

(c) The Construction Code Element may issue bulletins to provide advice to code enforcing agencies, builders, and designers. Bulletins may be issued when the Element finds that an issue that is in need of clarification is adequately dealt with by existing rules and that rulemaking is therefore not appropriate or necessary. Consultation with the Code Advisory Board shall be required prior to the issuance of any bulletin.

(d) In response to a written or oral inquiry or request setting forth a specific factual situation, a staff member of the Construction Code Element may issue an informal opinion as to the proper application of the regulations if the issue is one with which he has authority to deal. Such informal opinion shall only be in writing if it is issued in response to a written inquiry or request and shall not be binding upon the Element or any other party.

Amended by R.1981 d.454, effective December 7, 1981.

See: 13 N.J.R. 561(a), 13 N.J.R. 886(a).

Section substantially amended.

Administrative Correction: Name change.

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

Amended by R.1995 d.340, effective June 19, 1995.

See: 27 N.J.R. 1512(a), 27 N.J.R. 2388(a).

Redesignated (c) as (d) and added a new (c).

5:23-3.10 (Reserved)

Amended by R.1987 d.509, effective December 7, 1987.

See: 19 N.J.R. 1264(a), 19 N.J.R. 2270(a).

Substantially amended.

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

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

Text conformed to BOCA National Code/1990.

Recodified to 5:23-4.3A by R.1992 d.272, effective July 6, 1992.

See: 24 N.J.R. 1446(a), 24 N.J.R. 2424(a).

Section was "Enforcing agency classification".

5:23-3.11 Enforcement activities reserved to the Department

(a) Except as otherwise provided in N.J.A.C. 5:23-3.11A(c) and (d), the Department of Community Affairs shall be the sole plan review agency for the following structures:

1. Electrical generating stations and substations, including nuclear;
2. Incineration plants;
3. Solid waste disposal plants;
4. Class I and Class II structures where required in accordance with N.J.A.C. 5:23-4.3A and N.J.A.C. 5:23-4.24(a)2ii;
5. Casino hotels;
6. Public mausoleums, vaults, crypts and other structures intended to hold or contain human remains;
7. All premanufactured systems for Class I and Class II structures, other than those authorized to be approved by an inplant inspection agency licensed to perform Class I and Class II plan review as provided in N.J.A.C.

5:23-4A.10, and all on-site installation of Class I and Class II premanufactured construction within the jurisdiction of a local enforcing agency that is not a Class I or Class II agency, as the case may be.

8. Health care facilities, as defined in N.J.A.C. 5:23-1.4; and

9. Public school facilities, as defined in N.J.A.C. 5:23-1.4.

(b) The Department of Community Affairs shall be the sole plan review agency for elevators, escalators, and moving walks in Use Groups other than R-3, R-4, or R-2 structures in which the elevator devices are wholly within dwelling units and not accessible to the general public, in all buildings and structures other than those that:

1. Are in a municipality that has an elevator subcode official; and

2. Are otherwise within the plan review jurisdiction of the local enforcing agency.

(c) A permit shall not be issued until the required plans for the building or structure have been released by the department. The department shall insure that the municipal enforcing agency receives a copy of the approved plans.

(d) The department may perform field inspections for any of the above projects when it deems such activity appropriate. However, such action shall not relieve the municipality of the obligation to perform field inspections for any project for which the municipality has granted a permit.

(e) Whenever the department shall determine that there exists a violation of these regulations, it shall take appropriate action and shall provide the municipality with copies of all notices, orders, and other applicable information. The department and any municipality may consolidate or take other steps to expedite any matter of which they jointly complain, but in no event shall the owner of any building subject to the act be sanctioned twice for the same violations.

(f) In any case where the department shall notify a municipality that a violation exists, no certificate of occupancy may issue until the department notifies the municipality that the violation has been abated.

(g) The Department of Community Affairs shall be the sole agency for the enforcement of the Barrier Free Recreation Standards (N.J.A.C. 5:23- 7.2 through 7.18). Any complaint of noncompliance with these rules shall be forwarded to the Department.

(h) The Department of Community Affairs shall be the sole agency having authority to grant variations from the requirements of the Asbestos Hazard Abatement Subcode, pursuant to N.J.A.C. 5:23-8.4.

