

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, 2006 International Building Code, known as the "IBC/2006." 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/2006, as amended, may be known and cited as the "building subcode."

2. Any references to the mechanical code, plumbing code, International Residential Code, ICC/ANSI 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.

i. In Section 308.2, Group I-1; Section 308.3, Group I-3; Section 308.5, Group I-4, daycare facilities; Section 310.1, Residential Group R; and Section 1704.1, General, in Exception 3, "as applicable in Section 101.2" shall be deleted.

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

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

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

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

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

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

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

vii. The definition of "existing structure" shall be deleted.

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

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

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

"NIGHTCLUB. All buildings and places of public assembly designed for use as dance halls, eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent or which, affords less than 12 square feet net area per occupant. For purposes of determining the net area per oc-

cupant, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this code, the nightclub shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance.”

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

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

xiii. The definition of “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 303.1, Delete “Dance halls” from Group A-3 and insert “Dance halls” into Group A-2.

ii. Section 308.2, Group I-1, shall be amended as follows: In the first sentence, “16” shall be deleted and “5” shall be inserted. In the second sentence, “responding to” shall be deleted and “slow evacuation in” shall be inserted. In addition, “For the purposes of applying this provision, slow evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than three minutes, but not more than thirteen minutes.” shall be inserted as the third sentence. In the list of types of occupancies, “residential board and care facilities, assisted living facilities” shall be deleted and “boarding houses” shall be inserted. In the same list, “abuse” shall be inserted after “drug.” Also, “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.”

iii. In Section 308.3, Group I-2, “who are not capable of self-preservation” shall be deleted and “where evacuation is impractical” shall be inserted. For the purposes of applying this provision, impractical evacuation shall mean the movement of all occupants, resi-

dents, and staff to an exit in more than 13 minutes. In the list of types of occupancies, “assisted living facilities” shall be inserted.

iv. 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.

v. In Section 308.5.1, Adult Care Facility, “accommodations for less than 24 hours for more than five unrelated adults and provides” shall be deleted, “services” shall be deleted after “care,” and the following shall be inserted: “on less than a 24-hour basis where evacuation is slow or impractical, shall be classified as Group I-4. For the purposes of applying this provision, impractical evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than thirteen minutes and slow evacuation shall mean the movement of all occupants, residents, and staff to an exit in more than three minutes, but not more than thirteen minutes.” In the exception, “of responding to an emergency situation” shall be deleted and “of prompt evacuation” shall be inserted. In addition, “For the purposes of applying this provision, prompt evacuation shall mean the movement of all occupants, residents, and staff to an exit in three minutes or less.” shall be inserted as the second sentence.

vi. 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.

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

“(1) R-1 Residential occupancies containing sleeping units where the occupants are primarily transient (less than 30 days) including:

Hotels (including motels) having transient occupancy

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

Vacation timeshare properties

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

Apartment houses

Convents

Dormitories

Fraternity and sorority houses

Hotels (non transient)

xxiii. In Section 1020.1, 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 and 9 shall be deleted.

xxiv. Section 1022, 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

1022.1 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.

1022.2 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 barrier with approved opening protectives complying with Chapter 7 and Table 602.

1022.3 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 1008.1.3.3.

1022.4 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 1-2.
3. Six square feet (0.56 m²) per occupant in an occupancy in Group 1-3.
4. Three square feet (0.28 m²) in all other cases.

1022.5 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 1-3, 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 1016.1."

xxv. At Section 1008.1, entitled "Assembly main exit", add the text "other than nightclubs," after "Group A occupancies" at the beginning of the first sentence.

(1) In the exception, "other than nightclubs" add after "In assembly occupancies" at the beginning of the exception.

xxvi. Add new section 1008.1.1 as follows:

"1008.1.1 Group A-2 Nightclubs. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing two-thirds of the total required exit capacity. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity."

xxvii. Section 1025.1.1, Bleachers, shall be deleted in its entirety.

xxviii. Section 1026.1, General, shall be amended as follows: In the second sentence, "Basements and" shall be deleted and "sleeping" shall be capitalized. In the same section, Exception 4 shall be deleted its entirety. In Exception 6, "basements or" shall be deleted. In addition, Exception 7 shall be deleted in its entirety.

