

CHAPTER 23
UNIFORM CONSTRUCTION CODE

Authority

N.J.S.A. 52:27D-123, 123a, 123.2, 123.5, 123.8, 124 and 124f.

Source and Effective Date

R.1997 d.409, effective September 9, 1997.
See: 29 N.J.R. 2736(a), 29 N.J.R. 4281(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 23, Uniform Construction Code, expires on March 8, 2003. See: 34 N.J.R. 351(a).

Chapter Historical Note

Chapter 23, Uniform Construction Code, was adopted as R.1976 d.344, d.345, d.346 and d.347, effective January 1, 1977 and codified as Subchapter 1, General Provisions; Subchapter 2, Administration and Enforcement Process; Subchapter 3, Subcodes, and Subchapter 4, Enforcing Agencies: Duties, Powers, Procedures. See: 8 N.J.R. 216(b), 319(a), 370(d), 414(a); 8 N.J.R. 546(a). Chapter 23 superseded N.J.A.C. 5:16, Standard Building Code and N.J.A.C. 5:20, Safety Glazing Materials, which were repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a). Chapter 23 also superseded N.J.A.C. 5:21, Uniform Standards Code for Mobile Homes, which was repealed by R.1982 d.7, effective February 1, 1982. See: 13 N.J.R. 717(a), 14 N.J.R. 142(a). Subchapter 5, Licensing of Code Enforcement Officials, was adopted as R.1977 d.304, effective October 1, 1977. See: 9 N.J.R. 257(b), 9 N.J.R. 413(b). Subchapter 6, Tax Exemption for Solar Facilities, was adopted as R.1978 d.334, effective September 18, 1978. See: 10 N.J.R. 222(b), 10 N.J.R. 418(a). Pursuant to Executive Order No. 66(1978), Subchapter 6 was readopted as R.1980 d.303, effective July 1, 1980. See: 12 N.J.R. 249(c), 12 N.J.R. 452(c).

Pursuant to Executive Order No. 66(1978), Chapter 23 was readopted as R.1983 d.144, effective April 26, 1983. See: 14 N.J.R. 1247(a), 15 N.J.R. 803(c). Subchapter 7, Barrier Free Subcode, was adopted as R.1986 d.448, effective November 3, 1986. See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a). Subchapter 8, Asbestos Hazard Abatement Subcode, was adopted as Emergency New Rules R.1985 d.362, effective June 18, 1985 (expired August 17, 1985). See: 17 N.J.R. 1782(a). The provisions of R.1985 d.362 were readopted as R.1985 d.472, effective August 16, 1985. See: 17 N.J.R. 2249(a).

Pursuant to Executive Order No. 66(1978), Chapter 23 was readopted as R.1988 d.168, effective March 22, 1988. N.J.A.C. 5:23-6.1, 6.2 and 6.3, concerning tax exemption for solar facilities, were not readopted and expired on April 1, 1988. See: 20 N.J.R. 223(a), 20 N.J.R. 893(a). Subchapter 9, Code Interpretations, was adopted as R.1988 d.195, effective May 2, 1988. See: 20 N.J.R. 224(a), 20 N.J.R. 977(a). Subchapter 10, Radon Hazard Subcode, was adopted as R.1990 d.226, effective May 7, 1990. See: 21 N.J.R. 3696(a), 22 N.J.R. 1356(a). Subchapter 4A, Industrialized/Modular Buildings and Building Components, was adopted as R.1990 d.313, effective June 18, 1990, (operative July 1, 1990). See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b). Subchapter 11, Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, was adopted as R.1992 d.33, effective January 21, 1992. See: 23 N.J.R. 1730(b), 24 N.J.R. 229(c). Subchapter 12, Elevator Safety Subcode, was adopted as R.1991 d.325, effective July 1, 1991. See: 23 N.J.R. 805(a), 23 N.J.R. 2046(a).

Pursuant to Executive Order No. 66(1978), Chapter 23 was readopted as R.1993 d.106, effective February 3, 1993. See: 24 N.J.R. 1420(b), 25 N.J.R. 920(a). Subchapter 4B, Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulation, and Subchapter 4C, Enforcement of Federal Manufactured Home

Standards, were adopted as R.1994 d.96, effective February 22, 1994. See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a). N.J.A.C. 5:23-7.1 through 7.99 were repealed and 7.100 through 7.116 were recodified as 7.2 through 7.18 by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995). See: 26 N.J.R. 2698(a), 26 N.J.R. 2524(a), 27 N.J.R. 1180(a). Subchapter 11, Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, was repealed by R.1995 d.612, effective December 4, 1995 (operative July 1, 1995). See: 27 N.J.R. 3518(a), 27 N.J.R. 4885(a).

Pursuant to Executive Order No. 66(1978), Chapter 23 was readopted as R.1997 d.409, effective September 9, 1997. See: Source and Effective Date. As a part of R.1997 d.409, effective October 6, 1997, Subchapter 6, Tax Exemption, was repealed. See, also, section annotations.

Cross References

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Residential child care facility maintenance and sanitation requirements, see N.J.A.C. 10:127-4.4.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:23-1.1 Title; division into subchapters

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

(b) The chapter consists of the following subchapters:

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

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

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

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

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

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

6. “Manufactured Homes and Manufactured Home Add-On Units Not Subject to Federal Regulations” which may be cited throughout the regulations as N.J.A.C. 5:23-4B and when referred to in subchapter 4B may be cited as this subchapter.

7. “Enforcement of Federal Manufactured Home Standards” which may be cited throughout the regulations as N.J.A.C. 5:23-4C and when referred to in subchapter 4C may be cited as this subchapter.

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

9. “Rehabilitation Subcode” which may be cited throughout the regulations as N.J.A.C. 5:23-6 and, when referred to in subchapter 6 of this chapter, may be cited as this subchapter.

10. “Barrier Free Subcode” which may be cited throughout the regulations as N.J.A.C. 5:23-7 and when referred to in subchapter 7 of this chapter may be cited as this subchapter.

11. “Asbestos Hazard Abatement Subcode” which may be cited throughout the regulations as N.J.A.C. 5:23-8 and when referred to in subchapter 8 of this chapter may be cited as this subchapter.

12. “Code Interpretations” which may be cited throughout the regulations as N.J.A.C. 5:23-9 and when referred to in subchapter 9 of this chapter may be cited as this subchapter.

(d) Pursuant to Reorganization Plan No. 114-1996, the Department or the municipal code enforcing agency shall have authority to enforce and cite violations of N.J.A.C. 6A:26-6.2.

Amended by R.1986 d.142, effective May 5, 1986.

See: 17 N.J.R. 1169(a), 18 N.J.R. 945(a).

New (a)7; old (a)7 through 9 renumbered (a)8.-10.

Administrative Change: This section was originally part of N.J.A.C. 5:23-3.11.

See: 18 N.J.R. 1842(a).

Amended by R.1988 d.155, effective April 4, 1988.

See: 20 N.J.R. 824(d).

Added (d). This was amended by the rule adoption of the Department of Education published in the New Jersey Register at 20 N.J.R. 824(d).

Administrative Correction to (c).

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

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

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

Text conformed to P.L. 1990, c.23, qualified agencies may perform plan review of public school structures.

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

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

Rule conformed to P.L. 1990 c. 23; text at (c) revised to specify type of project covered; BOCA cites updated; reference to N.J.A.C. 6:22 added.

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.1997 d.417, effective October 6, 1997.

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

Deleted (a); recodified former (b) through (e) as (a) through (d); in (b), inserted "Prior to the release . . . of projects;"; in (b)1 and 2, inserted "public" preceding "school buildings"; in (c)7, deleted option of inspecting agency requiring subsequent correction of any errors in the plans, inserted second sentence, and in third sentence amended notice provisions.

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

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

In (d), substituted "alarm" for "detection", changed BOCA reference and substituted a reference to (d)5ii for a reference to (e)5ii in 5, and changed BOCA in 6.

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

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

Rewrote the section.

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)3, substituted "instructional spaces, the size of any such spaces" for "units" and substituted "such" for "instructional".

Administrative change.

See: 33 N.J.R. 4101(a).

5:23-3.11B Underground storage tank systems

(a) The installation, repair (other than "minor repair," as defined in N.J.A.C. 7:14B-10.5), and closure (or "demolition") of underground storage tank systems, as defined in N.J.A.C. 7:14B-10.1, shall be controlled by the State Uniform Construction Code and by N.J.A.C. 7:14B-1 through 15.

(b) A DEP permit for the installation, repair or closure of an underground storage tank system that requires a DEP approval, or any part thereof, or an emergency permit granted pursuant to N.J.A.C. 7:14B, shall be a prior approval for any permit application submitted pursuant to the State Uniform Construction Code Act and these rules. Applicants installing secondarily contained systems for which no prior DEP approval is necessary shall be required

to submit engineering drawings of the secondarily contained systems and to certify that the underground storage tank system meets all requirements of N.J.A.C. 7:14B.

(c) Construction code officials shall retain all penalty powers, as set forth in these rules, with respect to the installation, usage or closure (demolition) of underground storage tank systems and parts thereof in violation of the State Uniform Construction Code Act or these rules.

(d) The following types of underground storage tank systems requiring a construction permit are exempt from the requirements of N.J.A.C. 7:14B:

1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

2. Tanks with a capacity of 2,000 gallons or less used to store heating oil for onsite consumption in a nonresidential building;

3. Tanks used to store heating oil for onsite consumption in a residential building;

4. Septic tanks installed in compliance with rules adopted by DEP pursuant to P.L. 1954, c.199 (N.J.S.A. 58:11-23 et seq.);

5. Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor;

6. Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is equipped with secondary containment and is uncovered so as to allow visual inspection of the exterior of the tank;

7. Wastewater treatment tanks;

8. Electrical equipment;

9. Hydraulic lift tanks; and

10. Any pipes, lines, fixtures, or other equipment connected to any tank exempted from the provisions of N.J.A.C. 7:14B as set forth in (b)1 to 9 above.

New Rule, R.1990 d.562, effective November 19, 1990.

See: 22 N.J.R. 2629(c), 22 N.J.R. 3482(d).

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

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

In (d)3, deleted maximum capacity for tanks of 2000 gallons.

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

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

In (d)3, deleted "with a capacity of 2000 gallons or less" following "Tanks".

5:23-3.12 Amended rules

Whenever the Commissioner shall make any modifications to the rules, notice of same shall be published in the New Jersey Register.

Amended by R.1995 d.544, effective October 16, 1995.
 See: 27 N.J.R. 2827(a), 27 N.J.R. 3933(a).
 Amended by R.2000 d.413, effective October 16, 2000.
 See: 32 N.J.R. 2278(a), 32 N.J.R. 3783(a).
 Rewrote the section.

5:23-3.13 State-sponsored code change proposals

(a) Any municipality, other political subdivision, or agency of the State seeking to submit a "State-sponsored code change proposal" shall do so not less than 90 days prior to the code change meeting of the model code adoption agency for which the amendment is proposed.

(b) Such proposal shall be on a form provided by the model code organization where one is available. If none is available, such proposal shall state the name and address of the official proposing the code change, the agency or political subdivision represented, the text of the amendment suggested and an explanation of the amendment together with any technical justification deemed necessary by the proponents.

(c) A hearing shall thereafter be held in accordance with N.J.S.A. 52:27D-124 of the Act.

(d) Copies of the submitted applications for code change proposals, transcripts of hearings on such applications and State-sponsored code change proposals as adopted, shall be available from the department at a fee of \$.50 per page.

(e) Whenever a model code change hearing is scheduled so as not to permit adequate time to meet the procedures set forth in this section and in N.J.S.A. 52:27D-124 of the Act, the Commissioner may hold a hearing and require the advice of the code advisory board within a lesser time period, as the situation dictates.

5:23-3.14 Building subcode

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

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA National Building Code/1996." 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 sponsor at: BOCA, International, 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. "The BOCA National Building Code/1996," may be known and cited as the "building subcode."

2. Any references to the mechanical code, plumbing code, CABO One and Two Family Dwelling Code, CABO A117.1 standard (including reference to chapter 11) or NFPA 70 (including reference to Chapter 27) 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 of the building subcode, entitled "Administration," is deleted in its entirety.