Amended by R.1981 d.455, effective December 7, 1981.
 See: 13 N.J.R. 561(b), 13 N.J.R. 886(b).
 Correction: Codification error and (a)6 was missing.
 See: 16 N.J.R. 1621(a).
 Administrative Change: This section has been divided into 3.11 and 3.11A administratively.
 See: 18 N.J.R. 1842(a).
 Amended by R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Added (f).
 Amended by R.1990 d.313, effective June 18, 1990.
 See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).
 Industrialized/modular buildings requirements added to (a)7.
 Amended by R.1990 d.507, effective October 15, 1990.
 See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
 Text conformed to BOCA National Code/1990.
 Amended by R.1991 d.325, effective July 1, 1991.
 See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
 Enforcement of elevator, moving walk and escalator requirements for other than R-3 and R-4 reserved to Department.
 Amended by R.1992 d.147, effective April 6, 1992.
 See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).
 Elevators wholly within R-2 residences exempt.
 Amended by R.1992 d.183, effective April 20, 1992.
 See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).
 Enforcement of public employees' indoor air quality subcode assigned to DCA.
 Amended by R.1994 d.28, effective January 18, 1994.
 See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).
 Amended by R.1994 d.96, effective February 22, 1994.
 See: 26 N.J.R. 1073(a).
 Amended by R.1997 d.377, effective September 15, 1997.
 See: 29 N.J.R. 2741(b), 29 N.J.R. 4102(b).
 In (g), amended N.J.A.C. references; deleted (g)1; and substantially amended (h).
 Amended by R.1997 d.417, effective October 6, 1997.
 See: 29 N.J.R. 3387(a), 29 N.J.R. 4285(a).
 In (a), inserted "Except as otherwise provided . . . and (d),"; added (a)8 and 9; and in (g), amended N.J.A.C. references.

Case Notes

Delaware River Port Authority was not subject to Construction Code or anti-discrimination laws. Eastern Paralyzed Veterans Ass'n, Inc. v. City of Camden, 111 N.J. 389, 545 A.2d 127 (1988).

5:23-3.11A Enforcement activities reserved to other State agencies; alternative public school facility plan review; Uniform Construction Code enhancements in public school facilities

(a) The Department of Labor shall be the sole enforcing agency for the following work:

1. Amusement rides;
2. Ski lifts;
3. High pressure boilers;
4. Refrigeration systems;
5. Pressure vessels;
6. Liquefied petroleum gas installations, except one and two-family residential (building subcode use group R-3) which jurisdiction is retained by the municipal enforcing agency.

(b) Prior to the release of plans for the following types of projects, the Department of Education shall ensure that the plans meet the standards for educational adequacy set forth in N.J.A.C. 6:22:

1. New public school buildings;
2. Additions to existing public school buildings;
3. Alterations changing the total number of units, size or type of any instructional space;
4. Alterations changing office space that require alterations to instructional space;
5. Alterations to locker, weight or game rooms, or to field houses with locker facilities;
6. Alteration of athletic fields or tracks and field areas;
7. Installations of mobile units; or
8. Any site or building change or alteration for the purpose of making the site and school barrier-free pursuant to N.J.A.C. 5:23-7 and accessible to the handicapped pursuant to section 504 of the Federal Rehabilitation Act of 1973.

(c) In lieu of obtaining construction code plan review approval from the Department, a school district, upon notice to the Department, may secure construction code plan review approval from any municipal code enforcing agency, pursuant to P.L. 1990, c.23.

1. The municipal code enforcing agency providing construction code plan approval must agree to perform the review and must be appropriately classified for the proposed project in accordance with this chapter.
2. When a review for educational adequacy is necessary, such review and approval shall be obtained from the State Department of Education prior to obtaining a construction code plan review, whether this construction code plan review is performed by the Department or by a municipal code enforcing agency.
3. The municipal code enforcing agency performing the construction code plan review may require the payment of any municipal plan review fees.
4. No construction permit shall be issued for a public school facility unless and until the final plans and specifications have been approved by the Department or an appropriately classified municipal code enforcing agency.
5. The municipal code enforcing agency within the jurisdiction of which the facility is located shall be responsible for construction permit issuance, construction inspection and certificate of occupancy issuance.

vi. The definition of the term "code official" is deleted in its entirety, and the following language is substituted: "For the purpose of the mechanical subcode, the term "code official" shall mean the appropriate subcode official as designated in N.J.A.C. 5:23-3.4."

vii. The definition of the term "structure" is deleted and the definition found in N.J.A.C. 5:23-1.4 is substituted.

3. Chapter 4 of the mechanical subcode, entitled "Mechanical Equipment," is amended as follows:

i. Section M-403.1 is amended to delete "Section M-107.0" on line 3, and, to substitute in lieu thereof, "N.J.A.C. 5:23-3.7."