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

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

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

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

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

i. In Section 1403.2, Weather protection, "International Energy Conservation Code" shall be deleted and "the energy subcode, N.J.A.C. 5:23-3.18" shall be inserted.

ii. In Section 1405.10.4, "Grounding, "Chapter 27 of this code and the ICC Electrical Code" shall be

deleted and “the electrical subcode, N.J.A.C. 5:23-3.16” shall be inserted.

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

i. In 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.

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

16. 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 1604.11, 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. In Section 1612.1, General, in the first sentence, “including substantial improvement and restoration of substantial damage to buildings and structures” shall be deleted.

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

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

i. In Section 1701.1, Scope, “shall apply to Class 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 provisions 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.

constructed in conformance with ANSI/NSPI-3 as listed in Chapter 35.

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

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

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

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

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

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

iii. In Section 3202.4, Temporary encroachments, "local authority having jurisdiction" shall be deleted and "municipality" shall be inserted.

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

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

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

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

25. Chapter 34, Existing Structures, shall be deleted in its entirety.

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

i. New subheading "NSPI" shall be inserted as follows: "NSPI – National Spa and Pool Institute, 2111 Eisenhower Avenue, Alexandria, VA 22314. In addition, the following NSPI Standards shall be inserted: "ANSI/NSPI-1-03, Public Swimming Pools, ANSI/NSPI-2-99, Public Spas, ANSI/NSPI-3-99, Standard for Perma-

nently Installed Residential Spas, ANSI/NSPI-4-99, Standard for Above-Ground/On-Ground Residential Swimming Pools, ANSI/NSPI-5-03, Standard for Residential In-ground Swimming Pools, and ANSI/NSPI-6-99, Standard for Portable Spas."

ii. Under the subheading "ACI 318-05," "Section 1708.3" shall be deleted.

iii. Under the subheading "ACI 530-05," "Section 1708.1.1," "Section 1708.1.2," and "Section 1708.1.3" shall be deleted.

iv. Under the subheading "AISC 341-05," "Section 1708.4" shall be deleted.

v. Under the subheading "ASCE/SEI 5-05," "Section 1708.1.1," "Section 1708.1.2" and "Section 1708.1.3" shall be deleted.

vi. Under the subheading "ASTM A615/A A615M-04a," "Section 1708.3" shall be deleted.

vii. Under the subheading "ASTM A898/A 898M-91(2001)," "Section 1708.3" shall be deleted.

viii. Under the subheading "AWS D1.1-04," "Section 1708.4" shall be deleted.

ix. Under the subheading "TMS 402-05," "Section 1708.1.1," "Section 1708.1.2" and "Section 1708.1.3" shall be deleted.

27. The Appendices shall be amended as follows:

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

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

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

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

(3) In Appendix H, Section H106.1, Illumination, "ICC Electrical Code" shall be deleted and "electrical subcode" shall be inserted.

(4) In Appendix H, Section H106.2, Electrical service, "ICC Electrical Code" shall be deleted and "electrical subcode" shall be inserted.

iii. Appendix I, Patio Covers, and Appendix J, Grading, Appendix K, ICC Electrical Code, shall be deleted in their entirety.

