5 of this chapter.

(i) Duties of subcode officials:

1. The subcode official shall enforce the regulations and:

i. Review those aspects of the application, plans and specifications appropriate to his subcode for approval and release to the construction official for issuance of the permit;

ii. Receive and review directly from the applicant applications involving only one trade or subcode and minor or emergency work for approval and release to the construction official for issuance of the permit;

iii. Collect fees for permit applications involving only trade or subcode and minor or emergency work and forward same to the construction official for proper accounting;

iv. Comply with the time limitations for review as determined by the construction official;

v. Review requests for variations as necessary;

vi. Perform all required inspections within three business days of the time for which inspection has been requested;

vii. Issue in the name of the enforcing agency notices of violation and notify the construction official of same. The subcode official may issue verbal orders at the jobsite and shall record such orders in his inspection report;

viii. Complete reports of all inspections performed;

ix. Issue stop work orders in the name of the enforcing agency and notify the construction official of same;

x. Perform final inspection and notify construction official of approval in order that the construction official may issue certificate of occupancy;

xi. Make inspection, review submitted data and notify construction official of approval in the case of a

change of use, or a request for a certificate of continued occupancy;

xii. Assist the construction official in the preparation of all reports required in the regulations;

xiii. Attend meetings and hearings as required by the regulations;

xiv. Issue documentation and certification, such as cut-in cards to utilities and/or public agencies if required by the regulations;

xv. Carry out such other functions as are necessary and appropriate to the position of subcode official.

2. In the course of enforcing the regulations, the fire protection subcode official shall cooperate, to the greatest extent possible, with the local fire service, which is the local fire department or district having jurisdiction.

i. The fire protection subcode official shall, upon request of the local fire service, allow a designated representative of the local fire service reasonable access to, and opportunity to review, plans submitted to the fire protection subcode official for his approval.

ii. The fire protection subcode official shall consult with the local fire service prior to granting any variations from the requirements of the fire protection subcode. If the fire protection subcode official is not himself a member of the local fire service, he shall, upon receipt of an application for a variation, forward a copy thereof to the local fire service and shall not grant a variation until he has received the comments of the local fire service or until 10 business days have passed, whichever comes first.

iii. The participation of the local fire service in the code enforcement process shall in no way be construed as reducing the responsibility of the fire protection subcode official for the proper enforcement of the fire protection subcode. Advice rendered by the local fire service shall in no way be binding upon the subcode official.

(j) Conflict of interest:

1. No person employed by an enforcing agency as construction or subcode official or as an inspector shall carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or any close relative or household member, or his or her superior within the enforcing agency or any close relative or household member of such superior, has an economic interest. For purposes of this paragraph, "close relative" shall mean and include a spouse, sibling, ancestor or descendant, or the spouse of any of them.

i. Where an inspection or enforcement procedure is necessary or required in any such property or business, and there is no other person employed by the enforcing

agency who is qualified, pursuant to this chapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.

ii. A separate log shall be maintained by the enforcing agency of all inspections and enforcement procedures performed, when permitted in accordance with (j)1i above, with regard to any properties or businesses in which any persons employed by the enforcing agency have a direct or indirect economic interest.

2. No person employed by an enforcing agency as a construction or subcode official, assistant to the construction or subcode official, trainee, inspector or plan reviewer, shall engage in, or otherwise be connected directly or indirectly for purposes of economic gain, with any business or employment furnishing labor, materials, products or services for the construction, alteration, or demolition of buildings or structures within any municipality in which he is so employed by an enforcing agency, and in any municipality adjacent to any municipality in which he is thus employed.

3. Persons subject to this subsection shall annually report any income or benefits received from any business or property subject to the Code, or from any business furnishing materials, products, labor or services for types of work subject to the Uniform Construction Code regulations, to the municipal governing body. This report shall include a list of all sources of income, but need not list the amount.

4. No person employed by a municipal enforcing agency as a construction official, subcode official or inspector shall be employed to appear before any construction board of appeals, or be involved in any court proceeding within the State, as a paid expert witness, or in any other compensated capacity in any proceeding involving the enforcement of the Uniform Construction Code except on behalf of another enforcing agency, or as a court-appointed witness.

i. This prohibition shall not apply to any litigation not involving enforcement of the Code, or to an appearance as a fact witness; nor shall it apply to any activities unrelated to an action for, or an appeal of, enforcement of the Code.

5. This section shall not apply to:

i. The ownership of stock or other investment instrument in any corporation listed on any national stock exchange.

ii. Any such business or employment outside the State;

iii. Dual employment by two or more enforcing agencies;

iv. Any business or employment which is not subject to the regulations.

v. Service as an instructor in a code enforcement training program.

6. Nothing herein shall prohibit a municipality from establishing by ordinance more restrictive provisions covering conflict of interest.

Amended by R.1983 d.611, eff. January 3, 1984.

See: 15 N.J.R. 1789(a), 16 N.J.R. 45(b).

Deleted old (b)2.-3. and (c) and added new (b)2, (c), (d) and (e). Renumbered old (d)-(f) as new (f)-(h).

Amended by R.1984 d.303, effective July 16, 1984.

See: 16 N.J.R. 950(a), 16 N.J.R. 1968(b).

Added (g)2.

Amended by R.1990 d.61, effective February 5, 1990.

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

Form numbers updated, new (d)2. added and reference made to reports and fees being submitted quarterly.

Amended by R.1990 d.226, effective May 7, 1990.