4. Chapter 5 of the mechanical subcode, entitled "Kitchen Exhaust Equipment," is amended as follows:

i. Section M-509.0, "Test and Cleaning Schedule" is deleted.

5. Chapter 9 of the mechanical subcode, entitled "Flammable and Combustible Liquid Storage and Piping Systems," is amended as follows:

i. Section M-901.1 is amended to add the words "For those systems that are subject to the Department of Environmental Protection and Energy's Underground Storage Tank Systems rules, N.J.A.C. 7:14B, the requirements of this article that conflict with the DEPE rules shall be inapplicable."

6. Chapter 15 of the mechanical subcode, entitled "Incinerators and Crematories," is amended as follows:

i. Section M-1501.2 is deleted in its entirety.

7. Chapter 16 of the mechanical subcode entitled "Ventilation Air" is amended as follows:

i. Section M-1604.0 is deleted in its entirety and substitute in lieu thereof "Requirements for ventilation air shall be as set forth in N.J.A.C. 5:23-3.20A".

ii. Section M-1605.1 is amended to delete the words "spaces designated by Note b of Table M-1604.3" and replace them with the words "smoking lounges; autopsy rooms; bathrooms of hotels, motels and dormitories; garages common to multiple dwelling units; public restrooms; and locker and dressing rooms".

8. Chapter 17 of the mechanical subcode, entitled "Air Quality" is deleted in its entirety.

9. Chapter 19 of the mechanical subcode, entitled "Energy Conservation" is deleted in its entirety.

10. Chapter 20 of the mechanical subcode, entitled "Boilers and Pressure Vessels, Maintenance and Inspection," is deleted in its entirety, with the exception of section M-2001.2.

11. The following amendments are made to Chapter 21 of the mechanical subcode, entitled "Referenced Standards":

i. Under the subheading "ASHRAE," delete the following title:

(1) Energy Conservation in New Building Design—with Addendum 90A-a-1987.

ii. Under the subheading "BOCA," delete the following titles:

(1) BOCA National Building Code.

(2) BOCA National Plumbing Code.

iii. Under the subheading "NFPA" delete the following title:

(1) National Electrical Code.

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

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

New rule.

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

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

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

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

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

Substantially amended.

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

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

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

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

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

Model subcode revisions.

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

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

Added (a)3 and (c).

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

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

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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

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

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

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

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

Amended by R.1995 d.120, effective March 6, 1995 (operative July 1, 1995).

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

5:23-3.20A Indoor air quality subcode

(a) Pursuant to authority of P.L. 1975, c.217, as amended, the Commissioner hereby adopts the nationally-recognized standard of the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., known as ASHRAE 62-1989 (Ventilation for Acceptable Indoor Air Quality), including all subsequent revisions and amendments thereto, as the standard for building ventilation and indoor air quality in all buildings or portions of buildings subject to this

chapter in which mechanical ventilation is utilized. This standard is hereby adopted by reference as the indoor air quality subcode for New Jersey.

1. Copies of this standard may be obtained from the sponsor at: ASHRAE Publications Sales Department, 1791 Tullie Circle NE, Atlanta, GA 30329.

New Rule R.1992 d.183, effective April 20, 1992.
See: 24 N.J.R. 167(a), 24 N.J.R. 1475(b).

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

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the Council of American Building Officials known as "The CABO One and Two Family Dwelling Code/1995" as the one and two-family dwelling subcode for New Jersey subject to the modifications stated in (c) below.

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

(b) The provisions of this subcode shall apply to the construction, alteration, repair or increase in size of detached one or two-family dwellings, or single family town-houses, of Use Group R-4, of type 5B construction not more than two stories or 35 feet in height and 4,800 square feet in area per floor. For the purpose of applying this section, a habitable attic shall not constitute a story. A habitable attic shall be an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/2 feet (2,235 mm.) above the attic floor is not more than one-third the area of the next floor below.

1. The use of the CABO Code for the construction of one or two family detached dwellings, as described in (b) above, in flood prone areas shall be permitted. The requirements of Section 3107.0 of the building subcode shall supplement the requirements of the One and Two-Family Dwelling Subcode when dwellings are built in flood prone areas as identified by the most recent Flood Insurance Rate Map published by the Federal Emergency Management Agency.