2. The following amendments are made to Chapter 2 of the building subcode, entitled "Definitions," section 202.0, general definitions:

i. The term and definition of "Additions" is deleted;

ii. The definition of the term "Agricultural building" is amended to add a sentence as follows: "Structures qualifying under the Uniform Construction Code definition of Commercial Farm Buildings may be built according to the regulations at N.J.A.C. 5:23-3.2(d).";

iii. The definition of the term "Approved" is amended to delete the phrase "or other authority";

iv. The phrase and definition of "Approved material, equipment and methods" is deleted;

v. The term and definition of "Approved rules" is deleted;

vi. The term and definition "Attic, habitable" are added from the 1990 BOCA National Building Code as follows: "Attic, habitable: A habitable attic is an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven feet above the attic floor is not more than one third of the area of the next floor below."

vii. The definition of the term "Building" is deleted and replaced by the definition at N.J.A.C. 5:23-1.4;

viii. The term and definition of "Building, existing" is deleted;

ix. The term and definition of "Building line" is deleted;

x. The term and definition of "Building service equipment" is deleted and replaced by the term and definition of "equipment" at N.J.A.C. 5:23-1.4;

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

xii. The term and definition of "Equipment, existing" is deleted;

xiii. The terms and definitions of "hereafter" and "heretofore" are deleted;

xiv. The term and definition of "Jurisdiction" is deleted;

xv. The term and definition of "Occupancy, change of" is deleted;

- xvi. The definition of "Owner" is deleted and replaced by the definition at N.J.A.C. 5:23-1.4;
 - xvii. The term and definition of "Permit" is deleted;
 - xviii. The term and definition of "Person" is deleted;
 - xix. The term and definition of "Repair" is deleted;
 - xx. The definition of the term "Structure" is replaced by the definition at N.J.A.C. 5:23-1.4;
 - xxi. The term and definition "Structure, existing" is deleted;
 - xxii. The term and definition of "Writing" is deleted;
 - xxiii. The term and definition of "Zoning" is deleted.
3. The following amendments are made to Chapter 3 of the building subcode, entitled "Use or Occupancy."
- i. Section 301.2 is deleted;
 - ii. Section 307.8 is amended to replace the term "less" in the second line of exception #3 with the term "more."
 - iii. Section 310.6 is amended to delete the phrase "not more than three stories in height."
 - iv. Section 312.0 is deleted and substitute in lieu thereof section 312.0 of the 1993 BOCA National Building Code as follows: "312.0 Utility and Miscellaneous Use Group—312.1 General: Buildings and structures of an accessory character and miscellaneous structures not classified in any specific use group shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Use Group U shall include fences over 6 feet (1829 mm) high, tanks, cooling towers, retaining walls and buildings such as private garages, carports, sheds and agricultural buildings.
 - v. Table 313.1.2 is modified to delete Use Group U from the table.
4. The following amendments are made to Chapter 4 of the building subcode, entitled "Special Use and Occupancy";
- i. Section 415.1 is amended to replace the phrase "authority having jurisdiction" with the term "construction official";
 - ii. Section 416.11 is deleted;
 - iii. Section 420.0 is amended to replace the terms "Mobile Units," "Unit" and "Units" with the terms "Manufactured Homes," "Home" and "Homes" respectively;
 - iv. Sections 420.1 and 420.2 are deleted in their entirety;
 - v. Section 421.3 is amended to replace the term "code official" with the term "construction official";
 - vi. Section 421.6 is amended to end with the phrase "in accordance with the plumbing subcode";
 - vii. Section 421.6.1 is deleted;
 - viii. Section 421.6.2 is amended to end with the phrase "in accordance with the plumbing subcode";
 - ix. Section 421.9.3 is amended to replace the term "governing body" with the term "construction official."
 - x. Section 421.10.1 #9 of the 1996 BOCA National Building Code is deleted in its entirety.
5. The following amendment is made to Chapter 5 of the building subcode, entitled "General Building Limitations":
- i. Table 503 is modified to delete Use Group U from the table.
6. The following amendments are made to Chapter 7 of the building subcode, entitled "Fireresistant Material and Construction":
- i. Table 705.2 is modified to delete U^d in the second column and U^c in the fourth column under the heading of Use Group. Delete "Note c" and "Note d" of the table.
 - ii. Table 707.1 is modified to delete U under the heading of Use Group in the second row.
 - iii. Section 721.6.5 is deleted and substitute in lieu thereof the text of Section 720.6.5 of the 1993 BOCA National Building Code as follows: "Architectural Trim: Fireblocking shall be installed in exterior cornices and other exterior architectural elements where permitted of combustible construction in Section 1406.0, or where erected with combustible frames, at maximum intervals of 20 feet (6096 mm). If noncontinuous, such elements shall have closed ends, with at least 4 inches (102 mm) of separation between sections."
 - iv. Section 723.6 is deleted in its entirety.
7. The following amendments are made to Chapter 8 of the building subcode, entitled "Interior Finishes":
- i. Table 803.4 is modified to delete U under the heading of Use Group in the eighth row.
 - ii. Sections 805.1, 805.2.1, 807.2.1 and 807.2.2 are amended to replace the term "code official" with the term "fire protection subcode official."
8. The following amendments are made to Chapter 9 of the building subcode, entitled "Fire Protection Systems":

i. References to the term "code official" shall be replaced with the term "fire protection subcode official."

ii. Section 901.4 is deleted in its entirety;

iii. Section 903.1 is amended to replace the term "department" with the phrase "enforcement agency responsible for plan review," and in the note, to replace the word "Since" with the term "If";

iv. Section 917.0 is amended to replace the phrase "administrative authority of the jurisdiction" with the term "fire protection subcode official;";

v. Section 921.0 is deleted in its entirety.

9. The following amendments are made to Chapter 10 of the building subcode, entitled "Means of Egress":

i. Section 1001.2 is amended to replace the phrase "Article 1 for modification of this code or by adoption of approved rules" with the regulations at "N.J.A.C. 5:23-2";

ii. Section 1005.5 is deleted and substitute in lieu thereof Section 1005.5 of the 1993 BOCA National Building Code as follows: "1005.5 Open-sided floor areas: Guards shall be located along open-sided walking surfaces, mezzanines and landings which are located more than 30 inches (762 mm) above the floor or grade below. The guards shall be constructed in accordance with Section 1021.0. Exception: Guards are not required on the loading side of loading docks and the auditorium side of stages and raised platforms."

iii. Section 1005.6 is deleted and substitute in lieu thereof section 1005.6 of the 1993 BOCA National Building Code as follows:

"1005.6 Elevation Change: Where changes in elevation exist in exit access corridors, exits or exit discharge, ramps shall be used where the difference in elevation is less than 12 inches (305 mm). Exception: A maximum step height of 8 inches (203 mm) shall be permitted for buildings with occupancies in Use Groups F, H, R and S at exterior doors not required to be accessible by Chapter 11."

iv. Section 1014.6 exception #8 is modified to replace the first sentence with the text of Section 1014.6 exception #8 of the 1993 BOCA National Building Code and retain the 1996 text for the second sentence as follows:

"8. In occupancies in Use Group R-3 and within dwelling units in occupancies in Use Group R-2, the maximum riser height shall be $8\frac{1}{4}$ inches (210 mm) and the minimum tread depth shall be 9 inches (229 mm). A nosing of not less than $\frac{3}{4}$ inches (19 mm) but not more than $1\frac{1}{4}$ inches (32 mm) shall be provided on stairways with a solid riser where the tread depth is less than 11 inches (279 mm)."

v. Section 1014.6.3 is deleted and substitute in lieu thereof Section 1014.6.3 of the 1993 BOCA National Building Code as follows:

"1014.6.3 Winders: Winders shall not be permitted in required means of egress stairways except in occupancies in Use Group R-3 and stairways serving a single dwelling unit. Such winders shall have a tread depth of not less than 9 inches (229 mm) at a point not more than 12 inches (305 mm) from the side where the tread is narrower and the minimum tread depth shall not be less than 6 inches (152 mm)."

vi. Section 1014.9.1 is deleted and substitute in lieu thereof Section 1014.9.1 of the 1993 BOCA National Building Code as follows:

"1014.9.1 Strength: All stairways, platforms and landings in other than occupancies in Use Group R-3 shall be adequate to support a live load of 100 pounds per square foot (488.20 kg/m²) and a concentrated load of 300 pounds (136.20 kg)."

vii. Section 1017.1.1 is amended to add the word "nominal" at the end of the sentence at exception #2.

viii. Section 1021.2 exception #1 is deleted and substitute in lieu thereof Section 1021.2 exception #1 of the 1993 BOCA National Building Code as follows:

"1. In other than occupancies in Use Group E, guards shall not be less than 34 inches (864 mm) in height above the leading edge of the tread along stairs which are not more than 20 feet (6096 mm) in height or which reverse direction at an intermediate landing with 12 inches (305 mm) or less measured horizontally between successive flights."

ix. In Section 1021.3, sentences 1 and 2 and Exceptions 1 and 2 shall be deleted and Section 824.3 of the 1990 BOCA National Building Code shall be inserted as follows:

"Opening limitations: In buildings of Use Groups A, B, E, I-1, I-2, M and R, and in public garages and open parking structures, open guards shall have balusters or other construction such that a sphere with a diameter of 4 inches (102 mm) cannot pass through any opening.

Exception: The triangular openings formed by the riser, tread, and bottom rail at the open side of a stairway shall be of a maximum size such that a sphere 6 inches (152 mm) in diameter cannot pass through the opening. In buildings of Use Groups I-3, F, H, and S, other than public garages and open parking structures, the construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through any opening."

x. Section 1021.2, exception #3 is deleted in its entirety.

xi. Section 1022.2 and the exception are deleted and substitute in lieu thereof Section 1022.2 of the 1993 BOCA National Building Code as follows:

“1022.2 Handrail details: Handrail-gripping surface shall be continuous, without interruption by newel posts, other structural elements or obstructions. A handrail and any wall or other surface adjacent to the handrail shall be free of any sharp or abrasive elements. The clear space between the handrail and the adjacent wall or surface shall not be less than 1½ inches (38 mm). Edges shall have a minimum radius of ¼ inch (3 mm).”

xii. Section 1022.2.2 exception #1 is deleted and substitute in lieu thereof Section 1022.2.2 exception #1 of the 1993 BOCA National Building Code as follows:

“1. Handrails that form part of a guard shall have a height not less than 34 inches (864 mm) and not more than 42 inches (1067 mm).”

xiii. Section 1022.2.4 is deleted and substitute in lieu thereof the text of Section 828.2.4 of the 1987 BOCA National Building Code as follows:

“Handrail grip size: For all stair handrails located within a dwelling unit, the maximum horizontal cross-sectional dimension of the handrails shall not exceed 2 ⅝ inches (67 mm).”

xiv. Section 1024.1 is modified to delete the second sentence in the paragraph.

xv. Section 1028.2 is deleted.

10. Chapter 11 is deleted in its entirety and replaced by N.J.A.C. 5:23-7.

11. Chapter 12 of the building subcode, entitled “Interior Environment”, is modified as follows:

i. Sections 1207.2 and 1207.2.1 entitled “Stairway illumination” and “Controls,” respectively, are deleted in their entirety.

ii. Section 1210.1 is deleted and substitute in lieu thereof Sections 1210.1 and 1210.1.1 of the 1993 BOCA National Building Code as follows:

“1210.1 Roof spaces: Enclosed attics and enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilation openings that are protected against the entrance of rain and snow. The openings shall be covered with corrosion-resistant mesh not less than ¼ inch (6 mm) nor more the ½ inch (13 mm) in any direction.

1210.1.1 Ventilation Area: The minimum required net free ventilation area shall be 1/50 of the area of the space ventilated, except that the minimum required area shall be reduced to 1/500, provided that: a vapor retarder having a permeance not exceeding 1

perm is installed on the warm side of the ceiling; or at least 50 percent, and not more than 80 percent, of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated at least 3 feet (914 mm) above eave or cornice vents, with the balance of the required ventilation provided by eave or cornice vents.”

12. Chapter 13 entitled “Energy Conservation” is deleted in its entirety.

13. The following amendment is made to Chapter 14 of the building subcode, entitled “Exterior Wall Coverings”:

i. Section 1405.3.11, entitled “Foundation Insulation” is deleted in its entirety.

14. The following amendment is made to Chapter 15 of the building subcode, entitled “Roofs and Roof Structures”:

i. Section 1512.1 is amended to delete the sentence “The repair . . . for new roofing.”

15. The following amendments are made to Chapter 16 entitled “Structural Loads”:

i. Table 1609.7(6) Note e is deleted and substitute in lieu thereof the text of Table 1611.7(6) Note e of the 1993 BOCA National Building Code as follows: “Note e. Openings are permanent openings and those that are likely to be breached during wind having the basic wind speed per Section 1609.3. Doors and windows which have been designed for wind loads in accordance with Section 1609.8 are to be considered enclosures.”

ii. Section 1614.5 is amended to replace the term “Change of Occupancy” with the term “Change of Use as per N.J.A.C. 5:23-2.6”;

16. The following amendments are made to Chapter 17 of the building subcode, entitled “Structural Tests and Inspections”:

i. Section 1701.2 is amended to replace the term “approved rules” with the word “regulations”;

ii. In Section 1702.1, the definition of the term “approved agency” is amended to add the words “by the building subcode official or other authority having jurisdiction in accordance with the regulations” after the word “approved”;

iii. In Section 1702.1, the definition and the term “Inspection, special” are deleted;

iv. Section 1705.1 is amended to add the words “for Class 1 structures or when requested by the building subcode official” after the words “special inspections” on lines 1 and 2;

v. Section 1705.1.1 is deleted in its entirety and replaced with the sentence: “Permit applications shall be made in accordance with N.J.A.C. 5:23-2.15”;

vi. Section 1705.2 is amended to add the sentence: "Building elements fabricated off site shall be approved in accordance with N.J.A.C. 5:23-4.26";

vii. Section 1705.3.1 is deleted in its entirety;

viii. Section 1707.1 is amended to replace the phrase "approved rules" with the word "regulations," and to replace the phrase "Section 106.0" with the phrase "the regulations."