Amended by R.1981 d.132, effective May 7, 1981.
See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).
Amended by R.1983 d.12, eff. February 7, 1983, operative February 22, 1983.
See: 14 N.J.R. 132(a), 15 N.J.R. 141(c).
Added (a)2 and (c).
Amended by R.1984 d.314, eff. August 6, 1984.
See: 16 N.J.R. 1139(a), 16 N.J.R. 2084(b).
This section was substantially amended.
Amended by R.1985 d.154, effective April 1, 1985 (operative July 1, 1985).
See: 17 N.J.R. 239(a), 17 N.J.R. 810(a).
(a)2 added; subsection (c) added.
Correction: N.J.A.C. 5:23-3.14(c)5 was incorrect in adoption.
See: 17 N.J.R. 1409(a).
Amended by R.1985 d.324, effective July 1, 1985.
See: 17 N.J.R. 861(c), 17 N.J.R. 1646(a).
(b)3i: amended text.
Amended by R.1986 d.380, effective September 22, 1986.
See: 18 N.J.R. 1235(a), 18 N.J.R. 1931(a).
Substantially amended.
Amended by R.1987 d.374, effective September 21, 1987.
See: 19 N.J.R. 1024(a), 19 N.J.R. 1720(b).
Model subcode revisions.
Amended by R.1988 d.270, effective June 20, 1988.
See: 20 N.J.R. 575(a), 20 N.J.R. 1344(a).
Added (a)3 and (c).
Amended by R.1990 d.253, effective May 21, 1990.
See: 22 N.J.R. 909(b), 22 N.J.R. 1554(a).
Text added at (c)2ii, 4, 5 and 7.
Amended by R.1990 d.325, effective July 2, 1990.
See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).
Text added at (b)5xii(1) to conform to Fire Code.
Amended by R.1990 d.507, effective October 15, 1990.
See: 22 N.J.R. 2208(a), 22 N.J.R. 3214(a).
Text conformed to BOCA National Code/1990.
Amended by R.1990 d.558, effective November 19, 1990.
See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).
Conditional exemption for hoopouses or polyhouses added.
Amended by R.1991 d.325, effective July 1, 1991.
See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).
Article 26 amended at (b)14.
Amended by R.1991 d.429, effective August 19, 1991.
See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).
In (a), added 3. Added (c).
Amended by R.1992 d.244, effective June 15, 1992.
See: 24 N.J.R. 1147(a), 24 N.J.R. 2243(a).
Text added at (b)10v through viii.
Amended by R.1993 d.662, effective December 20, 1993.
See: 25 N.J.R. 3891(a), 25 N.J.R. 5918(a).
Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
Amended by R.1995 d.477, effective September 5, 1995.
See: 27 N.J.R. 1717(a), 27 N.J.R. 3328(a).
Added (b)2v.
Amended by R.1998 d.332, effective July 6, 1998.
See: 30 N.J.R. 1377(a), 30 N.J.R. 2421(b).
Rewrote the section.
Amended by R.2000 d.492, effective December 18, 2000.
See: 32 N.J.R. 3219(a), 32 N.J.R. 4437(b).
Rewrote (b)25.
Amended by R.2001 d.127, effective April 16, 2001.
See: 33 N.J.R. 392(a), 33 N.J.R. 1195(a).
In (a)9, added new ix and recodified former ix through xiii as new x through xiv.
Amended by R.2001 d.368, effective October 15, 2001.
See: 33 N.J.R. 1990(a), 33 N.J.R. 3673(b).

In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.
Amended by R.2001 d.369, effective October 15, 2001.
See: 33 N.J.R. 2365(a), 33 N.J.R. 3674(a).
In (b), substituted "seven" for "7 1/3 (2335 mm)" in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.
Amended by R.2002 d.215, effective July 1, 2002.
See: 34 N.J.R. 1078(a), 34 N.J.R. 2312(a).
In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.
Administrative correction.
See: 34 N.J.R. 3771(b).
Amended by R.2003 d.187, effective May 5, 2003.
See: 34 N.J.R. 4248(a), 35 N.J.R. 1939(c).
Rewrote the section.
Administrative correction.
See: 35 N.J.R. 2864(b).
Amended by R.2003 d.351, effective September 2, 2003.
See: 35 N.J.R. 1177(a), 35 N.J.R. 4051(a).
In (b)9, added xi; recodified existing xi to xiii as xii to xiv.
Amended by R.2003 d.420, effective November 3, 2003.
See: 34 N.J.R. 4248(a), 35 N.J.R. 5073(a).
Rewrote (b).
Administrative correction.
See: 36 N.J.R. 3525(c).
Amended by R.2004 d.423, effective November 15, 2004.
See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).
In (b)5, added ii.
Amended by R.2005 d.4, effective January 3, 2005.
See: 36 N.J.R. 4049(a), 37 N.J.R. 47(a).
In (b)19, added new iv and recodified former iv and v as v and vi.
Administrative correction.
See: 37 N.J.R. 502(b), 674(a).
Amended by R.2005 d.403, effective November 21, 2005.
See: 37 N.J.R. 2753(a), 37 N.J.R. 4399(b).
Added (b)14xi and recodified former (b)14xi-xiii as (b)14xii-xiv; added (b)18 and recodified former (b)18-25 as (b)19-26.
Amended by R.2005 d.446, effective December 19, 2005.
See: 37 N.J.R. 2747(a), 37 N.J.R. 4907(a).
In (b)3viii(3), substituted "one- and two-family" for "single-family"; in (b)3viii(5), "Group R-5 also includes: ..."
Amended by R.2006 d.28, effective January 17, 2006.
See: 37 N.J.R. 2750(a), 38 N.J.R. 485(b).
Rewrote (b)9, 20 and 21.
Amended by R.2006 d.157, effective May 1, 2006.
See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).
Rewrote (b)21ii.
Administrative Correction.
See: 38 N.J.R. 3024(a).
Amended by R.2006 d.381, effective November 6, 2006.
See: 38 N.J.R. 35(a), 38 N.J.R. 4691(a).
In (b)15ii, added the last sentence; added new (b)15iv; and recodified former (b)15iv through (b)15xv as (b)15v through (b)15xvi.
Amended by R.2007 d.51, effective February 5, 2007.
See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).
Added new (b)2viii; recodified former (b)2viii through (b)2x as (b)2ix through (b)2xi; added new (b)3iii; recodified former (b)3iii through (b)3viii as (b)3iv through (b)3ix; added new (b)9i; recodified former (b)9i through (b)9xi as (b)9ii through (b)9xii; added new (b)9xiii; recodified former (b)9xii through (b)9xv as (b)9xiv through (b)9xvii; added new (b)10xxii and (b)10xxiii; and recodified former (b)10xxii as (b)10xxiv.
Amended by R.2007 d.65, effective February 20, 2007.
See: 38 N.J.R. 3348(a), 39 N.J.R. 633(a).
Rewrote the section.