(c) The following chapters or sections of the one and two family dwelling subcode are modified as follows:

1. Chapter 1 entitled "General Administration" is deleted in its entirety.

2. Chapter 2, entitled "Building Definitions," is amended as follows:

i. The definition of the term "approved" is deleted. In lieu thereof substitute "approved by the building subcode official or other authority having jurisdiction in accordance with the regulations."

ii. The definition of the term "Approved Agency" is amended to add the phrase "or other authority having jurisdiction in accordance with the UCC" after the word "Official" on line 4.

iii. The definition of the term "Building Official" is deleted and is redefined herein and throughout the subcode as the "building subcode official" as defined in N.J.A.C. 5:23-1.4 unless indicated otherwise.

iv. The definition of the term "Grade Plane" is deleted. In lieu thereof substitute: "A reference plane representing the average elevation of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building."

v. The definition of the term "Story" is amended to delete "except that the topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and ceiling or roof above."

3. Chapter 3, entitled "Building Planning" is amended as follows:

i. Section 301.2 is amended to modify Table 301.2a to read as follows:

Table No. 301.2a
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Roof Snow Load (lbs./sq. ft.)	Wind Pressure (lbs./sq. ft.)	Seismic Condition by Zone	Subject to Damage from Weathering	Frost Line Depth	Subject to Damage from
			severe	2'-6"	Termite
	see see note and fig. 301.2d	see note 2 notes 4, 5, 6	see note 1	(Southern Area) 3'-0"	Decay
20				(Northern Area) See notes 1, 2 and 3	Yes
3					Yes

Notes:

1. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy structural requirements of this code. The grade of masonry units shall be determined from the ASTM C34, C55, C62, C73, C90, C129, C145, C216, or C625 listed in Chapter 47. The frost line depth may require deeper footings than indicated in figure 403.1a.

2. New Jersey is divided into two zones: Zone one consists of Monmouth and Burlington Counties and all counties to the south. Zone 2 consists of Mercer and Middlesex Counties and all counties to the north.

3. The enforcing agency having jurisdiction may establish values other than the ones listed for "roof snow load," and "frost line depth" if warranted by documented local climatic and geographic conditions.

4. Wind speed for Atlantic, Cape May, Monmouth, and Ocean counties, and Bass River, Washington, and Woodland townships in Burlington County shall be 90 mph.

5. Wind speed for Bergen, Camden, Cumberland, Essex, Gloucester, Hudson, Mercer, Middlesex, Morris, Passaic, Salem, Somerset, Union, and Burlington (except for Bass River, Washington, and Woodland townships) counties shall be 80 mph.

6. Wind speed for Hunterdon, Warren and Sussex counties shall be 70 mph.

ii. Section 302.1, in the first and fourth lines, delete "3 feet" and substitute in lieu thereof, "5 feet."

iii. Sections 303.4 and 303.4.1 are deleted in their entirety.

iv. Section 303.6 "Required Heating" is deleted.

v. Section 309.1 Opening Protection—Delete and substitute in lieu thereof the following: "Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid core wood doors not less than 1 $\frac{3}{4}$ inches in thickness or approved equivalent. The sills of all door openings between garages and adjacent interior spaces shall be raised not less than 4 inches above the garage floor."

vi. Section 309.2—Separation Required—Delete and substitute in lieu thereof the following: "Private garages located beneath rooms shall have walls, partitions, floors and ceilings separating the garage from the adjacent interior spaces constructed with not less than 1 hour fire resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of $\frac{1}{2}$ -inch gypsum board or equivalent applied to the garage side."

vii. Section 310.2.1—Minimum Size—In the second sentence, in the fourth line, delete "22 inches (559 mm)" and substitute in lieu thereof "24 inches (610 mm)."

viii. Section 312.1, under the second exception in the second line, delete "8 $\frac{1}{4}$ inches" and substitute in lieu thereof, "8 inches";

ix. Sections 314.1, 314.2, 314.2.1 and 314.3 are deleted and substitute in lieu thereof the text of Section R-213.1 of the 1992 CABO One and Two Family Dwelling Code as follows:

"R-213.1 General: When risers are closed, all treads may have a uniform projection not to exceed 1 $\frac{1}{2}$ inches.

The greatest riser height within a flight of stairs shall not exceed the smallest by more than $\frac{3}{8}$ inch.

The greatest tread run within any flight of stairs shall not exceed the smallest by more than $\frac{3}{8}$ inch.

Stairways shall not be less than 3 feet clear width, and the headroom, rise and run shall conform to the following requirements from Figure No. R-213.1 of the 1992 CABO One and Two-Family Dwelling Code. As per this figure, tread depth is 9" minimum, riser height is 8 $\frac{1}{4}$ " maximum and headroom is 6'8" minimum. Handrails may project from each side of a stairway a distance of 4 $\frac{1}{2}$ inches into the required width."

x. Section 314.4 is amended to change "10 inches (254 mm)" in the third line to "9 inches (229 mm)."

xi. Section 314.6 is amended to change "10 inches (254 mm)" in the fourth line to "9 inches (229 mm)."

xii. Section 314.7 is deleted in its entirety;

xiii. Section 315.2 is deleted and substitute in lieu thereof the following text from Section R-214.1 of the 1992 CABO One and Two-Family Dwelling Code.