17. The following amendments are made to Chapter 18 entitled "Foundations and Retaining Walls."

i. Table 1812.3.2(1) and Table 1812.3.2(2) are amended as follows:

Table 1812.3.2(1)

PLAIN MASONRY AND PLAIN CONCRETE FOUNDATION WALLS^a

Plain masonry ^e					
Minimal nominal wall thickness (inches) ^f Soil classes and lateral soil load ^a (pounds per square foot per foot of depth) ^f					
Wall height (feet) ^f	Depth of unbalanced backfill height (feet) ^f	GM, SM, SM-SC, ML, and inorganic CL			GC, SC and MH soils
		GW, GP, SW, and SP soils	ML-CL soils	GC, SC and MH soils	
7	4 (or less)	30 8	45 8	60 8	
	5	8	10	10	
	6	10	12	10 (solid ^b)	
	7	12	10 (solid ^b)	12 (solid ^b)	
	4 (or less)	8	8	8	
	5	8	10	12	
	6	10	12	12 (solid ^b)	
8	7	12	12 (solid ^b)	Note c	
	8	10 (solid ^b)	12 (solid ^b)	Note c	
	4 (or less)	8	8	8	
	5	10	10	12	
	6	12	12	12 (solid ^b)	
	7	12	12 (solid ^b)	Note c	
	8	12 (solid ^b)	Note c	Note c	
9	9	Note c	Note c	Note c	

Plain concrete

Minimal nominal wall thickness (inches) ^f Soil classes and lateral soil load ^a (pounds per square foot per foot of depth) ^f					
Wall height (feet) ^f	Depth of unbalanced backfill height (feet) ^f	GM, SM, SM-SC, ML, and inorganic CL			GC, SC and MH soils
		GW, GP, SW, and SP soils	ML-CL soils	GC, SC and MH soils	
7	4 (or less)	30 7½	45 7½	60 7½	
	5	7½	7½	7½	
	6	7½	7½	8	
	7	7½	8	10	
	4 (or less)	7½	7½	7½	
	5	7½	7½	7½	
	6	7½	7½	10	
8	7	7½	10	10	
	8	10	10	12	
	4 (or less)	7½	7½	7½	

	5	7½	7½	7½
	6	7½	7½	10
9	7	7½	10	10
	8	10	12	12
	9	10	12	Note d

Note a. For design lateral soil loads and descriptions of soil classes, see Section 1611.0. Soil classes are in accordance with the Unified Soil Classification System and design lateral soil load are for moist soil conditions without hydrostatic pressure.

Note b. Solid grouted hollow units or solid masonry units.

Note c. An analysis in compliance with ACI 530/ASCE 5/TMS 402 or reinforcement in accordance with Table 1812.3.2(2) is required.

Note d. An analysis in compliance with ACI 318 is required.

Note e. Mortar shall be Type M or S and masonry shall be laid in running bond.

Note f. 1 foot = 304.8 mm; 1 inch = 25.4 mm; 1 pound per square foot = 47.9 Pa.

Table 1812.3.2(2)

REINFORCED CONCRETE AND REINFORCED MASONRY FOUNDATION WALLS^{a,b,c,d}

Wall height (feet) ^e	Depth of unbalanced backfill height (feet) ^e	Vertical reinforcement for 8-inch nominal wall (thickness) ^e Soil classes and lateral soil load ^a (pound per square foot per foot of depth) ^e		
		GW, GP, SW, and SP soils 30	GM, SM, SM-SC, ML, and inorganic CL ML-CL soils 45	GC, SC and MH soils 60
7	4 (or less)	#4 at 48	#4 at 48	#4 at 48
	5	#4 at 48	#4 at 48	#4 at 40
	6	#4 at 48	#5 at 48	#5 at 40
	7	#4 at 40	#5 at 40	#6 at 48
	4 (or less)	#4 at 48	#4 at 48	#4 at 48
	5	#4 at 48	#4 at 48	#4 at 40
	6	#4 at 48	#5 at 48	#5 at 40
8	7	#5 at 48	#6 at 48	#6 at 40
	8	#5 at 40	#6 at 40	#7 at 40
	4 (or less)	#4 at 48	#4 at 48	#4 at 48
	5	#4 at 48	#4 at 48	#5 at 48
	6	#4 at 48	#5 at 48	#6 at 48
	7	#5 at 48	#6 at 48	#7 at 48
	8	#5 at 40	#7 at 48	#8 at 48
9	9	#6 at 40	#8 at 48	#8 at 32

Note a. For design lateral soil loads and descriptions of soil classes, see Section 1611.0. Soil classes are in accordance with the Unified Soil Classification System and design lateral soil load are for moist soil conditions without hydrostatic pressure.

Note b. Provisions to this table are based on construction requirements specified in Section 1812.3.2.1.

Note c. For alternate reinforcement, see Section 1812.3.2.2.

Note d. Mortar shall be Type M or S and masonry shall be laid in running bond.

Note e. 1 foot = 304.8 mm; 1 inch = 25.4 mm; 1 pound per square foot = 47.9 Pa.

18. The following amendment is made to Chapter 26 of the building subcode, entitled "Plastic":

i. Section 2603.5.1 is deleted in its entirety.

19. The following amendment is made to Chapter 27 of the building subcode, entitled "Electric Wiring, Equipment and Systems":

i. Chapter 27 is deleted in its entirety.

20. The following amendments are made to Chapter 28 of the building subcode, entitled "Mechanical Systems":

- i. Section 2803.0 is deleted in its entirety;
- ii. Section 2809.0 is deleted in its entirety.

21. Chapter 29 of the building subcode, entitled "Plumbing Systems" is deleted in its entirety.

22. The following amendments are made to Chapter 30 of the building subcode, entitled "Elevators and Conveying systems":

- i. Section 3001.1 is amended to replace the phrase "Except as otherwise provided by statute, the" in the first line with "The", to add the phrase "and where applicable, of N.J.A.C. 5:23-12" after the word "Chapter" in the second line, to delete the phrase "and amusement devices" in the second sentence and to replace the term "code official" with the term "construction official" in the second sentence;

- ii. The following text is added:

3007.1.1.1 Elevator car to accommodate ambulance stretcher. In addition to the requirements of 403.8, if applicable, an elevator installed in any newly-constructed multiple-family dwelling shall be of such a size and arrangement as to accommodate a 24-inch by 76-inch (610 mm by 1,930 mm) ambulance stretcher in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame. At least one elevator accessing each residential floor shall be of such size and arrangement and be so identified.

- iii. Section 3001.2 is amended to substitute the term "this code" for "these rules", to add the phrase "with the exception of Rule 1206.1h" after "ASME A17.1", and to add the following sentence at the end of the first paragraph: "However any education, experience or training requirements included or cited in reference standards shall not be binding in this State.";

- iv. Section 3002.1, "Hoisting and elevating equipment, miscellaneous," is amended to delete "inclined elevators" in the fourth line;

- v. Section 3003.0 is deleted in its entirety except section 3003.3;

- vi. Section 3004.1 is amended to delete the words "and maintenance" and substitute in lieu thereof "inspection and," and to delete the words "and periodic inspections";

- vii. Section 3004.2 is amended to add the words "and inspections" after the word "tests" in the title and after the words "All such tests" in the seventh line; to

delete the words "this chapter" in the first sentence and "this code" in the second sentence and substitute in lieu thereof "these rules"; and to replace the term "code official" with the term "appropriate subcode official";

- viii. Sections 3004.3 and 3004.4 are deleted in their entirety;

- ix. Section 3004.5.2 is amended to delete the words "and amusement devices";

- x. Section 3004.5.4 is amended to replace the term "code official" with the term "construction official";

- xi. Section 3005.0 is deleted in its entirety with the exception of section 3005.4 which is amended to replace the term "code official" with the term "construction official";

- xii. Section 3006.2 is amended to add in the fifth line after the words "rescue purposes," the phrase "and all elevators installed as part of an accessible route or approved to serve as an accessible means of egress";

- xiii. Section 3009.0 is amended to delete the words "Signals and" after the word "Emergency" in the title;

- xiv. Section 3010.2.2 is amended to replace the term "code official" with the term "fire protection subcode official";

- xv. Section 3012.2 is deleted;

- xvi. Section 3012.4 is amended to replace the term "code official" with the term "construction official";

- xvii. Section 3012.5 is amended to replace the term "code official" with the term "construction official";

- xviii. Section 3013.0 is deleted in its entirety.

23. The following amendments are made to Chapter 31 of the building subcode, entitled "Special Construction":

- i. Section 3102.5 is deleted in its entirety.

- ii. Section 3104.1.1 is deleted in its entirety and replaced by the following language:

(1) Temporary structures: A construction permit is required for the erection, operation or maintenance of all temporary structures (excluding tents and tensioned membrane structures) covering an area in excess of 120 square feet, including all connecting areas or spaces with a common means of egress or entrance, or which are used or intended to be used for gatherings of 10 or more persons;

(2) Tents with appurtenances: A construction permit is required for the erection, operation or maintenance of all tents or tensioned membrane structures of any size if they contain appurtenances such as platforms or electrical equipment;

(3) Tents without appurtenances: No permit is required for the erection, operation or maintenance of any tent or tensioned membrane structure without appurtenances if the tent or structure is no more than 900 square feet in area and no more than 30 feet in any dimension (excluding canopies), whether it is one unit or composed of multiple units. Tents used exclusively for recreational camping purposes shall be exempt from the above requirements.

(4) A temporary greenhouse, also called a "hoop-house" or "polyhouse," used exclusively for the production or storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets the following criteria:

(A) There is no permanent anchoring system or foundation;

(B) There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;

(C) The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area; and

(D) The covering of the structure is of a material no greater than six mils (152.4 micrometers) in thickness, conforming to N.F.P.A. 701 standard, that yields approximately four pounds of maximum impact resistance to provide egress through the wall.

(5) The provisions of (b) 22ii(4) above notwithstanding, if a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, then a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only;

iii. Section 3104.6 is amended to replace the term "code official" with the term "construction official";

iv. Section 3106.5 is amended to replace the term "authorities" with "authorities having jurisdiction";

v. Section 3107.8 is amended to replace the term "Mobile units" with the term "Manufactured Homes;";

vi. Section 3107.10 is amended as follows: The text from the phrase "sections 118.0" to the end is deleted and replaced with the following language: "N.J.A.C. 5:23-2.4";

vii. Section 3107.11 is amended to replace the term "Section 3403.0" with the term "N.J.A.C. 5:23-2.5";

viii. Section 3108.5 is amended to add the phrase "to comply with the requirements of the electrical subcode" after the word "grounded."

24. The following amendments are made to Chapter 32 of the building subcode, entitled "Construction in the Public Right of Way":

i. Section 3202.5 is deleted in its entirety.

ii. Section 3204.2 is deleted.

iii. Section 3205.1 is amended to replace the term "code official" on line 1 with the term "construction official".

25. The following amendments are made to Chapter 33 of the building subcode entitled "Site Work, Demolition and Construction":

i. Section 3302.1 is amended to replace the term "code official" on line 3 with the term "construction official";

ii. Section 3309.2 is amended to delete the words "and the construction and extension of soil and vent stacks and the location of window openings shall comply with the provisions of section 2908.3" and replace them with the following language:

(1) "When a new building is erected higher than an existing building, windows or other wall openings shall not be located nearer than 10 feet to an existing soil or vent stack on the lower building unless the owner of the new building makes the necessary provision to extend such soil or vent stacks to a height of not less than two feet above the topmost opening at his own expense and with the approval of the adjoining owner."

(2) "When the existing adjoining building is of greater height than the new building, the owner of the structure of greater height may, with consent of the owner of the new structure, extend all new soil, waste or vent stacks which are located within 20 feet of the common lot line to a level above the higher existing roof";

iii. Section 3310.0 is deleted in its entirety and replaced by N.J.A.C. 5:23-2.17.

iv. Section 3315.0 is amended to replace the words "Sections 1024.0 and 2702.2, item 5" with "Section 1024.0 and provide a level of illumination equivalent to at least 3 foot candles (32 lux);"

26. Chapter 34 entitled "Existing Structures" is deleted in its entirety.

27. The following amendments are made to Chapter 35 of the building subcode entitled "Referenced Standards":

i. Under the subheading "ASME", standard "A17.1-93", add "and A17.1b-95 Addendum" after "A17.1a-94 Addendum;";

ii. Under the subheading "Codes" delete the following titles:

- (1) BOCA National Property Maintenance Code;
- (2) ICC International Mechanical Code;
- (3) ICC International Plumbing Code—with 1996 Supplement;
- (4) ICC International Private Sewage Disposal Code—with 1996 Supplement;
- (5) CABO Model Energy Code.