See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a).

Radon mitigation added to (f)1xviii.

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

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

Elevator safety added at (f)1xviii; conflict of interest provision added at (h).

Amended by R.1992 d.47, effective February 3, 1992.

See: 23 N.J.R. 3440(a), 24 N.J.R. 405(a).

Electronic monthly reporting added at (d)2.-4.

Amended by R.1992 d.230, effective June 1, 1992.

See: 24 N.J.R. 168(a), 24 N.J.R. 2052(a).

Form numbers changed in (b).

Amended by R.1992 d.243, effective July 6, 1992.

See: 24 N.J.R. 678(a), 24 N.J.R. 2422(a).

Conflict of interest and exception provisions added.

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

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

Report form number changed at (e).

Amended by R.1993 d.581, effective November 15, 1993.

See: 25 N.J.R. 3693(a), 25 N.J.R. 5146(a).

Amended by R.1994 d.323, effective July 5, 1994 (operative January 1, 1995).

See: 25 N.J.R. 2162(a), 26 N.J.R. 2780(a).

Amended by R.1995 d.249, effective June 5, 1995, (operative October 1, 1995).

See: 27 N.J.R. 619(a), 27 N.J.R. 2187(a).

In (b)2 added Form No. F-370.

Amended by R.1996 d.512, effective November 4, 1996.

See: 28 N.J.R. 3697(a), 28 N.J.R. 4782(a).

Amended by R.1997 d.64, effective February 18, 1997 (operative May 19, 1997).

See: 28 N.J.R. 4695(a), 29 N.J.R. 550(a).

In (b)2, amended form references.

Amended by R.1997 d.378, effective September 15, 1997.

See: 29 N.J.R. 2742(a), 29 N.J.R. 4103(a).

In (b)2 and (c)1, amended form designations and in (b)2 deleted form F-330A and F-340A.

Amended by R.1997 d.419, effective October 6, 1997.

See: 29 N.J.R. 3406(a), 29 N.J.R. 4287(a).

In (j)1, inserted “, or his or her superior within ... any such superior,”; in (j)1i inserted “, and there is no other person ... property or business,”; and added (j)1ii.

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

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

In (b)2, inserted a reference to Form No. F380.

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

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

In (j)1, substituted references to close relatives or household members for references to members of the immediate family, and added the second sentence; and deleted former (j)7.

Amended by R.2003 d.363, effective September 15, 2003.

See: 35 N.J.R. 2426(a), 35 N.J.R. 4281(a).

In (b), added forms F211, F212, F241, F242 and deleted form F240; deleted the revision dates of the referenced forms throughout.

Amended by R.2003 d.385, effective October 6, 2003.

See: 35 N.J.R. 2423(a), 35 N.J.R. 4713(a).

In (h), added 3.

Amended by R.2005 d.446, effective December 19, 2005.

See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).

Added (h)1xxii.

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

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

In (b)2, added Form F390, Framing Checklist.

Administrative correction.

See: 38 N.J.R. 1827(b).

In (h)1xxii, substituted “818” for “817” to correct PO Box number.

Amended by R.2006 d.355, effective October 2, 2006.

See: 38 N.J.R. 1789(a), 38 N.J.R. 4175(a).

In the table in (b)2, added entries for forms “F101”, “F213”, and “F214”; in (h)1xxi, deleted “and” from the end; in (h)1xxii, substituted a semicolon for a period at the end; added (h)1xxiii through xxv; and deleted (h)3.

Case Notes

Former N.J.A.C. 5:23-4.3 regarding conflict of interest valid. *New Jersey State Plumbing Inspectors Assn., Inc. v. Sheehan*, 163 N.J. Super. 398, 394 A.2d 1244 (App.Div.1978), certiorari denied 79 N.J. 484, 401 A.2d 239 (1979).

Monetary penalty against builder for code violations was not reduced for financial hardship, but was reduced by half to secure prompt compliance. *Bureau of Housing Inspection v. Regency Village Apartments*, 95 N.J.A.R.2d (CAF) 37.

Fraud and deceit while practicing as a licensed code enforcement official or inspector warranted license revocation. *Regulatory Affairs v. Zieniuk*, 95 N.J.A.R.2d (CAF) 15.

Conflict of interest precluded employment as elevator inspector. *Kunz v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 32.

5:23-4.5A (Reserved)

Repealed by R.2006 d.128, effective April 3, 2006.

See: 37 N.J.R. 4106(a), 38 N.J.R. 1573(a).

Section was “Selection of private on-site inspection and plan review agencies”.

5:23-4.6 Interlocal enforcing agencies—establishment

(a) Parties: Any two or more municipalities may, by ordinance, join to administer and enforce the regulations and any subcode under the regulations. Any municipalities party to an agreement establishing one enforcing agency consisting of all subcodes may further provide for the establishment of a joint board of appeals.

(b) Agreement: Except as the section may add or substitute requirements, the procedures for the execution of any agreement pursuant to this section, shall be governed by the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.).

1. Upon the final adoption of an ordinance pursuant to the Interlocal Services Act, a copy of such ordinance, the

contract, and any other pertinent information shall be forwarded to the department;

2. The term of any contract entered into pursuant to this section shall be four years.

3. The contract shall stipulate that the term of office of any construction or subcode official shall, except for good cause, be four years.

4. Such contract shall provide a mechanism for administration and enforcement within each of the contracting municipalities by one or more of the contracting municipalities, on an interim or emergency basis, should such agreement be invalidated by a court of competent jurisdiction or prove otherwise unenforceable.