"The handgrip portion of the handrails shall not be more than 2 $\frac{3}{8}$ inches in cross-sectional dimension, or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners."

xiv. Section 316.1.1 entitled "Alterations, repairs and additions" is deleted in its entirety.

xv. In Section 317.2.4, after the words "foam filled doors" add the phrase "except for fire doors";

xvi. Section 324 is deleted in its entirety.

4. Chapter 4, entitled "Foundations," is amended as follows:

i. Section 404.1, Concrete and Masonry, is amended to delete the exception.

ii. Section 404.2 is deleted and replaced with the following text from the 1992 edition of the CABO One and Two-Family Dwelling Code, Section R-304.4: "Foundation walls subject to lateral pressure from soils having an equivalent fluid weight of greater than 30 pounds per cubic foot (4.72 kN/m³) shall be designed in accordance with accepted engineering practices."

iii. In Section 405.1 the exception is amended to delete the text and substitute the following language from the 1992 edition of the CABO One and Two-

Family Dwelling Code, Section R-305.1: "A dedicated disposal system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils."

iv. Section 407 of the 1995 CABO One and Two-Family Dwelling Code entitled "Foundation Insulation" is deleted in its entirety.

v. Add new section 410 "Pile Foundation," as follows: "Pile foundations utilized in buildings under the scope of this subcode shall be regulated by Chapter 18 of the building subcode."

5. Chapter 5, entitled "Floors," is amended as follows:

i. In Section 501.1, replace the phrase "Section 108" with the phrase "N.J.A.C. 5: 23-3.6 and 3.7."

ii. In Section 501.2, delete the words "imposed according" from line three.

iii. In Section 502.4, replace the word "approval" with "approved."

iv. In Section 505.2.2, delete the exception and replace it with the following text: "Except where required by the radon subcode, a base course is not required when the concrete slab is installed on well-drained or sand-gravel mixture soils."

v. In Section 505.2.3, exception, insert the phrase "Where permitted by the radon subcode," at the beginning of line one.

6. Chapter 6, entitled "Wall Construction," is amended as follows:

i. In Section 601.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";

ii. Delete Section 604.1.1.

7. Chapter 7, entitled "Wall Covering," is amended as follows:

i. In Section 701.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";

8. Chapter 8, entitled "Roof Ceiling Construction," is amended as follows:

i. In Section 801.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";

9. Chapter 9, entitled "Roof Coverings," is amended as follows:

i. In Section 901.1, delete the words "Section 108" and in lieu thereof insert "N.J.A.C. 5:23-3.6 and 3.7";

ii. In Section 901.3, "Roof Covering Materials," on line three, delete the phrase "in areas . . . 3 feet" and replace with the phrase: "when the edge of the roof is less than 6 feet (1829 mm)";

iii. Section 910.1 is amended to delete the words "Sections 117 and" and substitute the word "Section" and to delete the sentence "When the repair . . . for the new roofing."

10. Chapter 10, entitled "Chimneys and Fireplaces," is amended as follows:

i. Section 1001.7 is amended to add the following phrase after "1800°F": "and embedded in medium duty refractory mortar complying with ASTM C105." Delete the Exception.

ii. Section 1002 is amended to add the sentence: "Factory-built chimneys shall conform to UL 103 and be installed in accordance with their listing."

iii. In Section 1003.4, in the last line, change "10 inches" to "12 inches."

iv. In Section 1003.7, in the second line, change "2 inches (51 mm) thick" to "4 inches (102 mm) solid masonry or equivalent."

v. In Section 1003.9, in the second and fifth lines, change "2 inches (51 mm)" to "4 inches (102 mm)" and add the sentence "The minimum clearance to combustibles from the exterior surface of the smoke chamber shall be 2 inches (51 mm)."

vi. Section 1004.1, item #4 is amended to add the following after the word "opening": "for a fireplace having an opening of less than 6 square feet. The hearth of a fireplace with a larger opening shall extend a minimum of 20 inches (508 mm) beyond the face of the fireplace opening and a minimum of 12 inches (305 mm) on each side of the fireplace opening." Also, in item #5 of Section 1004.1, delete the text and substitute in lieu thereof: "Factory-built fireplaces shall be listed, labeled and tested according to UL 127, and installed according to their listing."

vii. Section 1005.1 is amended to add "Factory-built fireplace stoves shall be tested according to UL 737." to the end of the section.