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).

| | |
|--------|---|
| 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 re-

quest 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 construction orders, upon notification of the appropriate subcode official or, in the case of a development-wide stop construction order, issue the stop construction order upon recommendation of the appropriate subcode official. Within 24 hours of issuance, a copy of the development-wide stop construction order shall be forwarded to the Department via mail to: Department of Community Affairs, Office of Regulatory Affairs, 101 S. Broad Street, PO Box 818, Trenton, NJ 08625.

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;

- 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.

Amended by R.2007 d.46, effective February 5, 2007.

See: 38 N.J.R. 872(a), 39 N.J.R. 370(b).

Rewrote (h)1xi and (i)lix.

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).

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 (f)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 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;

(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) 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.

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)

(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). The main exit and at least one remaining exit shall be placed a distance apart equal to one-half the length of the maximum overall diagonal distance of the area served in buildings not equipped throughout with an automatic fire sprinkler system and one-third the maximum overall diagonal distance of the area served in buildings that are equipped throughout with an automatic fire sprinkler system. (Plan review—Building, Fire. Inspection—Building)

1. Buildings with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing two-thirds of the total required exit capacity.

2. Buildings with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity.

(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. 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)

(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 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)

(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 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)

(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 Service | |
|---------------------------------|---|--------|------------|------------------------------|-------|
| | Male | Female | | Facilities | Sinks |
| 1-25 | 1 | Unisex | 1 | 0 | 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.

(l) **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)

(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)

(o) **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".

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

Deleted former (a); recodified former (b) through (d) as (a) through (c); rewrote new (c); and recodified former (e) through (p) as (d) through (o).

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

(a) **Automatic Fire Sprinkler System:** An automatic fire sprinkler system shall be installed throughout all floors containing the Group A-2 nightclub and all floors between the Group A-2 nightclub and the level of exit discharge when the conditions in (a)1 or 2 below exist. For purposes of applying this section, the level of exit discharge shall be defined as having all exits discharging not more than five feet above nor more than two feet below the adjacent grade.

1. The work area is located on a floor other than the level of exit discharge; or

2. The work area is at the level of exit discharge and has an occupant load of 300 or more or a net occupiable floor area of greater than 5,000 square feet.