5. The contract shall additionally stipulate the information contained in N.J.A.C. 5:23-4.7(b) and 4.8(a).

Administrative correction.

See: 30 N.J.R. 539(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), inserted new 6 and 7, recodified former 6 through 17 as 8 through 19, and added 20.

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 19 and 20, and added 21 and 22.

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

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

In (a), inserted new 10i, and added new 23 and 24.

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

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

Updated building subcode section citations throughout.

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

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

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout; in (a), amended the N.J.A.C. reference in 17v and inserted "(not replacing an existing device)" in 19.

Amended by R.2005 d.82, effective March 7, 2005.

See: 36 N.J.R. 4222(a), 37 N.J.R. 771(a).

Rewrote the section.

Amended by R.2006 d.120, effective April 3, 2006.

See: 37 N.J.R. 3753(a), 38 N.J.R. 1567(a).

In (a)20, deleted "tenant separation,".

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

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

Deleted references to use preceding references to group throughout; in (d), substituted references to automatic sprinkler for references to fire suppression throughout.

5:23-6.11 Basic requirements in all Groups

(a) This section shall apply within the work area for all reconstruction projects.

(b) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be sufficient for the maximum permitted occupant load of the work area and any adjacent spaces served by that means of egress as calculated on a per floor basis. Means of egress shall be measured in units of exit width of 22 inches.

1. The maximum permitted occupant load of a space shall be determined by the capacity of the means of egress serving the space as calculated in accordance with Table 1. Building owners shall have the option of establishing a reasonable restriction on the occupant load of the space based on the existing capacity of the means of egress or of providing additional egress capacity. (Plan review—Building, Fire. Inspection—Building)

5:23-6.10 Basic requirements and supplemental requirements—general

(a) The basic requirements, set forth in N.J.A.C. 5:23-6.11 for all groups and for individual groups in N.J.A.C. 5:23-6.12 through 6.28, shall be met within or with regard to the work area in all reconstruction projects. (These requirements are in addition to the requirements contained in N.J.A.C. 5:23-6.8, Materials and methods.)

(b) The supplemental requirements, set forth in N.J.A.C. 5:23-6.11A for all groups and for individual groups in N.J.A.C. 5:23-6.12A through 6.28A, shall be met in all buildings where there are reconstruction projects that meet or exceed the stated threshold for each requirement.

1. All reconstruction work begun within a single 12 month period shall be considered for determining the applicability of the supplemental requirement.

2. If a project falls under the threshold for a supplemental requirement by a de minimis amount, the construction official may require that the supplemental requirement be met.

(c) Reconstruction projects contained in mixed use buildings shall comply with the requirements of N.J.A.C. 5:23-6.29 as applicable.

(d) Special technical specifications for windowless stories, the supervision of automatic sprinkler systems, automatic sprinkler system risers, acceptances of existing alarm and automatic sprinkler systems, smoke barriers, elevators and specific occupancy areas are established in N.J.A.C. 5:23-6.30. The windowless story, supervision of automatic sprinkler systems and smoke barrier special technical requirements shall apply only in those uses where specified by this subcode.

Table 1

CAPACITY PER UNIT EGRESS WIDTH

Group	Without automatic sprinkler system		With automatic sprinkler system	
	Stairways	Doors, Ramps and Corridors	Stairways	Doors, Ramps and Corridors
A	75	100	113	150
B	60	100	90	150
E	75	100	113	150
F	60	100	90	150
H	—	—	60	100
I-1	60	100	90	100
I-2 / I-4	22	30	35	45
I-3	60	100	90	150
M	60	100	90	150
R	75	100	113	150
S	60	100	90	150

Note: The occupant load may be equal to the total number of occupants for which exit capacity is provided as determined by Table 1 above. For Group A occupancies, the resulting total occupant load shall not exceed one occupant per five square feet of net floor area over the entire use.

Interpolation shall be allowed in determining capacity of egress width.

Unit of egress width = 22 inches

(c) Interior Finishes: Interior finishes within work areas shall comply with the following:

1. Existing interior finishes of walls and ceilings shall have a flame spread rating not greater than the class prescribed by Table 2 below. All existing interior finish materials which do not comply with the requirements of

this section shall be removed or shall be treated with an approved fire retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section. Exceptions are allowed as follows:

- i. The use of vinyl or paper wall coverings not exceeding 1/28th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section.
- ii. Interior trim which does not exceed 10 percent of the aggregate wall and ceiling area of any room or space shall not be regulated by this section.
- iii. When an approved automatic sprinkler system is provided, interior finish of Class II or Class III materials shall be permitted where Class I or Class II materials, respectively, are required by this section.
- iv. Exposed portions of structural members complying with the requirements for heavy timber construction in accordance with the Uniform Construction Code shall not be regulated by this section. (Plan review—Building, Fire. Inspection—Building)

Table 2

Existing Interior Finish Requirements

Group	Exit Enclosures	Exit Access Enclosures	Rooms or Spaces
A, E, I, R-1	I	II	III
All Other Groups	I	II	No Minimum

The classification of interior finishes referred to herein corresponds to flame spread ratings determined by ASTM E84 as follows: Class I flame spread, 0-25; Class II flame spread, 26-75; Class III flame spread, 76-200. In all cases, the smoke developed rating determined by ASTM E84 shall not exceed 450.