11. Chapter 11 entitled, "Mechanical Administration" is amended as follows:

i. Section 1101.2 is deleted;

ii. Section 1103 is deleted.

12. Chapter 12, entitled "Mechanical Definitions," is amended as follows:

i. In Section 1202.0, the term and definition "Unusually tight construction" are deleted.

13. Chapter 13 entitled, "General Mechanical System Requirements" is amended as follows:

i. Section 1304.1 is amended to add the sentence, "This section shall not preclude the employees of a natural gas utility from converting existing liquefied petroleum installations to natural gas without permits."

ii. Section 1307.1 is amended to delete the last sentence.

iii. Section 1307.4 is deleted.

14. Chapter 14, entitled "Heating and Cooling Equipment," is amended as follows:

i. Section 1401.3 is deleted.

15. Chapter 15 entitled, "Electric Resistance Heating" is amended as follows:

i. Section 1501.1 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

ii. Section 1502.1 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

iii. Section 1502.2 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

iv. Section 1503.1 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

16. Chapter 21 entitled, "Chimneys and Vents" is amended as follows:

i. Section 2101.3 is amended to replace the words "cleaned and free of obstructions." with the words "inspected in accordance with the chimney certification program as provided for in N.J.A.C. 5:23-2.20(c)."

17. Chapter 25 entitled, "Hydronic Piping" is amended as follows:

i. Section 2501.3 is amended to delete the words "Chapter 29-38 of this code" and substitute in lieu thereof "the requirements of the plumbing subcode."

ii. Section 2501.4 is amended to delete the words "the provisions listed in Section 3402" and substitute in lieu thereof "the requirements of the plumbing subcode."

18. Chapter 26 entitled, "Fuel-Gas Piping" is amended as follows:

i. Section 2602 is deleted;

ii. Section 2603.1 is deleted;

iii. Section 2603.2 is deleted;

iv. Section 2603.3 is deleted;

v. Section 2608.9 is amended to delete the words "Chapters 39-46 of this code" and substitute in lieu thereof "the requirements of the electrical subcode."

19. Chapters 29 through 46 are deleted.

20. Appendices A through F are deleted.

New Rule, R.1985 d.324, effective July 1, 1985.

See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).

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

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

Model subcode revisions.

Amended by R.1988 d.388, effective August 1, 1988.

See: 20 N.J.R. 1130(a), 20 N.J.R. 2073(b).

Added (c).

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

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

References to 1989 Supplement added; (b)1ii(5), 2, 4, 8 and 9 amended; (b)5, 6 and 7 added; (c) deleted; Table R-201.2 added. Amended by R.1991 d.571, effective November 18, 1991.

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

Added new (c).

Amended by R.1992 d.208, effective May 18, 1992.

See: 24 N.J.R. 680(a), 24 N.J.R. 1879(a).

Code provisions applicable to flood hazard zones clarified.

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

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

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

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

Rewrote the section.

SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES

5:23-4.1 Title; scope; intent

(a) This subchapter, adopted pursuant to authority of the State Uniform Construction Code Act and entitled "Enforcing agencies; duties; powers; procedures", shall be known and may be cited through the regulation as N.J.A.C. 5:23-4," and when referred to in this part of the regulations, may be cited as "this subchapter".

(b) Unless otherwise specifically provided, all references to article or section numbers or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.

(c) This subchapter and N.J.A.C. 5:23-4A, 4B, 4C shall control matters related to: the structure, organization, and procedures of municipal, State, and interlocal enforcing agencies; their interrelationships; the structure, organization, and procedures of boards of appeal; the approval of premanufactured construction; private enforcing agencies; and the establishment of fees.

(d) This subchapter seeks to provide an efficient administrative structure for enforcing agencies and boards of appeal, through which delay in the construction process can be reduced, uniformity of systems and procedures encouraged, and the public health and safety protected. Such intent shall be given full effect in the construction of any specific provision of this subchapter.

Amended by R.1990 d.313, effective June 18, 1990.

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).
 Reference to subchapter 4A added to (c).
 Amended by R.1994 d.96, effective February 22, 1994.
 See: 26 N.J.R. 1073(a).

Law Review and Journal Commentaries

Municipal employees—Construction Code Officials. Judith Nallin, 135 N.J.L.J. No. 14, 50 (1993).

Case Notes

Citation to former N.J.A.C. 5:23-2.9 on enforcement. Newark Health Welfare Dept. v. Rogers, 179 N.J.Super. 389, 432 A.2d 135 (Ch.Div.1981).