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 "7½ (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.

Case Notes

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

5:23-3.15 Plumbing subcode

(a) Rules concerning subcode adopted are as follows:

1. Pursuant to authority of P.L. 1975, c.217, as modified by P.L. 1996, c.53, the Commissioner hereby adopts the Model Code of the National Association of Plumbing Heating Cooling Contractors, known as "The National Standard Plumbing Code/2000," as the plumbing subcode for New Jersey.

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

2. "The National Standard Plumbing Code/2000," may be known and cited as "the plumbing subcode."

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

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

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

- i. The definition of the term "administrative authority" is deleted in its entirety, and substitute in lieu thereof the following language, "Unless otherwise defined herein, or unless the context clearly indicates otherwise, the term "administrative authority" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."

- ii. The definition of the term "approved" is amended to add after the word "authority" on line 2, the words "as defined in N.J.A.C. 5:23-3.7."

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

iv. The definition of the term “building classification” is amended to delete the term “administrative authority” and substitute in lieu thereof, the term “building subcode official.”

v. The term and definition of “code” are deleted.

vi. The term and definition of “family” are deleted.

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

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

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

i. Section 2.4.1 is amended to delete the sentence “The provisions of this paragraph may be waived by the administrative authority.”

ii. Section 2.4.3 is amended to delete the phrase “or is approved by the administrative authority as having a desirable and acceptable function and is of ultimate benefit to the proper and continuing functioning of the plumbing system.”

iii. Section 2.5 is deleted in its entirety.

iv. Section 2.9.3 is amended to delete the phrase “building code or as required by the proper administrative authority” and substitute in lieu thereof, the term “building subcode.”

v. Section 2.12 is amended to delete subparagraph e.

vi. Section 2.16 is amended to insert the number “Forty-two” in the blank space under item (a), and to insert the number “Twenty-four” in the blank space under item (b). Under item (c), delete the words “as permitted in section 3.12.1.”

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

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

ix. Section 2.25 (h) is amended to add at the end, the words “which does not otherwise adversely affect health and safety.”

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

i. Section 3.1.1 is amended in the heading to delete the word “minimum” and under items (a) and (b) to delete the words “Section 3.12.2” at the end and substitute in lieu thereof, the words “N.J.A.C. 5:23-3.7.”

ii. Section 3.1.2 is amended to delete the words “at least” on line 1. Also the words “section 3.12” are deleted at the end of the first paragraph and substitute in lieu thereof, the words “N.J.A.C. 5:23-3.7.”

iii. Section 3.1.3 is amended to delete the words “Section 3.12.2” on line 2 and in lieu thereof, substitute the words “N.J.A.C. 5:23-3.7.”

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

v. Section 3.3.11 entitled “septic tank” is deleted in its entirety.

vi. Section 3.11.1 is amended to delete the phrase “approved by the Administrative authority”.

vii. Section 3.11.2 is amended to delete the phrase “except as may be otherwise authorized by the administrative authority”.

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

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

i. Section 4.2.17(a) is amended to delete the phrase “or be approved by the administrative authority.”

ii. Section 4.3.8(b)(3) is amended to delete the words “be approved by the Administrative Authority if such products are not listed or labeled” and to add the phrase “or as permitted under N.J.A.C. 5:23-3.7.”

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

i. Section 5.3.2 is amended to add the phrase “in accordance with N.J.A.C. 5:23-3.3” after the words “administrative authority” on line 2.

ii. Section 5.3.4 is amended to add the phrase “in accordance with N.J.A.C. 5:23-3.3” after the words “administrative authority” on line 1.

7. Chapter 6 of the plumbing subcode, entitled “Interceptors,” is amended as follows:

i. Section 6.1.1 is amended to delete the phrase "in the opinion of the administrative authority" on line 1 and to add after line 3 the sentence "The determination of necessity shall be made by the plumbing subcode official in accordance with N.J.A.C. 5:23-3.3."

ii. Section 6.1.7 is deleted in its entirety.

iii. Section 6.3.2e. is amended to delete the words "administrative authority" in line 2 and substitute in lieu thereof "authority having jurisdiction."

iv. Section 6.4.4 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the word "approval" on line 2.

8. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances" is amended as follows:

i. Section 7.2 is amended to read "Plumbing fixtures for accessible use and their installation shall conform to the requirements of N.J.A.C. 5:23-7 et. seq."

ii. Section 7.4.2 is amended to add the words "Only pressurized (not gravity flow) water closets are acceptable for commercial uses. Commercial uses are A, E, B and M uses with an occupancy requiring more than two water closets connected to the building sewer." After the words "1.6 gallons per flush" and to delete the exception.

(1) Exception: Installation of water closets bearing a manufacturer's date stamp indicating a date of manufacture prior to July 1, 1991 and requiring an amount in excess of 1.6 gallons per flush shall be permitted.

iii. Section 7.4.4, Exception 2 is amended to read "Accessible water closets shall conform to the requirements of N.J.A.C. 5:23-7 et seq. Water closets, other than those required to be accessible, in facilities intended primarily for use by the elderly, shall be at least 17 inches high measured to the flood rim."

iv. Section 7.16.4c is amended to add the phrase "common laundry rooms" after the word "and".

v. Section 7.18.2 is amended to add the phrase "in accordance with N.J.A.C. 5:23-3.3" after the words "Administrative Authority".

vi. Note 1 to Table 7.21.1 is amended to delete the words "For handicap requirements see local, state, or national codes." in the second sentence.

vii. Figure 7.3.2 is amended to delete the word "Code" and substitute in lieu thereof "Subcode" in the block at bottom.

viii. A new section 7.23 is added as follows:

"7.23 Safety Features for Spas and Hot Tubs

Spas and hot tubs shall comply with the following sections of ANSI/NPSI-2 1992:

9.4 Entrapment avoidance: If the suction outlet system, such as an automatic cleaning system, is a vacuum cleaner system which has a single suction outlet or multiple suction outlets which can be isolated by valves, then each suction outlet shall protect against user entrapment by either an antivortex cover or an equivalent means approved by the plumbing subcode official.

9.5 Outlets per pump: A minimum of two suction outlets shall be provided for each pump in the suction

outlet system, separated by a minimum of three feet or located on two different planes; for example, one on the bottom and one on the vertical wall, or one each on two separate vertical walls. These suction outlets shall be plumbed such that water is drawn through them simultaneously through a common line to the pump.

17.1 Obstructions and entrapment avoidance: There shall be no obstructions that can cause the user to be entrapped or injured. Types of entrapment can include, but not be limited to, such things as wedge or pinch-type openings and rigid, nongiving cantilevered protrusions."

ix. A new section 7.24 is added as follows:

"7.24 Safety Features for Public Swimming Pools

Public swimming pools shall comply with the following sections of the N.J. Department of Health and Senior Services, Chapter 26 "Public Recreational Bathing," Subchapter 3.

Swimming Pools, N.J.A.C. 8:26-3.16 Inlets and outlets:

(c)1. All swimming pools shall be equipped with main drain suction outlets in the lowest point of the swimming pool floor. The spacing of the main drain suction outlets shall not be greater than 20 feet on center, nor more than 15 feet from each side wall.

(d) The suction outlets shall be designed to protect against a suction entrapment, evisceration, and/or hair entanglement/entrapment hazard.

2. A minimum of two hydraulically balanced suction outlets equipped with covers shall be provided per swimming pool pump suction line.

ii. No means of isolating the two suction outlets shall be permitted that will cause one suction fitting to become the sole source of fluid to the pump. The single pipe to a pump suction inlet may be valved off to shut off the flow to the pump."

9. Chapter 10 of the plumbing subcode, entitled "Water Supply and Distribution," is amended as follows:

i. Section 10.2 is amended to add the words "in accordance with N.J.A.C. 5:23-3.3" after the words "Administrative Authority" on line 2.

ii. Section 10.4.2 is amended to delete the words "with the approval of the administrative authority" and in lieu thereof, substitute "in accordance with the rules of the New Jersey Department of Environmental Protection at N.J.A.C. 7:10-10;

iii. Section 10.4.3 is amended to read: "Potable water supplies shall be protected in accordance with the provisions of this code and where applicable the Safe Drinking Water Regulations (N.J.A.C. 7:10). The requirements of this code shall establish requirements for

individual outlet protection. The requirements of the Safe Drinking Water Act shall establish the requirements for containment.”;

iv. Section 10.4.4b is amended to delete the words “administrative authority” and in lieu thereof, substitute “authority having jurisdiction in accordance with N.J.A.C. 7:10-10.2(e).”

v. Section 10.4.9 is amended to delete the words “administrative authority” and in lieu thereof, substitute “authority having jurisdiction.”

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

vii. Section 10.8.1 is amended to add the phrase “as required by the Authority Having Jurisdiction” after the word “practice” on line 3.

viii. Section 10.15.1 is amended to add the phrase “Outlet temperature of hot water from lavatory faucets in public facility restrooms (such as those in service stations, airports, train and bus terminals, and conventions halls) shall be provided with a means to limit the maximum temperature to 110°F. as required in ASH-RAE 90.1-1999.”

10. Chapter 11 of the plumbing subcode, entitled “Sanitary Drainage Systems,” is amended as follows:

i. Section 11.4.3 is amended at the end to add the sentence “Diversity factors shall be established in accordance with N.J.A.C. 5:23-3.3.”

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

i. Section 12.4.5 is amended to delete the phrase “when approved by the administrative authority”.

ii. Section 12.5 is deleted in its entirety.

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

i. Section 13.1.2 is amended to delete the phrase “Administrative Authority” and in lieu thereof substitute “Authority Having Jurisdiction.”

ii. Section 13.1.5a through c is amended to read “subsoil drains shall be provided in accordance with the building subcode.”

iii. Section 13.1.10.1 is amended to delete the last sentence and to substitute in lieu thereof “Rainfall rates shall be based on Appendix A of the 1993 edition of the National Standard Plumbing Code. Appendix A shall be applied so that the applicable rainfall rate for Burlington and Ocean counties and all counties south shall be six inches per hour and for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five inches per hour.”

iv. Section 13.1.10.2, “Secondary Roof Drainage,” is deleted.

v. Section 13.1.10.4, “Equivalent Systems,” is deleted.

vi. Section 13.9.1 is amended to add the phrase “in accordance with N.J.A.C. 5:23-3.3” after the word “Authority” on line 3.

13. Chapter 14 of the plumbing subcode, entitled “Special Requirements for Health Care Facilities,” is amended as follows:

i. Section 14.13 is amended to replace the term “administrative authority” with the term “authority having jurisdiction.”

14. Except as otherwise indicated in (b) 14i below, sections 16.1 through 16.12.1.13 of chapter 16 of the plumbing subcode, entitled “Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewer Systems Are Not Available” are deleted in their entirety.

i. Section 16.1.7 is retained and amended to read as follows: “When a sewage disposal system is being abandoned and a connection is being made to the public sewer system, the plumbing subcode official shall ensure that the abandoned septic system is disconnected from the building, pumped out and filled with gravel, stones or soil material.”

Note: Existing standards of the Department of Environmental Protection and boards of health with respect to individual on-site sewage disposal systems remain in effect.

15. Chapter 17 of the plumbing subcode, entitled “Potable Water Supply System” and comprising sections 17.1 through 17.15.2 is deleted in its entirety.

Note: Existing standards of the Department of Environmental Protection and boards of health with respect to individual on-site water supply systems remain in effect.

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

i. Section 18.2.1 is amended to delete the last sentence beginning “Trailer home park”.

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

iii. Section 18.5.8 is amended to add the phrase “and as provided by the authority having jurisdiction” after the words “chapter 10 of this code.”

iv. Section 18.8.1.2 is deleted.

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

i. In buildings other than Use Group R-3, 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 fire suppression 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 Use Group E or R-1 shall comply with Section 1021.0 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 Use 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. 5:23-6.30 may exceed the allowable areas specified in the building subcode for the proposed use 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.

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 standards

(a) The Council of American Building Officials/American National Standards Institute standard (CABO/ANSI), A117.1-92, entitled Technical Standards for Accessible Design, is adopted by reference without modification. Copies of CABO/ANSI A117.1 may be obtained from ANSI at 11 West 42nd Street, New York, NY 10036.

(b) Dimensions and construction specifications for sites, buildings, and structures required by this subchapter to be accessible shall comply with CABO/ANSI A117.1-92.

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.

5:23-7.3 Exemptions

(a) The following nonresidential buildings or structures shall be exempt from 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, nonoccupiable spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways, including elevator pits, elevator penthouses, piping, or equipment catwalks;

3. 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; and

4. 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 be exempt from 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 living space, exclusive of basement or attic; the dwelling unit shall have an independent entrance at or near grade; most or all of the sleeping areas shall be on one story with most of the remaining habitable space, such as kitchen, living, and dining areas on another story; and

2. Buildings of Use Group R-2, R-3, or R-4 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 shall not constitute separate buildings.