See Group A-3 for amusement buildings.

(d) Commercial cooking operations: An automatic fire extinguishing system shall be required for newly installed commercial cooking equipment producing grease-laden vapors, except within individual dwelling units in multiple-family dwellings in Group R-2. No automatic fire extinguishing system shall be required for completely enclosed ovens, steam tables or similar equipment.

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

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

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

In (b), rewrote the note at the end of Table 1.

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

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

Deleted references to use preceding references to group throughout; in (c)1iii, substituted a reference to automatic sprinkler for a reference to

fire suppression; in (d), substituted references to fire extinguishing system for references to fire suppression throughout.

Amended by R.2006 d.120, effective April 3, 2006.

See: 37 N.J.R. 3753(a), 38 N.J.R. 1567(a).

In (b)1, added Group I-4 to Table 1.

5:23-6.11A Supplemental requirements in all Groups

(a) This section shall apply to all reconstruction projects.

(b) Vertical Opening Protection: For purposes of applying the supplemental requirement for vertical opening protection below, a low hazard occupancy is an occupancy having contents of such low combustibility that no self-propagating fire can occur therein. A moderate hazard occupancy is an occupancy having contents that are likely to burn with moderate rapidity or to give off a considerable volume of smoke. (Plan review—Building, Fire. Inspection—Building)

(c) Windowless Stories: Any windowless basement or story located below the seventh story which is created by the work being performed or any existing windowless basement or story below the seventh story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story, shall comply with the requirements listed in N.J.A.C. 5:23-6.30. (Fire)

(d) Underground Structures: When the work area exceeds 50 percent of the gross enclosed floor area of an underground structure, the entire structure shall comply with Section 405.0 of the building subcode.

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

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

5:23-6.12 Basic requirements—Group A-1

(a) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

- 1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

- 1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

In (d)2, substituted "an automatic sprinkler" for "a suppression" preceding "system" and substituted "code" for "subcode" following "with the building"; in (i)3, inserted "UFC" following "30-minute" in the introductory paragraph, and substituted "sprinkler" for "suppression" preceding "system" in ii(1).

Amended by R.2006 d.120, effective April 3, 2006.

See: 37 N.J.R. 3753(a), 38 N.J.R. 1567(a).

In (l)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

5:23-6.12A Supplemental requirements—Group A-1

(a) Automatic Sprinkler System: An automatic sprinkler system shall be installed throughout the fire area containing the A-1 Group and all floors between the A-1 Group and the level of exit discharge when any one of the following conditions exists:

1. The work area exceeds 12,000 square feet (gross enclosed floor area);
2. The work area has an occupant load of 300 or more;
3. The work area is located on a floor other than the level of exit discharge; or
4. The work area contains a multi-theatre complex. (Fire)

(b) Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows.
 - i. When connecting the main floor and mezzanines; or
 - ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system, the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall

be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g) below. (Elevator)

Amended by R.2000 d.492, effective December 18, 2000.
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).

In (e)2i, amended the N.J.A.C. reference.
Amended by R.2004 d.145, effective April 5, 2004.
See: 35 N.J.R. 5190(a), 36 N.J.R. 1758(a).

Rewrote (a); in (d)3, inserted "UFC" following "30-minute"; substituted references to sprinkler for references to fire suppression throughout.

5:23-6.13 Basic requirements—Group A-2 Nightclubs

(a) Automatic Fire Suppression System: An automatic fire suppression system shall be required in buildings with an occupant load of 50 or more.

1. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

2. Exception: Suppression shall not be required for buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose unless a horizontal exit is provided in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length.

Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review—Building, Fire, Electric. Inspection—Building)

(g) Illuminated Exit Signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke $\frac{3}{4}$ inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(h) Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with

handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review—Building, Fire. Inspection—Building)

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review—Building, Fire. Inspection—Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30 minute fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system; and

(2) The lowest or next to the lowest level is a street floor; and

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire. Inspection—Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in N.J.A.C. 5:23-6.7(c)1), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by N.J.A.C. 5:23-6.7(c), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy ¹	Water Closets		Drinking Water Facilities	Service Sinks
	Male	Female		
1-25	1 Unisex		1	0
26 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

(m) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. 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.

2. Mechanically-ventilated spaces shall comply with the following:

- i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
- ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount.

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

(n) Interior finishes shall comply with N.J.A.C. 5:23-6.11(c). (Plan review—Building, Fire. Inspection—Building)

(o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in N.J.A.C. 5:23-6.30(h), shall comply with the requirements established in that section for separation and/or protection. (Building)

(p) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 716 of the building subcode.

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

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

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (g)2, rewrote the second sentence.

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

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

In (f), added the second sentence in the introductory paragraph; and added (p).

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

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

In (m)2i and in the first sentence of (m)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

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

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

Amended by R.2006 d.120, effective April 3, 2006.

See: 37 N.J.R. 3753(a), 38 N.J.R. 1567(a).

In (m)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

5:23-6.13A Supplemental requirements—Group A-2 Nightclubs

(a) Automatic Fire Suppression System: When the work area is 5,000 square feet (gross enclosed floor area) or more, an automatic fire suppression system shall be installed throughout the floor on which the A-2 Nightclubs Use is located and on all floors below. If the A-2 Nightclubs Use is below grade, then an automatic fire suppression system shall be installed throughout the floor on which the A-2 Nightclubs Use is located and on all floor above up to and including the level of exit discharge. (Fire)

(b) Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

(c) Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the

building, manual fire alarms shall be required throughout the building. (Fire)

(d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30 minute fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review—Building, Fire, Inspection—Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air or exhaust system,

the recirculating air or exhaust system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of N.J.A.C. 5:23-6.30(g). (Elevator)

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

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

In (e)2i, amended the N.J.A.C. reference.