City must proceed against property through its own ordinances rather than seek common law public nuisance injunction where no local board of health established and nuisance not proven. Newark Health & Welfare Dept. v. Rogers, 179 N.J.Super. 389, 432 A.2d 135 (Ch.Div. 1981).

5:23-4.2 Matters covered; exceptions

(a) Except as otherwise provided in subsection (b) below, the provisions of this subchapter shall apply to all agencies with an enforcement responsibility under the act and regulations.

(b) Rules concerning exceptions are:

1. Interstate agencies: This subchapter shall not apply to agencies created by Interstate Compact. Such agencies shall administer and enforce the subcodes, under such rules and regulations as they may develop, pursuant to authority of the State Uniform Construction Code Act, and any other applicable law of this State.

2. Department of Education:

i. When final plans for the construction or alteration of a public school facility have been submitted to the Department of Education, and approved under the standards for educational adequacy set forth at N.J.A.C. 6:22, and have been submitted for review to, and released by, either the Department or a construction official of an enforcing agency, such plans shall be filed with the enforcing agency of the municipality in which the public school facility is located.

ii. The enforcing agency shall inspect any construction or alteration of a public school facility in the same manner as any other building or structure subject to the code for the purpose of determining if there are any violations of the educational enhancement requirements set forth at N.J.A.C. 5:23-3.11A(d) or any other provision of the State Uniform Construction Code. Any notice or order issued by the enforcing agency shall be binding upon the district board of education, except that the district board of education shall have the right to appeal any notice or order issued by a local enforcing agency to the construction board of appeals having jurisdiction and the right to appeal any notice or order issued by the Department in accordance with N.J.A.C. 5:23-2.38.

(c) Rules concerning matters not specifically provided for are:

1. Any type or class of enforcing agency or board of appeals, the procedures of which are developed in this subchapter, may individually adopt further rules for their internal governance, not inconsistent with any specific provision of this subchapter, or with its stated intent.

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

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

Rule conformed to P.L. 1990 c.23; reference to N.J.A.C. 6:22 added. Amended by R.1997 d.417, effective October 6, 1997.

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

In (b)2i, substituted "educational adequacy" for "facility adequacy", inserted "either the Department or" preceding "a construction official"; and substantially amended (b)2ii.

5:23-4.3 Municipal enforcing agencies—establishment

(a) Notice of intention to establish:

1. Any municipality seeking to establish and operate an enforcing agency, pursuant to the act and the regulations, shall first notify the department of its intent to establish such an agency by registered and certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that enforcement will be carried out either by the municipal enforcing agency or by interlocal agreement. The resolution shall also state the extent to which the municipality anticipates that private on-site agencies will be utilized. The resolution shall state the address of the enforcing agency and the board of appeals, if different. Such resolution shall additionally state whether a board of appeals will be appointed within the municipality, whether an intermunicipal joint board of appeals will be established or whether appeals will be left to the jurisdiction of the county.

2. Any municipality which shall not choose to establish and operate an enforcing agency pursuant to the act and the regulations shall notify the department of this intent by registered or certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that the governing body requests that the department assume the task of administration and enforcement.

3. A municipality may, by resolution, provide for the employment of an elevator subcode official, licensed in accordance with N.J.A.C. 5:23-5, to perform inspections and witness tests within its jurisdiction. If a municipality fails to employ such an official by July 1, 1992, the Department shall have exclusive jurisdiction to review plans and witness tests for, and inspect elevators within, the municipality. Thereafter, a municipality may acquire such jurisdiction by enacting the necessary resolution and employing an elevator subcode official, but the transfer of jurisdiction to the municipality shall not be effective until 120 calendar days after a certified copy of the resolution is received by the Department.

(b) Remedies:

1. Whenever the department shall not have received the notice as described in (a)1 of this section, at least one month prior to the effective date of the regulations, it shall forward by certified or registered mail, return receipt requested, to the governing body of any such municipality, a notice of failure to comply with these regulations, a statement detailing the implications of such failure, and a statement of intention to seek the order of a court of competent jurisdiction requiring that the municipality declare its intention with respect to enforcement pursuant to (a)1 of this section or in the alternative that the department be established as the enforcing agency in such municipality.

2. The department may seek an order pursuant to this subsection after the expiration of 10 days from the mailing of such notice.