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.

5:23-7.4 Nonresidential buildings

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

1. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall have elevator(s) to provide accessible vertical access between floors.

i. Buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

2. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have an accessible entrance on the ground or first floor and accessible interior building features on all floors. Small buildings shall not be required to have elevator(s) to provide a vertical accessible route between floors.

i. Exception: Small buildings that house passenger transportation facilities, the offices of health care providers, multi-tenant facilities with five or more tenants, or buildings that are owned and occupied by public entities shall have elevator(s) to provide a vertical accessible route.

3. 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.

5:23-7.5 Multifamily residential buildings

(a) Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet between exterior walls or firewalls, shall provide accessible building features as required by N.J.A.C. 5:23-7.4 and subsection (d) below.

1. For the purposes of applying this subsection, firewalls having openings allowing for human passage shall not designate separate buildings.

(b) Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more between exterior walls for firewalls, shall provide accessible building features as required by N.J.A.C. 5:23-7.4 and subsection (d) below.

1. For the purposes of applying this subsection, firewalls having openings allowing for human passage shall not designate separate buildings.

(c) Buildings of Use Group R-2, R-3, or R-4 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 be considered to designate separate buildings within a single structure.

(d) Unless exempted by N.J.A.C. 5:23-7.3(b), all dwelling units in elevator-serviced buildings and all ground floor dwelling units in buildings without elevators shall comply with the provisions of this subchapter.

1. For the purposes 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. Each ground floor dwelling unit required to be accessible, and the entry level of each multistory dwelling unit in a building served by an elevator, shall be required to have an accessible entrance, an interior accessible route into and through the entry level of the dwelling unit, and one accessible toilet and bathing facility on an accessible route. An interior vertical accessible route shall not be required.

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

4. Assisted living facilities that are designated as Use Group I-2 for purposes of building subcode and fire protection subcode compliance shall be considered as Use Group R-2 for the purposes of accessibility.

5. When any dwelling unit, regardless of whether it is exempt from the provisions of this subchapter, includes a B use or an M use, any portion used for the B use or M use shall comply with the provisions of this subchapter.

i. This shall include, but not be limited to, parking, sidewalk, entrance, hallway, and those portions of the dwelling unit, interior or exterior, available to or used by customers or clients, including toilet facilities.

New Rule, R.1999 d.105, effective April 5, 1999.
See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.5, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.18.

Amended by R.2002 d.256, effective August 5, 2002.

See: 33 N.J.R. 4184(a), 34 N.J.R. 2787(a).

Rewrote the section.

5:23-7.6 Exterior accessible route

(a) Every site containing one or more buildings required by this subchapter to be accessible shall have at least one accessible route which shall provide access to and between buildings and facilities on the same site that are also required to be accessible.

1. Exterior accessible routes may include parking access aisles, curb ramps, walks, or ramps.

2. Where the natural and undeveloped contour of the land exceeds the slope required for an accessible route and it is technically infeasible to alter the land contour, a vehicular route may be provided as an alternate accessible route.

3. An accessible route within a site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the building entrance served.

4. Entrances to buildings or spaces in buildings that are not required to be accessible shall not be required to be on an accessible route.

5. Unless it is the only building entrance, a loading or service entrance shall not be required to be on an accessible route.

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

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

Former N.J.A.C. 5:32-7.6, Recreation: pools, recodified to N.J.A.C. 5:23-7.19.

5:23-7.7 Accessible building entrances

(a) For buildings or structures required by this subchapter to be accessible, at least 50 percent of the entrances, but not fewer than one entrance, shall be accessible and shall comply with this subchapter.

1. Where a building or facility has separate entrances that serve such functions as accessible parking facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, at least one entrance serving each such function shall be accessible.

2. At least one accessible entrance shall serve each separate tenancy or function within a building or facility.

3. Unless it is the only building entrance, a loading or service entrance shall not be required to be accessible.

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

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

Former N.J.A.C. 5:32-7.7, Recreation: swimming and skating areas, recodified to N.J.A.C. 5:23-7.20.

5:23-7.8 Interior accessible routes

(a) An interior accessible route shall connect all portions of buildings required by this subchapter to be accessible.

1. An interior accessible route may include corridors, floors, ramps, elevators, and clear floor space at fixtures.

(b) Platform lifts shall not be part of an accessible route in new construction, except in special areas permitted below:

1. To provide a line of sight while complying with dispersal requirements for buildings and portions of buildings of Use Group A;

2. To provide access to a performing area; or

3. To provide access to incidental occupiable spaces, such as, but not limited to, a projection booth or equipment control room that is not open to the general public and has not more than five occupants.

(c) Where floor levels are required to be connected by an accessible route and an interior vertical route is provided between levels, the vertical interior route shall be accessible.

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

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

Former N.J.A.C. 5:32-7.8, Recreation: boating areas, recodified to N.J.A.C. 5:23-7.21.

5:23-7.9 Accessible parking

(a) Two percent of the parking spaces that serve occupancies in buildings of Use Group R-2, R-3, or R-4 that contain accessible dwelling units shall be accessible.

1. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

2. Where additional parking spaces or parking lot(s) are provided for visitors, the number of required accessible parking spaces shall comply with the table below.

(b) Ten percent of the parking spaces provided for medical outpatient facilities shall be accessible.

1. Exception: Twenty percent of the parking spaces provided for medical facilities that specialize in the treatment of or services for persons with mobility impairment shall be accessible.

(c) For all other use groups, accessible parking spaces shall comply with the table below:

Total Parking Spaces	Required Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total
1,000 +	20 plus 1 for each 100 over 1,000

1. For every eight accessible parking spaces, or fraction thereof, at least one shall be a van-accessible parking space.

(d) Accessible parking spaces shall be the closest parking spaces on the shortest accessible route to an accessible building entrance.

1. For buildings with multiple accessible entrances, accessible parking spaces shall be dispersed and shall be located near each of the accessible building entrances.

(e) Where accessible parking spaces are provided in parking facilities that do not serve a particular building, accessible parking spaces shall be located on the shortest accessible route to an accessible entrance to the parking facility.

1. In multi-level parking structures, van-accessible parking spaces may be clustered on one level.

(f) Each accessible parking space shall be marked with an R7-8 sign from the Manual of Uniform Traffic Control Devices and shall display the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with an R7-8P sign, as required by N.J.S.A. 39:4-198, containing the following language:

PENALTY
\$100 FIRST OFFENSE
SUBSEQUENT OFFENSES
\$100 MINIMUM AND/OR
UP TO 90 DAYS COMMUNITY SERVICE
TOW AWAY ZONE

1. The bottom of the R7-8 sign shall be mounted approximately 60 inches above the parking lot or sidewalk surface when the sign is parallel to the sidewalk and approximately 72 inches above the parking lot or sidewalk surface when the sign is perpendicular to the sidewalk.

2. The R7-8 sign shall be centered and mounted at the head of each parking space.

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. 5:32-7.9, Recreation: fishing areas, recodified to N.J.A.C. 5:23-7.22.

5:23-7.10 Requirements applicable to specific nonresidential use groups and Use Group R-1

(a) Occupancies of Use Group A shall be accessible as follows:

1. Where services and facilities are provided in areas that are not required to be accessible, the same services and facilities shall be provided in an accessible area and shall be accessible.

2. In dining areas of occupancies of Use Groups A-2 and A-3, the total floor area allotted for seating and tables shall be accessible, except as follows:

i. Where fixed or built-in seats and tables are provided, at least five percent, but not fewer than one, of the seats and tables shall be accessible. Where more than one accessible seat and table is provided, they shall be dispersed.

ii. In buildings without elevators, an accessible route to a raised or lowered dining area of less than 3,000 square feet is not required provided that the raised or lowered dining area contains less than 25 percent of the total dining area and the same services are available on the accessible level.

3. Accessible spaces for wheelchairs shall be provided in each assembly area in accordance with the following table.

Capacity of Seating	Accessible Seating
4-25	1
26-50	2
51-300	4
301-500	6
over 500	6 plus 1 for each 100 over 500

4. In all assembly areas, accessible spaces for wheelchairs shall be provided on more than one viewing level.

5. A line of sight shall be provided over standing spectators.

i. Pursuant to N.J.A.C. 5:23-7.8(b)1, when necessary to provide a line of sight, a platform lift shall be permitted to be part of an accessible route.

6. Four percent of the seats, but not fewer than two seats, in stadiums, theaters, auditoriums, or lecture halls that have fixed seating and audio-amplification systems or that have an occupant load of 50 or more persons shall have an accessible listening system that complies with CABO/ANSI A1171.

7. Assembly areas that are not equipped with audio-amplification systems or that have an occupant load of fewer than 50 persons shall have a permanently-installed assistive listening system.

i. As an alternative to the permanently-installed assistive listening system, the facility shall provide an adequate number of electrical outlets or other supplementary wiring to support a portable assistive listening system, which shall be available for the patrons.

(1) Where this alternative is selected, signage shall be provided to notify patrons of the availability of a listening system.

(b) Occupancies of Use Group I shall be accessible as follows:

1. In occupancies of Use Group I-1, four percent, but not fewer than one, of the resident sleeping rooms, including toilet and bathing facilities, shall be accessible.

2. In occupancies of Use Group I-2, the following requirements shall apply:

i. In nursing homes of Use Group I-2, at least 50 percent, but not fewer than one, of the patient sleeping rooms and their toilet and bathing facilities shall be accessible.

ii. Assisted living facilities that are Use Group I-2 for the purposes of building subcode and fire protection subcode design and construction shall be considered as Use Group R-2 for the purposes of accessibility.

iii. In general purpose hospitals of Use Group I-2, at least 10 percent, but not fewer than one, of the patient sleeping rooms and their toilet and bathing facilities shall be accessible.

iv. In hospitals and rehabilitation facilities of Use Group I-2 that specialize in treating conditions that affect mobility, or that include units containing those medical specialties, 100 percent of the patient rooms and their toilet and bathing facilities shall be accessible.

v. In occupancies of Use Group I-2, there shall be at least one accessible passenger loading zone that complies with CABO/ANSI A117.1.

3. Buildings or portions thereof of Use Group I-3 shall have at least one accessible inmate confinement area or room per institution and at least one accessible inmate toilet and bathing facility per institution. All public or common areas and all employee areas shall be accessible.

(c) In occupancies of Use Group R-1 containing six or more guestrooms, accessible guestrooms shall be provided in accordance with Table C-1 below.

1. In occupancies of Use Group R-1 with more than 50 guestrooms, accessible roll-in showers shall be provided in the required accessible guestrooms in compliance with Table C-1 below:

Number of Rooms	Accessible Rooms	Roll-In Showers
1-25	1	
26-50	2	
51-75	3	1
76-100	4	1
101-150	5	2
151-200	6	2
201-300	7	3
301-400	8	4
401-500	9	4 plus 1 for each additional 100 over 400
501-1000	2 percent of total	
1,001 and up	20 plus 1 for each 100 over 1,000	

2. Owner-occupied residences with one to five lodgers are Use Group R-3 and are exempt.

3. In addition to the accessible guestrooms required by Table C-1 above, visible and audible alarms and notification devices shall be provided in compliance with the Table C-2 below:

Number of Guestrooms	Rooms With Accessible Alarms
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total
1,001 and up	20 plus 1 for each 100 over 1,000

4. Accessible guestrooms shall be provided throughout all classes and types of rooms.

i. When determining dispersal of accessible guestrooms, factors shall include room size, room cost, amenities provided, and the number of beds provided.

New Rule, R.1999 d.105, effective April 5, 1999.
See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
Former N.J.A.C. 5:32-7.10, Recreation: court games, recodified to N.J.A.C. 5:23-7.23.

5:23-7.11 Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1

(a) Toilet and bathing facilities shall be accessible.

1. At least one of each type of fixture or element in each accessible toilet room and bathing facility shall be accessible.

i. Where multiple individual toilet rooms serving a common office area or suite(s) are provided in occupancies such as, but not limited to, medical offices, five percent of the individual toilet rooms shall be accessible per CABO/ANSI A117.1, section 4.16.

2. A nonpublic toilet room or bathing facility intended for use by an individual occupant shall be permitted to be adaptable per CABO/ANSI A117.1, section 4.33.

3. Where water closet compartments are provided in a toilet room or bathing facility, at least one wheelchair accessible compartment that complies with CABO/ANSI A117.1 shall be provided.

4. Where six or more water closet compartments are provided in a toilet room or bathing facility, at least one ambulatory accessible compartment that complies with CABO/ANSI A117.1 shall be provided in addition to the wheelchair accessible compartment.

(b) All passenger elevators on an accessible route shall be accessible and shall comply with section 3006 of the building subcode.

1. Elevators providing an accessible route within an individual dwelling unit shall not be required to comply with section 3006 of the building subcode.

2. Platform lifts shall not be part of an accessible route in new construction, except as permitted at N.J.A.C. 5:23-7.8(b).

(c) At least 50 percent of the drinking fountains provided on each floor, but not fewer than one, shall be accessible.