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

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

In (a), inserted "Nightclubs" following "A-2" throughout.

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

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

5:23-6.14 Basic requirements—Groups A-2 other than Nightclubs, A-3 and A-4

(a) Automatic Sprinkler System: An automatic sprinkler system shall be required in spaces of Group A-3 used as ballrooms, exhibit areas and accessory spaces which exceed 12,000 square feet and are located in buildings of Group R-1 and R-2.

1. Exceptions:

i. An automatic sprinkler system shall not be required if the space is divided into fire areas of not more than 12,000 square feet by a two-hour fire separation with 1½-hour opening protectives or if the space is completely separated from any other uses by a two-hour fire separation with 1½-hour opening protectives. (Fire)

(b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review—Building, Fire. Inspection—Building)

(c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose. (Plan review—Building, Fire. Inspection—Building)

(d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with N.J.A.C. 5:23-6.11(b). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review—Building, Fire. Inspection—Building)

(e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review—Building, Fire. Inspection—Building)

(f) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the

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

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

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

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

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

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

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

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

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

ii. Fire separation between dwelling units.

(1) One-hour dwelling unit separation; or

(2) Two layers of 5/8-inch thick type X gypsum wallboard. The base layer shall be applied at right angles to the joists with 1½-inch minimum drywall screws or nails at 24 inches on center. The face layer shall be applied at right angles to the joists with 1 - inch minimum drywall screws or nails at 12 inches on center. The face layer joints shall be offset from the base layer joints by a minimum of one joist bay. The joints of the face layer shall be taped and provided with a minimum of one layer of spackle.

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

TABLE B

Relative Group Hazard

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

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

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

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

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

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

TABLE C

Hazard Categories and Classifications
Means of Egress

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

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

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

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

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

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

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

iii. Section 1003.3.2 (Gates);

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

v. Section 1003.3.4 (Ramps);

vi. Section 1003.3.5 (Turnstiles);

vii. Sections 1004.2 (Exit access design requirements).

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

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

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

ix. Section 1005.2 (Exit design requirements).

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

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

xi. Section 1006 (Exit discharge);

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

xiii. Section 1008 (Assembly).

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

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

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

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

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

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

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

Table G

Hazard Categories and Classifications
Automatic Sprinkler Systems

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

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

automatic sprinkler system, compliance with 903.3 of the building subcode is also required.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Single and Multiple Station Smoke Detectors: When a change of use is made to any of the following groups, single and multiple station smoke detectors shall be installed in accordance with Section 907.2.10 of the building subcode.

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

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

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

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

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

provided with single station carbon monoxide alarms provided that:

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

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

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

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

TABLE K
Structural Load Categories

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

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

i. If the building subcode official determines that the number of occupants or the placement and

(9) Does not allow any guest to remain more than 60 successive days or more than 60 days of any period of 90 successive days.

2. Single-family dwellings of Group R-3, R-4, or R-5 that have been converted to bed and breakfast guest houses shall be deemed to have met the intent of the rules, as provided in N.J.A.C. 5:23-2.6(b)1, if the following requirements have been met:

i. AC-powered interconnected smoke detectors with battery back-ups shall be installed in accordance with the building subcode in the locations listed below. Fixed temperature or rate-of-rise and fixed temperature heat detectors may be substituted for smoke detectors in those locations where frequent nuisance alarms would be likely to occur. At least one portable visual alarm-type smoke detector for the deaf or hearing impaired shall be available. Notification of the availability of such devices shall be provided to each occupant. Installation shall be required at the following locations:

- (1) In all guestrooms;
- (2) On each story in common areas;
- (3) In storage rooms;
- (4) In basements; and
- (5) In utility and mechanical rooms.

ii. Except as otherwise provided (p)2ii(1) and (2) below, every story utilized for human occupancy shall be provided with a minimum of two exits.

(1) An existing fire escape shall be accepted as providing one of the required means of egress if it can safely be used under emergency exiting conditions. All occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking. Access to a fire escape shall be through a door, except that window access shall be permitted from guest rooms.

(2) In buildings having a single exit, no additional exit shall be required if all of the following conditions are met:

(A) At all locations in the story at the level of discharge, the exit access travel distance shall not exceed 75 feet;

(B) In buildings not more than two stories in height, from floors that are not more than 16 feet above grade, where there are not more than four guestrooms per floor and the exit access travel distance does not exceed 50 feet, the exit shall be enclosed with construction and opening protection providing a one hour fire-resistance rating; and

(C) No part of the building open to guests shall be on a floor that is more than 16 feet above exterior grade.

iii. Every sleeping room shall be provided with an operable window having a sill height of not more than 44 inches, having 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.

iv. Dead-end corridors shall not exceed 35 feet.

v. Emergency egress lighting shall be provided and shall be connected to an emergency electrical system conforming to NFPA 70 to assure continued illumination for a duration of not less than one hour, in case of primary power loss in all building rooms or spaces required to have more than one exit or exit access.