(c) Term; transfer:

1. Whenever a municipality pursuant to (c)2 below, having relinquished its jurisdiction for the administration and enforcement of the code to the department, shall seek to reestablish such jurisdiction, it may do so upon the passage of an ordinance establishing an enforcement agency in accordance with the regulations; provided however, that such ordinance shall not take effect until the expiration of 120 calendar days from the date of certified

copy of the ordinance is received by the department in order to give the department sufficient time to reallocate staff assignments.

2. Whenever a municipality having accepted responsibility for administration and enforcement of the regulations shall seek to relinquish such authority to the department, it may do so upon the passage of an ordinance repealing the functions and duties of the enforcing agency and transferring same to the department; provided however, that such ordinance shall not take effect until the expiration of 120 calendar days from the date a certified copy of the ordinance is received by the department, in order to give the department sufficient time to hire any necessary staff and to integrate the municipality's enforcing agency functions within its overall inspection program; provided further that whenever the commissioner shall determine that the interest of public health, safety and welfare cannot be accommodated within this period, the commissioner may notify the municipality that the department will not accept jurisdiction for an additional period to be specified. During this period the municipality shall continue to enforce the regulations.

i. Whenever the commissioner shall seek to delay acceptance of jurisdiction pursuant to this section beyond 120 days, such shall be upon notice and opportunity to be heard pursuant to the Administrative Procedures Act, N.J.S.A. 52:14.B-1 et seq.;

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 lighting of exits, aisles and auditoria shall be controlled from a location inaccessible to unauthorized persons. Supplementary controls shall be provided in the projection room. (Plan review—Building, Fire. Inspection—Building)

(f) **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 to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) **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)

(h) **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)

(i) **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 one hour fire barrier shall be required, with the following exception:

i. No vertical opening protection shall be required for vertical openings of up to three stories in buildings with suppression throughout. (Plan review—Building, Fire. Inspection—Building)

(j) **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)

(k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

(l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation. All public school buildings shall be provided with 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 ASHRAE 62-89.

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 ASHRAE 62-89, 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)

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

(n) 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)

5:23-6.18A Supplemental requirements—Use Group E

(a) Automatic Fire Suppression System: In buildings three stories or more in height, with greater than 20,000 square feet per floor, when the work area exceeds 50 percent of the gross enclosed floor area of a floor, an automatic fire suppression system shall be installed throughout that floor. (Fire)

(b) Automatic Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire alarm system shall be installed throughout the building as follows:

1. An approved system of automatic smoke detectors;
2. An approved automatic fire suppression system equipped with automatic fire alarm devices;
3. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:
 - i. Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces;
 - ii. Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures; and
 - iii. Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.

4. Existing fire detection systems, installed and maintained in accordance with the manufacturer's recommendations, and meeting the intent of current standards for automatic fire alarms, shall be acceptable, provided:

- i. The existing system is certified as functional by an approved service agency competent in the manufactured system.
- ii. Where a portion of an existing system is not serviceable and cannot be repaired, the existing system shall be replaced in accordance with the above and the provisions of the building subcode. 9Fire)

(c) Manual Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarm boxes shall be provided throughout the building in compliance with Section 918.5 of the building subcode and in accordance with the following:

1. Manual fire alarm boxes shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exterior exits that are required to serve 50 or more persons. Additional fire alarm boxes shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and near one exterior exit in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box. (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 one hour fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.
 - i. Exception: No vertical opening protection shall be required for buildings with an automatic fire suppression system throughout. (Plan review—Building, Fire. Inspection—Building)

(e) Requirements for Highrise 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 shut-down 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: (Elevator)

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 Appendix 3-A of N.J.A.C. 5:18-3;

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 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)

5:23-6.19 Basic requirements—Use Group F

(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. 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)

(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. (Plan review—Building, Fire. Inspection—Building)

(c) 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). (Plan review—Building, Fire. Inspection—Building)

(d) 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)

(e) 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. 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) to assure continued illumination for not less than one hour in the case of primary power loss.

(f) 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: (Plan review—Building, Fire. Inspection—Building)

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 to provide continued illumination for at least one hour in the event of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review—Building, Fire. Inspection—Building)

(g) 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)

(h) 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)

(i) 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 one hour fire barrier shall be required, with the following exceptions:

i. No vertical opening protection shall be required for vertical openings of up to three stories in special purpose manufacturing occupancies when necessary for manufacturing operations and when direct access is provided to at least one protected stairway; or

ii. In buildings with suppression throughout. (Plan review—Building, Fire. Inspection—Building)

(j) 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)

(k) 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	Lavatories	Drinking Water Facilities	Service Sinks
Light	1-15	1 Unisex	1	1	1
Industrial	16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Heavy Industrial		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.

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