1. When only one drinking fountain is provided on a floor, it shall be accessible to wheelchair users and to people who have trouble stooping or bending.

(d) Where storage facilities, such as, but not limited to, cabinets, shelves, closets, drawers, or lockers are provided in spaces required to be accessible, at least one of each type be accessible.

(e) Where fixed or built-in seats or tables are provided, at least five percent, but not fewer than one, shall be accessible.

1. Where more than one built-in seat or table is provided, the accessible seats and tables shall be dispersed throughout the area.

(f) Customer service facilities shall be accessible as follows:

1. Where dressing or fitting rooms are provided, at least five percent, but not fewer than one, in each distinct area or function on a site shall be accessible.

2. Where service counters or windows are provided, one of the following accessible options shall be provided:

i. A portion of the counter which is a minimum of 36 inches in length and a maximum of 36 inches in height;

ii. An auxiliary counter with a maximum height of 36 inches in close proximity to the main counter; or

iii. Equivalent facilitation, such as a folding shelf attached to the main counter or space at the side of the counter.

3. Where check-out aisles are provided, accessible check-out aisles shall be installed in accordance with the table below:

<u>Number of Check-Out Aisles</u>	<u>Accessible Check-Out Aisles</u>
1-4	1
5-8	2
9-15	3
over 15	3 plus 1 for each additional 5 over 15

i. Where check-out aisles of different types, such as, but not limited to, express lanes, are provided, at least one of each type shall be accessible.

ii. Traffic control devices, security devices, or turnstiles located in accessible check-out lanes or aisles shall be accessible.

(g) Where public telephones are provided, one telephone per floor or one telephone in each bank of public telephones shall be accessible.

1. Each accessible telephone and 25 percent of other public telephones in each bank shall be equipped with volume control.

2. At each accessible telephone, clear floor space for either a forward or a parallel approach shall be provided.

(h) Where automatic teller machines (ATM) are provided, at each ATM clear floor space shall be provided as follows:

1. Where only a forward approach is provided, all operations and controls shall comply with the provisions in CABO/ANSI A117.1 for a forward approach.

2. Where only a parallel approach is provided, reach ranges shall comply with the following:

i. Where the reach depth to the controls is 10 inches or less, the maximum height for the controls shall be 54 inches.

ii. For each increase in reach depth of one inch, the maximum height for the controls shall be reduced one-half inch.

iii. The reach depth shall not exceed 24 inches with a corresponding maximum height of 46 inches.

3. Where both a parallel and a forward approach are provided, the reach ranges shall comply with both the

parallel and forward approach reach ranges in CABO/ANSI A117.1 or with the parallel reach ranges in (h)2 above.

(i) In buildings and portions of buildings required by this subchapter to be accessible, controls, operating mechanisms, and hardware, including electrical outlets and switches that control lighting, ventilation, or electrical outlets shall be accessible.

(j) Accessible signage shall be provided at the following locations in buildings and portions of buildings required by this subchapter to be accessible:

1. Areas of refuge required by the building subcode to be accessible;
2. Accessible toilet and bathing facilities;
3. Accessible parking spaces shall have signage that complies with N.J.A.C. 5:23-7.8;
4. Where one or more building entrances are not accessible, accessible signage shall be provided giving directions to the closest accessible building entrance; and
5. Where an elevator does not provide a vertical accessible route, accessible signage shall be provided giving directions to the closest accessible elevator.

i. Detectable warnings shall be provided at the edges of passenger transit platforms that border a drop-off and that are not otherwise protected by platform screens or guards.

(k) Braille shall be included on building signage designating permanent rooms and spaces.

1. Directional signage within a building shall not be required to include braille.
2. Building directories and other temporary signage are exempt from the provisions of this subchapter.

(l) Spaces required to be accessible in buildings covered by this subchapter shall be provided with an accessible means of egress that complies with the building subcode.

New Rule, R.1999 d.105, effective April 5, 1999.
See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.11, Recreation: ice rinks and roller rinks, recodified to N.J.A.C. 5:23-7.24.

5:23-7.12 Existing facilities

(a) Construction projects in existing buildings or facilities shall comply with the Rehabilitation Subcode, N.J.A.C. 5:23-6.

(b) Any building or portion of a building constructed or altered to be accessible shall be maintained accessible.

(c) A limited use/limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 shall be allowed to provide a vertical accessible route in the following buildings or tenancies, provided that the travel distance of the device does not exceed 25 feet:

1. In small buildings as defined in this subchapter;
2. In individual tenancies of less than 10,000 square feet in buildings of 10,000 square feet or more;
3. To serve floors or mezzanines of less than 3,000 square feet; or
4. In Use Groups A-4 or E of any size.

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

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

Former N.J.A.C. 5:32-7.12, Recreation: playing fields, recodified to N.J.A.C. 5:23-7.25.

5:23-7.13 Variations

(a) Where it can be demonstrated that one or more of the provisions of this subchapter are technically infeasible, variations or exceptions to those specific provisions may be granted if:

1. The spirit and intent of the law are observed;
2. Public welfare and safety are assured; and
3. Equivalent facilitation and protection for people with disabilities are secured.

(b) In no case shall a complete waiver of these requirements be granted.

(c) Procedures for granting variations and exceptions shall be in accordance with N.J.A.C. 5:23-2.9 through 2.13.

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

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

Former N.J.A.C. 5:32-7.13, Recreation: golf facilities, recodified to N.J.A.C. 5:23-7.26.

5:23-7.14 Enforcement

(a) Enforcement of this subchapter shall be the primary responsibility of the building subcode official except as otherwise designated below:

1. Plan review with regard to compliance with CABO/ANSI A117.1, Sections 4.15 (drinking fountains); 4.17 through 4.22 (bathroom facilities); 4.33.3.2 (dwelling units—water closets); 4.33.3.4.4 (bathtub—faucets); 4.33.3.4.5 (shower spray unit); and 4.33.4.5.1 through 4.33.4.5.4 (dwelling units—counters and sinks) shall be the joint responsibility of the building and plumbing subcode officials.

2. Plan review and inspection with regard to compliance with CABO/ANSI A117.1, Section 4.25 of the controls and operating mechanisms regulated by the electrical, fire protection, or plumbing subcodes shall be the responsibility of the corresponding subcode official. Controls of all other mechanisms shall be inspected by the building subcode official.

3. Inspection with regard to compliance with CABO/ANSI A117.1, Section 4.15.2 (drinking fountains—spouts); 4.15.3 (drinking fountains—operable parts); 4.17.1 (water closets—general); 4.17.3 (water closets—height); 4.17.5 (water closets—flush controls); 4.18.2 (toilet stalls); 4.19.2 (urinals—height); 4.19.4 (urinals—flush controls); 4.20.2 (lavatories—height); 4.20.4 (lavatories exposed pipes); 4.20.5 (lavatories—controls); 4.21.5 through 4.21.8 (bathtubs—controls, shower unit, enclosure, rim); 4.22.2.1 (transfer showers); 4.22.2.2 (showers—size and clearance); 4.22.3 (showers—seat); 4.22.5 through 4.22.8 (showers—controls, shower unit threshold, enclosure); 4.33.3.2.1 and 4.33.3.2.2 (dwelling units, water closets—placement and height); 4.33.3.3.1 (lavatories); 4.33.3.4.4 (faucets); 4.33.3.4.5 (shower spray); 4.33.4.5.1 through 4.33.4.5.4 and 4.33.4.5.8 (dwelling units—sinks) shall be the responsibility of the plumbing subcode official.

4. Enforcement of the technical requirements for elevators shall be the responsibility of the elevator subcode official. The building subcode official shall be responsible to ensure that the elevator is on an accessible route.

New Rule, R.1999 d.105, effective April 5, 1999.
See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.14, Recreation: ski lifts, aerial tramways, and conveyors, recodified to N.J.A.C. 5:23-7.27.

5:23-7.15 Recreation

(a) All facilities, equipment, and sites or portions thereof, intended for outdoor active or passive recreation shall meet all applicable requirements of this subchapter in addition to the provisions of N.J.A.C. 5:23-7.16 through 7.31. All support facilities and site access points required to be on an accessible route of travel shall be made accessible in accordance with the applicable provisions of this subchapter.

1. Indoor recreational facilities shall be on an accessible route of travel and shall comply with all applicable requirements of this subchapter.

(b) Compliance with the provisions of this subchapter that relate to the accessibility of recreational equipment or recreation sites shall be the responsibility of the manager of that recreational facility, of the owner of that facility, whether publicly or privately held, and of the agency responsible for the administration of that facility.

1. The facility manager and/or the facility owner or agency responsible for administration of the facility shall certify, in writing, that any work performed complies with

all applicable provisions of this subchapter and shall retain this certification on file.

2. The enforcement of the accessibility features of recreational equipment notwithstanding, the construction of recreational equipment may require a construction permit if so determined by the building subcode official.

3. The enforcement of the requirements for swimming pools at N.J.A.C. 5:23-7.6, including the accessibility features, shall be the responsibility of the building subcode official.

4. Complaints regarding lack of enforcement of these provisions shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager shall respond within 30 days to any written complaint received detailing the position taken with respect to this complaint. If the facility manager fails to respond in a manner satisfactory to the party registering the complaint, then that party shall have recourse to the appeals process as set forth at N.J.A.C. 5:23-2.38 and 3.11.

5. Any alteration, renovation and/or addition to any existing recreational facility, the cost of which meets or exceeds the limit set forth in N.J.S.A. 40A:11-3, shall be performed in compliance with all applicable provisions of this subchapter. This limit shall apply to both privately- and publicly-owned recreational facilities. If it is feasible to achieve a greater degree of compliance with this subchapter with respect to the entire recreation area, then the facility manager may make alterations, renovations or additions in compliance with the applicable provisions of this subchapter to other facilities or equipment in lieu of the facility or equipment originally being altered, renovated and/or added.

i. Notwithstanding the above provisions, no alteration, renovation or addition shall be made which reduces or diminishes the degree to which any facility meets the criteria of this subchapter.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Amended by R.1996, d.274, effective June 17, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1443(a), 28 N.J.R. 3121(a).

Amended (b), added (b)2 and 3 and recodified former (b)2 and 3 as (b)4 and 5.

Recodified from N.J.A.C. 5:23-7.2 and amended by R.1999 d.105, effective April 5, 1999.

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

In (a), changed N.J.A.C. reference in the introductory paragraph. Former N.J.A.C. 5:32-7.15, Recreation: trails, recodified to N.J.A.C. 5:23-7.28.

5:23-7.16 Recreation: definitions

"Multi-functional play equipment" means play equipment designed to provide multiple play activities such as, but not limited to, swinging, jumping, sliding, and climbing.

"Park" or "recreation area" means an area set aside and designated for recreation, including either active participation, as in sports, or passive recreation, as in the observation of nature.

"Recreation equipment" means equipment and prescribed surrounding safety areas, including, but not limited to, fixed equipment, fixed manipulative play equipment (such as playground equipment), picnic tables, benches, fire places and grills, ski lifts, and aerial tramways.

"Recreation facility" means a facility, body of water, dock, court, field, location, or portion thereof, intended for active or passive recreation.

"Single function play equipment" means play equipment designed to provide a single play activity, such as, but not limited to, swinging, jumping, climbing, or sliding.

"Site access points" means entrances, waiting areas, drop-off zones, parking areas, and public transportation stops serving the recreational area or facility, except those used solely for maintenance purposes.

"Support facility" means a facility ancillary to a recreation facility including, but not limited to, toilet facilities, food services, information services, first aid stations, drinking fountains, telephones, spectator seating and shelters. Facilities primarily housing mechanical equipment or those exclusively used for storage are not included in this definition.

"Transfer platform" means a platform with a minimum dimension of 18 inches by 24 inches mounted 15 inches to 17 inches above grade as an integral part of the multi-functional play equipment to provide access.

"Transfer point" means a clear space 36 inches by 60 inches adjacent to a transfer platform.

"Undeveloped areas" means areas used for activities such as camping, hunting, fishing, the observation of nature or open space conservation and which contain no recreation equipment or recreation facilities.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
Recodified from N.J.A.C. 5:23-7.3 by R.1999 d.105, effective April 5, 1999.
See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
Former N.J.A.C. 5:32-7.16, Recreation: camping sites, recodified to N.J.A.C. 5:23-7.29.

5:23-7.17 Recreation: exceptions

These recreation requirements do not apply to undeveloped areas as defined in N.J.A.C. 5:23-7.16.

New Rule, R.1988 d.352, effective August 1, 1988.
See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
Recodified from N.J.A.C. 5:23-7.4 and amended by R.1999 d.105, effective April 5, 1999.
See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
Changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.17, Recreation: equipment, recodified to N.J.A.C. 5:23-7.30.

5:23-7.18 Recreation: route of travel

(a) There shall be an accessible route of travel connecting the following elements: at least one site access point and all support facilities, accessible recreation facilities, and accessible recreation equipment at each park or recreation area. For purposes of applying this requirement, parks may be divided into smaller areas and an accessible route provided from one site access point at each area to all support facilities, accessible recreation facilities, and accessible recreation equipment in that area.