vi. In all buildings, rooms or spaces required to have more than one exit or exit access, all required means of egress shall be indicated with approved, internally illuminated or self-luminous exit signs that comply with the building subcode. Exit signs shall not be required if the second means of egress is a fire escape or on main exterior doors that are clearly identified as exits. Exit signs shall be connected to an emergency electrical system to assure continued illumination for not less than one hour in case of primary power loss.

vii. Means of egress doors shall comply with the following:

(1) All doors opening into a passageway at grade or exit stair shall be self closing or automatic closing by listed closing devices; and

(2) All guest room doors shall be at least 1 $\frac{3}{8}$ inch solid core wood or approved equal with approved door closers and shall be reasonably tight fitting. Replacement doors shall be 1 $\frac{3}{4}$ inch solid cord wood or approved equal unless existing frame will accommodate only a 1 $\frac{3}{8}$ inch door.

viii. Existing handrails and guardrails provided for stairways and open sided floor areas shall be permitted to remain in place, provided they are structurally sound. When handrails or guardrails do not exist in locations where the building code requires them, or where handrails or guardrails are in danger of collapse when used under emergency conditions, handrails and guardrails complying with the building subcode shall be provided.

ix. Transoms shall be either glazed with $\frac{1}{4}$ inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

x. Interior finish shall comply with the following:

(1) Interior finish of exit enclosures shall have a flame spread of 0-25 and a smoke developed rating of 450 or less (Class I finish as determined by ASTM-E84);

(2) Interior finish of exit access enclosures shall have a flame spread of 26-75 and a smoke developed rating of 450 or less (Class II finish as determined by ASTM-E84);

(3) Interior finish of all other spaces shall have a flame spread rating of under 200 and a smoke developed rating of 450 or less (Class III finish as determined by ASTM-E84).

xi. Interior stairways and other vertical openings connecting more than six floors levels shall be enclosed with approved assemblies having a two-hour fire-resistance rating. Those connecting four to six floor levels shall be enclosed with approved assemblies having a one-hour fire-resistance rating. Interior stairways connecting three or fewer levels shall be enclosed as follows:

(1) A minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted provided that:

(A) The building is provided throughout with an approved automatic fire suppression system complying with the building subcode; or

(B) All of the following conditions exist:

(I) Every sleeping room has an operable window with a sill height of not more than 44 inches, 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;

(II) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;

(III) Any exit-access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier; and

(IV) The building is protected throughout by an automatic fire alarm system complying with the building subcode and is supervised by an approved central station system in accordance with NFPA 71, or an approved proprietary system in accordance with NFPA 72D, or an approved remote station system in accordance with NFPA 72C or an approved local alarm service which will cause sounding of an alarm in accordance with NFPA 72A.

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 l(i)(5), and substituted "(Fire)" for "(Building)" at the end of 2i.

Administrative correction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rewrote (k).

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

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

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

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

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

Rewrote the section.

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

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

Rewrote the section.

Administrative correction.

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

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

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

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

Administrative correction.

See: 36 N.J.R. 5337(a).

Amended by R.2005 d.82, effective March 7, 2005.

See: 36 N.J.R. 4222(a), 37 N.J.R. 771(a).

In (e), rewrote 4; in (i), deleted the last sentence; in (k), deleted "change of use results in a" following "When a", substituted "is" for "being" following "building", inserted "post-earthquake shelters;" following "vehicle garages".

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (o), added 5.

Amended by R.2006 d.120, effective April 3, 2006.

See: 37 N.J.R. 3753(a), 38 N.J.R. 1567(a).

In (k)3, substituted section 1617 with section 1623 and made "Subcode" lowercase throughout; in introductory paragraph (p), deleted N.J.A.C. reference and added "this subchapter except as modified below"; added (p)1 and 2.

Administrative Correction.

See: 38 N.J.R. 3024(a).

5:23-6.32 Additions

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

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

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

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

(d) No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of the building subcode unless a fire wall is provided in accordance with Section 705 of the building subcode.

(d) Post abatement sampling and analysis for an asbestos hazard abatement project shall be performed as per EPA 40 CFR 763.90i. Samples collected within the affected work area shall be analyzed by TEM.

(e) Post abatement sampling and analysis for an asbestos hazard abatement project utilizing the glovebag technique and encapsulation shall be as follows:

1. One sample per 10,000 square feet of work area with a minimum of five samples shall be required. Samples collected within the affected work area may be analyzed by PCM to confirm completion of an asbestos abatement project using the methodology specified in NIOSH 7400.

(f) For TEM analysis, the project shall be considered complete when the results of samples collected in the affected work area comply with 40 CFR 763.90 and Appendix A to Subpart E. Maximum turnaround time from sample collection through data reporting shall be 72 hours.

(g) For PCM analysis, the project shall be considered complete when the results of samples collected in the affected work area show that the concentration of fibers for each of the five samples is less than or equal to 0.01 fibers per cubic centimeter.

(h) When the air analysis results for projects covered by this subchapter show asbestos fiber concentrations above the acceptance criteria, then clean-up shall be repeated until compliance is achieved by re-cleaning all surfaces using wet methods and operating all HEPA equipped air pressure differential units to filter the air.

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

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

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

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

Recodified old 8.20 as new 8.21. Section 8.21 was formerly "Demolition".

Recodified from 5:23-8.23 by R.1993 d.198, effective June 7, 1993.

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

Prior text at section, "Appeals", repealed.