3. The automatic fire sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler

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 ½-inch thick type X gypsum wallboard. The base layer shall be applied at right angles to the joists with 1¼-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 build-

ing 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

| <u>Relative Hazard</u> | <u>Use Classification</u> |
|------------------------|---|
| 1 (highest) | H-1, H-2, H-3, A2 nightclubs |
| 2 | I-2, I-3, I-4 |
| 3 | A (other than A-2 nightclubs), 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.

i. In buildings other than Group R-3 or R-5, finishes in exitways shall have a flame-spread classification of Class III or better. Existing nonconforming materials shall be surfaced with an approved fire-retardant paint or finish unless the building is equipped throughout with an automatic sprinkler system installed in accordance with the building subcode. (Plan review—Building, Fire. Inspection—Building)

9. Stairways: Stairways shall comply with the following:

i. Enclosure: Stairway enclosures may be omitted in a historic building for that portion of the stair serving the first and second floor. This provision shall be applied to only one stair per building.

(1) In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by the use of tight fitting doors and solid elements. Such elements shall not require a fire-resistance rating.

ii. Riser height and tread width: When stairs are replaced or repaired, the existing or original riser height and tread width shall be permitted to remain. (Plan review—Building, Fire. Inspection—Building)

10. Railings: Railings shall comply with the following:

i. Handrails: Existing handrails may remain or may be replaced with handrails matching the original handrails.

ii. Guardrails: For vertical drops of between 30 inches and 48 inches, a rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.

(1) Exception: Replacement guardrails in buildings of Group E or R-1 shall comply with Section 1003.2.12 of the building subcode. (Plan review—Building, Fire. Inspection—Building)

11. Exit Signs: The fire protection subcode official may accept alternate exit sign design and/or location where strict compliance would damage the historic character of the building. Alternative signs shall identify the exits and exit path. (Plan review—Building, Fire. Inspection—Building)

12. Ceiling height: Existing ceiling heights shall be permitted to remain.

i. Exception: Buildings of Group R-1 or R-2 shall comply with the applicable requirements of the Hotel and Multiple Dwelling Regulations (N.J.A.C. 5:10) or shall obtain an exception under those rules. (Building)

(c) Relocated historic buildings: The following apply to relocated historic buildings:

1. Foundations of relocated historic buildings and structures shall comply with the building subcode. (Building)

2. Relocated historic buildings shall be so sited that exterior walls and openings comply with the requirements of the building subcode. (Plan review—Building, Fire. Inspection—Building)

(d) Special change of use provisions: Compliance with the following and with the provisions of (b) above shall be permitted for any change of use of a historic building provided that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.

1. Building Area: The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of N.J.A.C. 5:23-6.31 may exceed the allowable areas specified in the building subcode for the proposed group by 50 percent. (Plan review—Building, Fire. Inspection—Building)

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

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

In (a), inserted 2ii, deleted a former 3, and recodified former 4 as 3. Amended by R.2003 d.218, effective May 19, 2003.

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

In (b)4, substituted "Section 1504" for "Section 1505.0" and substituted "Sections 1506 and 1507" for "Section 1507.0"; in (b)8i, inserted "or R-5" after "Use Group R-3"; in (b)10ii(1), substituted "Section 1003.2.12" for "Section 1021.0".

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

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

Deleted "Use" preceding "Group" throughout, and substituted references to automatic sprinkler for references to fire suppression in (b)8i. Administrative correction.

See: 36 N.J.R. 3398(b).

SUBCHAPTER 7. BARRIER FREE SUBCODE

Law Review and Journal Commentaries

Disability Law: Public Accommodations and the ADA. David J. Popiel, 170 N.J.Law. 16 (Mag.) (July 1995).

Disability Law: Housing Discrimination and the Disabled. David P. Lazarus, Susan DiMaria, 170 N.J.Law. 20 (Mag.) (July 1995).

5:23-7.1 Applicability

The provisions of this subchapter shall apply to all buildings, including their associated sites and facilities, and portions thereof, unless exempted by this subchapter. This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors.

Repeal and New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Section was "Accessibility Standards".

5:23-7.2 Accessibility standard

(a) The International Code Council/American National Standards Institute standard (ICC/ANSI) A117.1-1998, entitled "Accessible and Usable Buildings and Facilities," is adopted by reference with modification as the technical design standard for accessible construction.