(b) An accessible route of travel shall meet the following criteria:

1. An accessible route of travel which connects an accessible site access point and support facilities, accessible recreation facilities, and accessible recreation equipment shall meet all of the criteria of CABO/ANSI A117.1, Section 4.5, except that the following are also acceptable surfacing materials: flat surfaced pavers on concrete, flat surfaced pavers on sand, and wood decking. Crushed stone, if laid over a compacted subgrade and bound with sufficient cement to provide a non-shifting, firm surface, is also acceptable.

2. A challenge level 1 accessible route may connect additional site access points, if provided, and support facilities, recreation equipment, and recreation facilities. A challenge level 1 accessible route shall meet the criteria of CABO/ANSI A117.1, Section 4.5, except as follows:

i. In addition to the materials listed in (b)1 above, the following materials are acceptable as surfacing: soil cement, graded wood chips, grass, and compacted earth.

ii. An accessible route with a running slope of 1:16 or steeper shall be considered a ramp. Cross slopes shall not exceed 1:30.

iii. Landings for ramps shall be provided at the top, bottom, at all changes in direction, and after each 48 feet of projection.

iv. Materials specified in (b)1 above are acceptable ramp surfacing materials.

v. When the running slope is between 1:20 and 1:16, a level rest area at least five feet by five feet shall be provided every 200 feet.

(c) The accessible route to multi-functional play equipment shall lead onto the equipment itself as specified at N.J.A.C. 5:23-7.30(c)1.

(d) When a resilient safety area is specified by the manufacturer of the play equipment, the accessible route through the resilient safety area shall meet all the criteria of CABO/ANSI A117.1, Section 4.5 and the following conditions:

1. Commercially manufactured or processed materials must be certified by the manufacturer as permitting independent wheelchair passage;

2. Natural materials must be of the type and depth to meet the specifications in the Consumer Products Safety Commission Handbook on Playground Safety (Consumer Products Safety Commission, Washington, D.C. 20207) or must be one of the following:

i. Wood chips of relatively uniform size from hard wood without bark, leaves, twigs, or brush, or

ii. Double shredded bark and mulch of relatively uniform size without leaves, twigs, or brush; and

3. The accessible route and the resilient safety area shall be of the same material.

(e) The accessible route to single function play equipment shall lead to the safety area surrounding the equipment.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.5 and amended by R.1999 d.105, effective April 5, 1999.

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

In (c), changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.18, Recreation: equestrian facilities, recodified to N.J.A.C. 5:23-7.31.

5:23-7.19 Recreation: pools

(a) At least one pool of each type provided in each distinct area on a site, intended for swimming, soaking, wading, or diving, exclusive of those intended for ornamental, decorative, or mechanical purposes, must adjoin an accessible route of travel. The interior of swimming pools, defined as pools with a depth ranging between 24 inches and 13 feet, and the interior for soaking pools, shall be made accessible by one of the methods detailed in (a)1 through 3 below. Wading pools, defined as pools with a maximum depth of less than 24 inches, and diving pools, defined as pools or tanks whose minimum depth is over 13 feet, are excluded from this interior access requirement.

1. A vertical lift meeting the following criteria and as shown in Figure 7.6a:

i. Designed by its manufacturer for independent operation by the user;

ii. Equipped with a chair designed for independent transfer from a wheelchair. The chair shall have a rigid seat with a depth of at least 15 inches and shall have a rigid back support at least 15 inches high;

(1) As an alternative to (a)1ii above, a pool may be equipped with a moving platform. A wheelchair shall be provided to the user if this option is used.

iii. Adjoining a clear level floor area meeting the criteria of CABO/ANSI A117.1, Section 4.3 whose minimum dimensions are five feet by five feet;

iv. Having controls which meet the criteria of CABO/ANSI A117.1, Section 4.25; and

v. Located to meet the criteria of Figure 7.6a.

2. Interior/exterior steps meeting the criteria of Figure 7.6b:

Figure 7.6a
Pool Entry

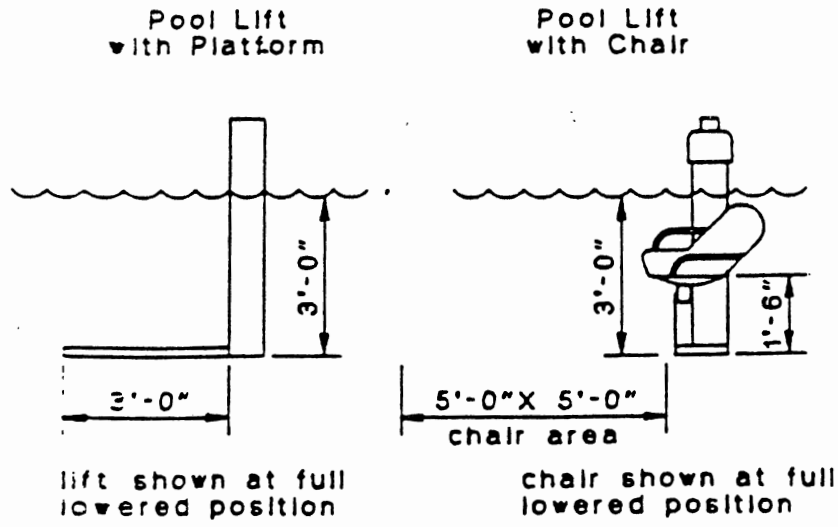
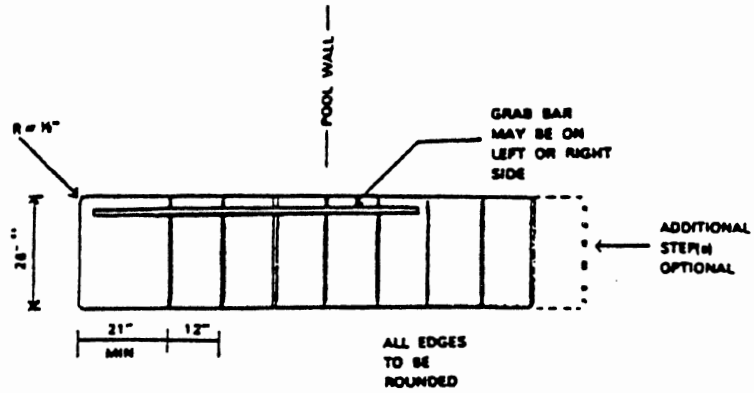
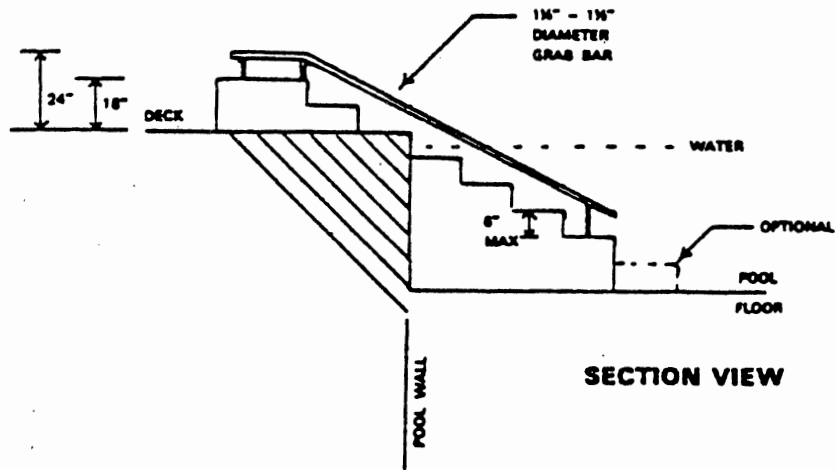


Figure 7.6b



PLAN VIEW



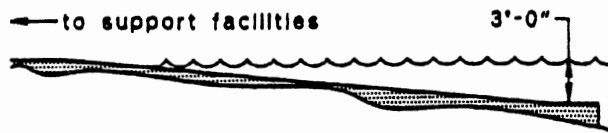
SECTION VIEW

i. The edge of the steps shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

i. A wheelchair shall be provided to the user if this option is used.

3. A ramp meeting the criteria of Figure 7.6c.

Figure 7.6c
Ramp Into Water



Maximum ramp slope 1:12.
Provide no handrails but provide curbs.
Maximum ramp run 30'-0", use additional ramp runs with 5'-0" level platforms between, as necessary.
In pools, assure no access under ramp.

ii. The edge of the ramp shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1988 d.503, effective November 7, 1988.
 See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).
 Added (a)2i and (a)3ii: also amended Figure 7.104b.
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.6 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.20 Recreation: swimming and skating areas

(a) At each designated swimming and/or skating area at natural or man-made bodies of water, there shall be an accessible route or an accessible trail meeting the criteria of N.J.A.C. 5:23-7.28 that connects at least one point at the water's edge to other elements at the site as required by N.J.A.C. 5:23-7.18(a).

1. At designated swimming and/or skating areas, the provision of access as described in (a) above at one location per site shall be deemed as satisfying the requirements of this section.

2. This provision shall not apply in those ocean front areas where wave action renders the provision of an accessible route or an accessible trail impractical from an engineering standpoint.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1996 d.132, effective March 18, 1996.
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.7 and amended by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 In (a), changed N.J.A.C. references in the introductory paragraph.

5:23-7.21 Recreation: boating areas

(a) Each boating area with docking facilities shall have one accessible mooring space.

(b) Each accessible mooring space shall adjoin an accessible route of travel and shall have a minimum clear space of five feet by five feet to allow transfer to the boat. Additionally, each accessible mooring space shall be a maximum of 36 inches above the mean water level in non-tidal areas.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Recodified from N.J.A.C. 5:23-7.8 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.22 Recreation: fishing areas

If docks are provided in a fishing area, the criteria of N.J.A.C. 5:23-7.21 shall apply.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Recodified from N.J.A.C. 5:23-7.9 and amended by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).
 Changed N.J.A.C. reference.

5:23-7.23 Recreation: court games

(a) The surface of the court must adjoin an accessible route of travel. Entrances to courts required to be accessible shall meet criteria of CABO/ANSI A117.1, Section 4.13. On sites with more than one court, at least one of each type of court in each distinct area at a site shall adjoin an accessible route of travel. Where there is a main or center court, this court shall be included as one of those on an accessible route of travel. Additionally, all permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

(b) Court surfaces shall meet the criteria of CABO/ANSI A117.1, Section 4.3, except in those instances where the recognized rules of the particular game dictate another surface.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Recodified from N.J.A.C. 5:23-7.10 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.24 Recreation: ice rinks and roller rinks

The surface of at least one of each type of rink provided in each distinct area on a site shall adjoin an accessible route of travel.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Recodified from N.J.A.C. 5:23-7.11 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.25 Recreation: playing fields

There shall be an accessible route of travel to at least one of each type of playing field provided in each distinct area on a site. For an overlay field, an accessible route of travel to the primary field shall fulfill the requirements of this section. For a complex of playing fields in a single area, an accessible route of travel to the area shall fulfill the requirements of this section. Additionally, all permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Recodified from N.J.A.C. 5:23-7.12 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.26 Recreation: golf facilities

(a) For golf facilities, there shall be an accessible route of travel to the area where the transfer to golf carts is made.

(b) Bridges, if provided, shall either be designed for use by golf carts or shall meet the criteria of CABO/ANSI A117.1, Section 4.8.

(c) Where curbs are provided at points where courses cross thoroughfares, ramps or curb ramps meeting the criteria of CABO/ANSI A117.1, Section 4.8 shall be provided.

(d) Miniature golf facilities shall be accessible as follows:

1. The entire playing surface shall be accessible at starting points, end points, and at all points in-between where possible. In those areas where the ball cannot physically come to rest because of steep slopes, access is not required.

2. The entry and exit points shall be a minimum of 32 inches wide, with no railings, obstacles, or elevation change.

3. Each hole shall have a platform with a turn around radius of five feet.

4. When obstacles are provided, there shall be a 32 inch minimum clear width on one side of the obstacle.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).
 See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).
 Recodified from N.J.A.C. 5:23-7.13 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.27 Recreation: ski lifts, aerial tramways, and conveyors

(a) In areas where ski lifts or other comparable mechanisms for skiing are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities required to be accessible with the area where the transfer to skis is made.

(b) In areas where aerial tramways, conveyors or other comparable mechanisms for sightseeing are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities required to be accessible and the moving seat, car or platform of the aerial tramways, conveyors, or comparable mechanisms. A five feet by five feet clear, level area meeting the criteria of CABO/ANSI

A117.1, Section 4.3 shall be provided immediately adjacent to the upper, lower, and any intermediate terminals of such mechanisms to facilitate transfer from a wheelchair to the seat, car, or platform. If seats are involved, they shall be at a height of 16 inches to 18 inches above the clear, level area.

(c) There shall be a control immediately available to the operator of the ski lift, aerial tramway or conveyor to stop and restart the mechanism to allow the transfer of a disabled person on and off.