5:23-8.22 Disposal of asbestos waste

(a) The disposal of friable/non-friable asbestos-containing material and asbestos-contaminated waste from the project site shall be in accordance with New Jersey Department of Environmental Protection and Energy requirements specified in N.J.A.C. 7:26 and 40 CFR Part 61, Subpart M.

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

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

Recodified from 8.13 and substantially amended.

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

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

Substantially amended.

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

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

Recodified old 8.14 as new 8.15, no change in text. Section 8.15 was formerly "Duties of the asbestos safety technician".

Recodified from 5:23-8.15 and amended by R.1993 d.198, effective June 7, 1993.

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

Prior section, "Demolition", recodified as 5:23-8.18.

SUBCHAPTER 9. CODE INTERPRETATIONS

5:23-9.1 Interpretations: Plumbing Subcode

(a) Application of the Plumbing Subcode to certain manufactured homes:

1. Chapter 18 of the Plumbing Subcode (National Standard Plumbing Code) is not applicable to permanently installed manufactured homes meeting the Federal Manufactured Home Construction and Safety Standards, 24 C.F.R. Part 3280.

2. An approved structure placed on a site for use as a permanent dwelling shall meet the requirements of the State Plumbing Subcode, excluding Chapter 18 of the Plumbing Subcode (National Standard Plumbing Code), or, if applicable, the Federal Manufactured Home Construction and Safety Standards.

(b) Use of common water service and sewer lines under Sections 1.2 and 2.19 of the Plumbing Subcode:

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

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

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(a).

Amended by R.2002 d.319, effective October 7, 2002.

See: 33 N.J.R. 4185(a), 34 N.J.R. 3497(b).

Rewrote the section.

Amended by R.2003 d.386, effective October 6, 2003.

See: 35 N.J.R. 2550(b), 35 N.J.R. 4714(a).

In (b), inserted "owner" preceding "entity" in 1 and 2.

5:23-9.2 Interpretation: Construction Permit for a single-family residence

(a) Any application for a construction permit for a single family residence shall be accompanied by at least two copies of plans drawn to scale, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans submitted shall not be required to show more detail or include more information than is reasonably necessary to assure compliance with the requirements of the Uniform Construction Code and rules in this chapter.

(b) Plans containing the following information shall be considered to meet the requirements of (a) above:

1. Site diagram consisting of a site plan showing size and location of all new and existing construction on the site with distances from lot lines and indicating new building services, location and size.

2. Construction plans consisting of a scale drawing showing foundation, floor plans, and elevations, including structural framing notes for all floors, ceilings and roofs. Only girders and columns need be identified and located on the plan. Included on the drawings shall be a loading schedule indicating the live loads for which the structure is designed.

3. The following details and submissions shall be required:

i. A cross section through one typical wall showing construction details from footing to and including roof framing. This section shall indicate all construction materials used including roofing, vapor barriers, sheathing type and thickness, insulation type and thickness, windows, glazing type if other than standard window glazing is used, interior finish material, floor type and thickness, structure, foundation and footings. Decorative material shall not be required to be shown unless it contributes to the structural integrity of the section.

ii. When roof or other truss systems are used, the details required by N.J.A.C. 5:23-2.15(e)1ii(1)(A) shall be shown.

iii. Electrical details indicating lighting; receptacles; motors and equipment; smoke detectors; service entrance locations; size and type (overhead or underground); panel size, location; number of proposed circuits. A symbol legend shall be included.

iv. Plumbing details indicating the locations of fixtures and a notice or table listing water and drainage pipe sizes. A note stating if sewage disposal is to public sewer or individual septic system shall be included.

v. Mechanical details indicating the type of heating system; location, size and type of heating unit, noting the distribution method and indicating design rates, location of fire dampers and safeguards; and location, type and size of flue.

vi. Energy subcode compliance shall be demonstrated with either detailed calculations, Energy Star compliance documentation, the submission of printouts from software recognized by the Department, such as RES Check, or the prescriptive packages described in Bulletin 03-2. RES Check software is available from the Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625 or from the U.S. Department of Energy at www.energycodes.gov.

4. The drawings shall bear the seal and signature of an architect or engineer who prepared the plans and is registered in the State of New Jersey. The seal and signature shall appear on each sheet of each copy of the plans submitted.

i. The construction official shall waive the requirements for sealed plans in the case of a single family home owner who prepares his or her own plans for the construction, alteration or repair of a structure used or intended to be used exclusively as the owner's private residence, and which is to be constructed by the owner, providing that the owner shall submit an affidavit attesting to the fact that he has prepared the plans and that the plans are, in the opinion of the construction official and appropriate subcode officials, legible and complete for the purpose of ensuring compliance with the regulations.

ii. Plumbing plans, electrical plans and mechanical plans may be prepared by licensed plumbers, licensed electrical contractors and mechanical contractors, respectively, in accordance with these regulations.

5. Construction plans, and electrical, plumbing, and mechanical details may be shown on more than one drawing.

6. Where a permit application is based upon a released prototype plan, the permit application shall include the items listed at N.J.A.C. 5:23-2.15(e)2ii.

7. The Construction Official, upon the advice of the appropriate subcode official, may waive any or all of the requirements for plans in (b)1 through 6 above when the work is of a minor nature.

Amended by R.2003 d.216, effective May 19, 2003.

See: 35 N.J.R. 16(a), 35 N.J.R. 2203(a).

In (b)3, inserted "and submissions" following "details" in the introductory paragraph, added new ii, recodified former ii through iv as iii through v and added vi.

Administrative correction.

See: 35 N.J.R. 2865(a).