1. Copies of ICC/ANSI A117.1-1998 may be obtained from ANSI at 11 West 42nd Street, New York, New York 10036.

(b) Dimensions and constructions specifications for sites, buildings and structures required by this subchapter to be accessible shall comply with ICC/ANSI A117.1-1998, modified as follows:

1. In section 101.1, delete exceptions 2 and 3, which apply to Type B dwelling units;

2. In section 106.5, delete the definition of "Administrative Authority";

3. Delete Chapter 2, "Scoping";

4. In Sections 308.2.2, entitled "Forward Reach: Obstructed High Reach," and 308.3.2, entitled "Side Reach: Obstructed High Reach," add the following language at the end of each section: "Exception: The maximum height and depth of the obstruction shall not apply to kitchen counters in dwelling units."

5. In section 405.2, delete the exception and Table 405.2, which gives the slope of a ramp for an existing building;

6. Delete the Exception to section 505.6, entitled "Handrails, Gripping Surface."

7. Delete section 507, entitled "Bus Pads";

8. Section 702, entitled "Alarms," shall be deleted in its entirety.

9. Section 804.4, entitled "Work surface," shall be deleted in its entirety.

10. Sections 804.5, entitled "Sink," and 804.6, entitled "Kitchen storage," shall be amended to state that "Clear floor space complying with Section 305 shall be provided."

11. Section 804.7, entitled "Appliances," shall be amended to read as follows, "Where provided, kitchen appliances shall comply with Section 804.7.1, entitled "Clear Floor Spaces."

12. Sections 804.7.2, entitled "Operating Controls," 804.7.3, entitled "Dishwasher," 804.7.4, entitled "Range or Cooktop," 804.7.5, entitled "Oven," and 804.7.6, entitled "Refrigerator/Freezer," shall be deleted in their entirety.

13. In Section 1002.3, Exception 3, the exceptions are amended to read as follows:

i. Exception 1. Exterior spaces.

ii. Exception 2. Attics and basements.

14. At Section 1002.9, entitled "Operable Parts," Exception 2 shall be deleted in its entirety.

15. Section 1002.11 is amended as follows: Toilets and bathing facilities shall be required to comply with Sections 1002.11.1 through 1002.11.7.

16. Section 1002.13, entitled "Windows," shall be an adaptable feature;

17. Section 1002.11.4, entitled "Mirrors," shall be an adaptable feature;

18. Amend section 1002.12.3.2 as follows: "EXCEPTION: A counter that is adjustable or replaceable as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum"; and

19. Delete Chapter 10, section 1003, entitled "Type B Dwelling Units," in its entirety.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to N.J.A.C. 5:23-7.15.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2004 d.59, effective February 2, 2004.

See: 35 N.J.R. 4631(a), 36 N.J.R. 649(a).

Rewrote (b).

5:23-7.3 Exceptions

(a) The following nonresidential buildings or structures or portions thereof shall not be required to comply with the provisions of this subchapter.

1. Temporary structures, sites and equipment directly associated with the construction process, such as construction site trailers, bridging, or material hoists shall be exempt from the provisions of this subchapter;

i. Exception: Construction site trailers used as sales offices shall be accessible;

2. Areas of buildings or structures where work cannot reasonably be performed by persons having a severe impairment (sight, mobility or hearing) shall not be required to comply with the specific provisions of this subchapter that provide accessibility to such persons;

i. Such areas include, but are not limited to, observation galleries used primarily for security purposes, non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways, including elevator pits, elevator penthouses, piping, or equipment catwalks; and

3. Unclassified accessory buildings or structures of Use Group U shall be exempt from the provisions of this subchapter, except as follows:

i. In agricultural buildings, areas used for employment, such as, but not limited to, offices or areas used for packing, sorting, or grading products, as well as areas open to the general public shall be accessible.

(b) The following residential buildings or structures shall not be required to comply with the provisions of this subchapter:

1. Townhouses;

i. For the purposes of applying this exemption, a townhouse shall be a single dwelling unit with two or more stories of dwelling space, exclusive of basement or attic, where each dwelling unit extends from foundation to roof. The dwelling unit shall have an independent entrance that shall serve one dwelling unit only at or near grade; most or all of the sleeping rooms shall be on one story; and most or all of the remaining habitable space, such as kitchen, living, and dining areas, shall be on another story; or

2. Buildings of Group R-2, R-3, R-4, or R-5 with one, two, or three dwelling units in a single structure;

i. For the purposes of determining the number of dwelling units in a single structure, firewalls or partywalls shall not constitute separate buildings.