(d) The requirements of this section shall not apply to moving sidewalks or other horizontal conveyors guided by a track or tracks.

New Rule, R.1988 d.352, effective August 1, 1988.
 See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).
 Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).
 See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).
 Recodified from N.J.A.C. 5:23-7.14 by R.1999 d.105, effective April 5, 1999.
 See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

5:23-7.28 Recreation: trails

(a) Trails through undeveloped areas are exempted from the requirements of this subchapter.

(b) All other trails shall meet the requirements for slope and for the provision of rest areas of either (b)1 or 2 below and the surfacing materials and sign requirements contained in (b)3 and 4 below.

1. A running slope shall not exceed 1:8 at any place and cross slopes shall not exceed 1:30. Level rest areas at least five feet by five feet shall be provided every 300 feet when the running slope is between 1:16 and 1:12. This shall be a challenge level 2 accessible trail. Level rest areas at least five feet by five feet shall be provided every 200 feet when the running slope is between 1:12 and 1:8. This shall be a challenge level 3 accessible trail.

i. If the topography of the site is such that average grade exceeds that in (b)1 above, an exception to the slope limitations may be allowed.

2. Trails may also be constructed in accordance with the requirements of N.J.A.C. 5:23-7.18(b)1 (accessible route) or N.J.A.C. 5:23-7.18(b)2 (challenge level 1 accessible route).

3. In addition to the materials listed at N.J.A.C. 5:23-7.18(b)1 and 2, the following materials are acceptable as surfacing for trails: untreated soil, compacted gravel, and ungraded wood chips.

4. Each trail shall be marked in accordance with the technical criteria of CABO/ANSI A117.1, Section 4.28.1 through 4.28.5 and Section 4.28.6.1.

i. Each sign shall contain the following information:

(1) The international symbol of access for an accessible route or the challenge level of the accessible route or accessible trail; and

(2) The length of the accessible route or accessible trail.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.15 and amended by R.1999 d.105, effective April 5, 1999.

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

In (b), changed N.J.A.C. references in 2 and 3.

5:23-7.29 Recreation: camping sites

(a) In camping areas in other than undeveloped areas, at least five percent (rounded off to the next higher whole number) of camp sites shall meet the following criteria:

1. There shall be an accessible route of travel connecting these accessible camp sites with site access point(s) and support facilities required to be accessible;

2. Sites and signs leading to such sites shall be marked with the International Symbol of Accessibility displayed as specified in CABO/ANSI A117.1, Section 4.28;

3. Where tent platforms are provided, each of those required to be accessible shall be equipped with a ramp meeting the criteria of CABO/ANSI A117.1, Section 4.8;

4. The accessible camp sites shall be distributed throughout the camping area to the degree feasible as determined by the topography of the area.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.16 by R.1999 d.105, effective April 5, 1999.

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

5:23-7.30 Recreation: equipment

(a) Five percent of all picnic tables, benches, fireplaces and grills provided, rounded to the next higher whole number, but not less than one, shall be on an accessible route of travel.

1. Such equipment shall be distributed throughout the picnic area to the degree feasible as determined by the topography of the area.

(b) Within each play area on a site, at least 25 percent of the single function play equipment shall be of a type identified by its manufacturer as accessible to and usable by both disabled and non-disabled persons.

(c) At least 25 percent of the play activities of all multi-functional play equipment within each play area on a site shall be of a type identified by the manufacturer as accessible to and usable by both disabled and nondisabled persons.

1. Access onto the multi-functional play equipment may include, but is not limited to, the following:

i. A ramp which complies with CABO/ANSI A117.1, Section 4.8 and which provides a landing with a minimum width of five feet by five feet at the top and bottom;

ii. Transfer point(s) adjacent to transfer platform(s); and

iii. An accessible route which complies with N.J.A.C. 5:23-7.18, which, because of the topography of the land, leads directly onto the equipment.

2. Accessibility features, such as ramps and transfer platforms, shall not be considered play functions. Passive activities shall not be considered play functions.

(d) Playground equipment required to be accessible in (b) and (c) above shall be on an accessible route as delineated at N.J.A.C. 5:23-7.18.

(e) As existing play equipment is replaced in any play area, at least 50 percent of the replacement equipment shall be of a type identified by the manufacturer as usable by both disabled and non-disabled persons until the percentage as specified in (b) and (c) above is met.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.17 and amended by R.1999 d.105, effective April 5, 1999.

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

In (c) and (d), changed N.J.A.C. references throughout.

5:23-7.31 Recreation: equestrian facilities

At the area normally used for mounting at each recreational equestrian facility, a mounting platform for people with disabilities shall be provided. For ponies, the top of the platform shall be at a height 32 inches above the surface upon which the pony stands. For horses, the top of the platform shall be at a height of 41 inches above the surface upon which the horse stands. The mounting platform shall have a minimum dimension of five feet long and three feet wide. Any ramp necessary to provide access to the mounting platform shall meet the criteria of CABO/ANSI A117.1, Section 4.8, except that a maximum slope of 1:9 shall be allowed.

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Platform height changed from 42 inches to 32 inches.

Administrative Correction.

See: 22 N.J.R. 1355(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.18 by R.1999 d.105, effective April 5, 1999.

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

SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE

Cross References

Child care center physical plant requirements, see N.J.A.C. 10:122-5.2.

5:23-8.1 Title; scope; intent

(a) This part of the regulations, adopted pursuant to P.L. 1975, c.217, the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and entitled Asbestos Hazard Abatement Subcode shall be known and may be cited throughout the regulations as N.J.A.C. 5:23-8 and when referred to in this subchapter, may be cited as "this subchapter."

1. In addition, the New Jersey Departments of Health and Labor have jointly adopted regulations pursuant to P.L. 1984, c.217, the Asbestos Control and Licensing Act (N.J.S.A. 34:5A-32 et seq.) and are cited as N.J.A.C. 8:60, and N.J.A.C. 12:120, respectively. These regulations provide for: a standardized training course for all asbestos workers; licensing of asbestos abatement contractors; and issuing asbestos worker performance permits for asbestos abatement workers.

i. Copies of N.J.A.C. 12:120 may be obtained from the New Jersey Department of Labor, Division of Workplace Standards, Asbestos Control and Licensing, PO Box 054, Trenton, New Jersey 08625-0054. These rules provide that any asbestos abatement project, excluding an operations and maintenance activity, must be conducted by a licensed contractor pursuant to the referenced rules, including projects involving buildings and structures which are not within the scope of this subchapter.

2. The New Jersey Department of Environmental Protection has authority to enforce regulations regarding the transport and disposal of asbestos-containing materials pursuant to N.J.S.A. 13:1D-9 and 13:1E-1 et seq. These rules are cited as N.J.A.C. 7:26.

i. Copies of N.J.A.C. 7:26 may be obtained from the New Jersey Department of Environmental Protection,

Division of Solid Waste Management, 840 Bear Tavern Road, PO Box 414, Trenton, New Jersey 08625-0414.

3. All samples collected and submitted for analysis for asbestos pursuant to this subchapter shall be analyzed for asbestos in accordance with N.J.A.C. 5:23-8.21.

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

(c) This subchapter, which pertains to educational facilities and public buildings as defined in N.J.A.C. 5:23-8.2, shall control matters relating to: construction permits for asbestos abatement; fees; licenses; certification; work permits; reports required; documentation; inspections by the asbestos safety technician; air monitoring; enforcement responsibilities; and remedies and enforcement. This subchapter controls the abatement of asbestos from a building. A construction permit for renovation or demolition shall be required pursuant to N.J.A.C. 5:23-2 for any other work performed subsequent to the asbestos abatement project.

1. Any private building that houses a day care center, nursery or educational facility shall be subject to this subchapter when an asbestos hazard abatement project takes place within the building or any part of the building regardless of the remoteness of the facility or its size relative to the building. An asbestos hazard abatement project shall have a construction permit from the enforcing agency.

2. All common areas in a building, or part thereof, leased by a public entity, such as, but not limited to, building entrances and lobbies, rest rooms, cafeterias, hallways, stairwells, and elevators where public employees may normally traverse and all areas with mechanical equipment that serve the areas occupied by the public employees, shall be subject to this subchapter when an asbestos hazard abatement project takes place within the building or any part of the building.

3. This subchapter shall apply to exterior portions of buildings, such as: exterior hallways connecting buildings; porticos; mechanical system insulation; cooling towers; and steam or other service tunnels serving or connecting buildings. These exterior spaces are to be considered, for the purposes of obtaining a construction permit pursuant to this subchapter, a single homogeneous area for purposes of abatement project design.

4. Projects involving the removal of non-friable, miscellaneous asbestos-containing material from interior spaces shall be subject to this subchapter where the method chosen to remove the non-friable material may cause the building environment to become contaminated with airborne asbestos fibers. Removal shall be in accordance with N.J.A.C. 5:23-8.20.

(d) Until further action is taken, this subchapter remains advisory for all other buildings and structures in the State.

(e) This subchapter seeks to provide and ensure public safety, health, and welfare insofar as they are affected by asbestos and asbestos-containing materials. It is not intended to, nor shall it be construed to, conflict with or impede the operation of the asbestos work standards issued by the Occupational Safety and Health Administration, 29 CFR Section 1910.1001 et seq., 29 CFR Section 1926.58 and N.J.A.C. 12:100-12, the Asbestos Subchapter of the New Jersey Safety and Health Standards for Public Employees. The purpose of this subchapter is to assure that work is performed in a safe manner as a pre-condition to the issuance of a certificate of occupancy.

1. It is the purpose of this subchapter to establish standards and procedures to ensure that all State laws and regulations applicable to asbestos hazard abatement work are actually adhered to wherever work takes place.

2. Asbestos has been a pervasive construction material which in many of its forms poses no significant health risk. These standards and procedures need not be applied to all work involving asbestos-containing materials but only those which pose serious health hazards to the public.

3. Asbestos that is, or that can readily become, friable was a widely used construction material. Its removal, replacement, repair, enclosure or encapsulation shall be considered construction work and shall therefore require a construction permit issued pursuant to the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.). Asbestos and asbestos-containing materials were, in many cases, used in order to satisfy important code requirements pertaining to fire safety. Accordingly, where asbestos was used originally to satisfy fire code requirements, it shall not be removed unless it is replaced, as part of the project, with material or assembly which has equivalent fire resistive or heat resistive characteristics. Additionally, any encapsulation materials or methods shall conform to the construction requirements of the Uniform Construction Code.

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Deleted text in (c) "administrative authority having jurisdiction" and substituted "asbestos safety technician;"

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Revised section with stylistic changes.

In (a)1ii: added language regarding asbestos abatement projects. Added new (a)3.

In (c): added language clarifying subchapter's scope. Added new (c)3 and (c)4.

Amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Case Notes

New Jersey asbestos rules preempted by Occupational Safety & Health Act (OSHA) to the extent that they addressed issue of education and training in the workplace; balance of N.J. asbestos program was unenforceable because preempted provisions were not severable from remaining provisions, and because OSHA considered and rejected testing, certification, license and permit requirements similar to New Jersey's program. *New Jersey State Chamber of Commerce v. State of New Jersey*, 653 F.Supp. 1453 (D.N.J.1987).

Minor child's violence in school warranted evaluation. *Roselle Board of Education v. M.W.*, 97 N.J.A.R.2d (EDS) 38.

Strict adherence to asbestos abatement regulations required by asbestos safety technician and control monitor. *Lotto v. Bureau of Code Services*, 97 N.J.A.R.2d (CAF) 31.

5:23-8.2 Definitions

The following words, terms and abbreviations when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

"Airlock" means a serial arrangement of rooms whose doors are spaced a minimum of four feet apart so as to permit ingress or egress through one room without interfering with the next and constructed in such a manner as to prevent or restrict the free flow of air in either direction.

"Air pressure differential" means air pressure lower than surrounding areas, generally caused by exhausting air from a sealed space (work area).

"Amended water" means water to which a surfactant has been added.

"Asbestos" means a general term used to describe a group of naturally occurring hydrated mineral silicates. The asbestiform varieties include chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); anthophyllite; tremolite and actinolite.

"Asbestos-containing material" means any material which contains more than one percent asbestos by weight.

"Asbestos hazard abatement project" means the removal, enclosure, or encapsulation of more than 25 square feet of asbestos-containing material used on any equipment or surface area such as wall, or ceiling area; or the removal or encapsulation of more than 10 linear feet of asbestos-containing material on covered piping.

"Asbestos Safety Control Monitor" means a business entity authorized pursuant to N.J.A.C. 5:23-8 to ensure compliance with the Asbestos Hazard Abatement Subcode.

"Asbestos Safety Technician" means a person certified by the New Jersey Department of Community Affairs, hired by the asbestos safety control monitor who continuously monitors and inspects the asbestos abatement work pursuant to this subchapter. This person shall be required to be on the job site during the time the asbestos abatement work is taking place and perform all duties and responsibilities established by these regulations.