Amended by R.2004 d.144, effective April 5, 2004.

See: 35 N.J.R. 4944(a), 36 N.J.R. 1753(a).

Rewrote (b)6.

5:23-9.3 (Reserved)

New Rule, R.1993 d.487, effective October 4, 1993.

See: 25 N.J.R. 2159(a), 25 N.J.R. 4592(a).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: 27 N.J.R. 3517(a), 27 N.J.R. 5012(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), substituted references to maintenance for references to repairs throughout, and inserted 4iii.

Amended by R.2003 d.473, effective December 15, 2003.

See: 35 N.J.R. 2421(a), 35 N.J.R. 5543(a).

In (a), rewrote 2vii, rewrote the first sentence in 2x, and substituted references to maintenance for references to repair throughout.

Amended by R.2004 d.60, effective February 2, 2004.

See: 35 N.J.R. 4000(a), 36 N.J.R. 649(b).

Added (a)4iv.

Repealed by R.2004 d.131, effective April 5, 2004.

See: 35 N.J.R. 5336(a), 36 N.J.R. 1755(a).

Recodified to N.J.A.C. 5:23-2.7(c). Section was "Interpretation: Ordinary maintenance".

5:23-9.4 (Reserved)

New Rule, R.1990 d.490, effective October 1, 1990.

See: 22 N.J.R. 592(a), 22 N.J.R. 3148(a).

Repealed by R.1995 d.121, effective March 6, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4875(a), 27 N.J.R. 894(c).

Formerly "Seismic Zones".

5:23-9.5 (Reserved)

Repealed by R.2006 d.24, effective January 17, 2006.

See: 37 N.J.R. 2111(a), 38 N.J.R. 485(a).

Section was "Interpretation: Records retention."

5:23-9.6 Interpretations: Construction requirements for new and existing casinos

(a) Fixed central pedestal seating (stools) shall be allowed within major aisles and cross-aisles in casinos for gaming patrons who use standard size slot machines or other similar machines, within these aisles, provided the following requirements have been met:

1. Schematic drawings which indicate the dimensions and locations of the stools, and the distances from adjacent fixtures, walls or other objects shall be submitted to the Department for review and release;

2. Stool placement shall not result in any reduction of the required aisle accessway width when measured from the stool and any other adjacent obstacle, including, without limitation, other stools in back-to-back seating arrangements;

3. Stools that swivel and have a back rest shall be restricted so as to rotate only in one direction, operate in series, and be self-centering;

4. A minimum clearance of eight inches, measured from the face of the gaming machine base at knee height, shall be provided between the gaming machine and the stool and a minimum clearance of 10 inches, measured from seat edge to seat edge, shall be provided between adjacent stools, in order to ensure discharge clearances; and

5. The minimum clear width of aisles with slot stools shall be 48 inches.

(b) The following code requirements shall apply to gaming floors:

1. The use group of the gaming floor area shall be A-2.

2. Each gaming floor area shall be designed using an open landscape plan such that there is clear visibility throughout the floor and at least two of the exits are clearly discernible from all portions of the floor. Line of sight obstructions shall be limited and shall be subject to the approval of the Department.

3. An egress study shall be provided for each new egress route and for all modifications to an existing egress route, increases in occupant load or change of egress elements for gaming floor areas.

- i. The occupant load shall be calculated at 11 square feet gross per person for all gaming floor areas, regardless of the gaming activity.

- ii. The total capacity of the means of egress shall be calculated based on 116 2/3 percent of the calculated occupant load of any floor area containing gaming activities and any adjacent spaces using the gaming floor for exit access.

- iii. Travel distances shall be delineated on the egress study and shall be measured from each and every occupiable point on the gaming floor to the closest exit. The travel distance shall be measured along the natural path of travel using a distance of one foot from obstructions, corners and walls and using the center of door openings.

- iv. Each egress route shall identify the travel distance, number of occupants and size and type of egress elements.

4. Section 1017.4.1.3 of the building subcode, entitled "Special locking arrangements in penal facilities," shall be permitted to apply for areas that are back-of-house to the gaming floor where security is necessary.

5. Gaming equipment, change banks, monitor cabinets and other obstructions located on the gaming floor shall not exceed 65 inches in height except as provided in this paragraph:

- i. Equipment and obstructions located at or within 21 feet of perimeter walls, measured perpendicular to the wall, may be of unrestricted height;

- ii. Equipment and obstructions located at columns, but not extending more than 12 feet in any direction around the column, including the column itself, may be of unrestricted height;

- iii. Equipment and obstructions located so that they do not obstruct visibility throughout the gaming floor, the visibility of at least two exits, or the operation of fire protection systems, may be of such height as is consistent with such visibility and operation; and

- iv. Slot machines and similar gaming equipment may be 75 inches in height at any location on the casino floor provided the following conditions are met throughout the entire casino floor(s):

- (1) Machines taller than 65 inches shall be of a circle top or similar design so that the 75-inch height is not continuous and at least 40 percent of the vertical projected area between 65 inches and 75 inches is open;

(2) An exit catchment area shall be provided immediately in front of the means of egress having the largest egress capacity and each other means of egress, ranked from the largest to smallest in terms of egress capacity, until such areas are provided in front of means of egress comprising 67 percent of the

required egress capacity. Each catchment area shall be a rectangle with the full width of the means of egress component and twice the depth. Gaming equipment and other obstructions within the catchment area shall require Department approval;