(c) Regardless of whether individual residential structures or dwelling units on a site are required to be accessible, all common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.3, Recreation: definitions, recodified to N.J.A.C. 5:23-7.16.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a), rewrite the introductory paragraph, deleted (3), and recodified former (4) as (3); in (b), inserted "not" following "shall" and substituted "required to comply with" for "exempt from" in the introductory paragraph; added (c).

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

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

In (b)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (b), rewrote 1i and inserted "or partywalls" following "firewalls" in 2i.

5:23-7.4 Nonresidential buildings and buildings of Use Group R-1

(a) Nonresidential buildings, and buildings of Use Group R-1, shall provide accessibility as follows:

1. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Small buildings shall not be re-

quired to have elevator(s) to provide a vertical accessible route between floors.

i. Regardless of the total square footage of the building, buildings that are three or more stories with any floor of 3,000 square feet or more shall be required to have elevator(s) to provide a vertical accessible route between floors;

ii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors;

iii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors;

iv. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors; and

v. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

(1) For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

2. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in (a)1 above. In addition, large buildings shall be required to have elevator(s) to provide a vertical accessible route between floors.

3. For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

4. Except as provided in (a)1 above, floors or mezzanines of less than 3,000 square feet shall not be required to be served by an elevator, but shall otherwise meet the requirements of this subchapter.

i. Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on the floor or mezzanine, and where there is no vertical accessible route, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

ii. A limited use limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 may be used to provide a vertical accessible route to the floor or mezzanine provided that the travel distance of the device does not exceed 25 feet.

5. The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building:

i. An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

ii. In buildings, facilities, or portions thereof that primarily serve children, variations shall not be required to adjust accessible dimensions to make building features suitable for children.

(1) However, in such buildings, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.4, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.17.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

5:23-7.5 Residential buildings other than Group R-1

(a) Buildings of Group R-2, R-3 or R-5 with four or more dwelling units in a single structure shall comply with the provisions of this subchapter.

1. For the purposes of applying this subsection, fire-wall separations shall not designate separate buildings within a single structure.

2. When being applied to a dwelling unit, the terms "accessible" and "adaptable" shall be interchangeable and shall mean that the dwelling unit has an accessible entrance; an accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms. The dwelling unit shall have either the adaptable features specified in (d) below in the kitchen and bathroom or a fully accessible kitchen and bathroom as provided in the ICC ANSI A117.1-98 standard.

3. All common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

(b) Except as provided at N.J.A.C. 5:23-7.3(b), all dwelling units in elevator-serviced buildings shall comply with the provisions of this subchapter.

1. In an elevator-serviced building, whether a dwelling unit is single story or multi-story, the entry level of each dwelling unit shall have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

i. An interior vertical accessible route shall not be required within a multi-story dwelling unit.

(c) In a building without elevator service, each ground floor dwelling shall be required to have an accessible entrance, accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

1. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

2. In a building without elevator service and with a building entrance that serves more than one dwelling unit or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b), all multistory dwelling units with a ground floor entrance shall be accessible as provided in (b) above.

(d) In addition to the adaptable features in ICC/ANSI A117.1, the following building features in a dwelling unit may also be considered adaptable:

1. The threshold for a shower compartment (ICC/ANSI A117.1, Section 608.7) may be adaptable as long as the shower threshold can be made accessible with minimal expense and effort.

2. The mirror height (ICC/ANSI A117.1, Section 1002.11.4) may be adaptable as long as adjusting the mirror can be accomplished with minimal expense and effort.

3. Kitchen cabinets mounted above the kitchen counters (ICC/ANSI A117.1, Section 1002.14) may be mounted at a standard height as long as remounting the kitchen cabinets can be accomplished with minimal expense and effort.

4. Windows (ICC/ANSI A117.1, Section 1002.13) shall be an adaptable feature.

(e) In an accessible dwelling unit, an accessible route shall be permitted to pass through the kitchen.

(f) Assisted living facilities that are licensed by the Department of Health and Senior Services shall be Group I-2 for the purposes of compliance with the building subcode, fire protection subcode and compliance with the other subcodes of the Uniform Construction Code shall be Group R-2 for the purposes of accessibility as provided at N.J.A.C. 5:23-7.10.