

## 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).

#### Executive Order No. 66(1978) Expiration Date

Chapter 23, Uniform Construction Code, expires on September 9, 2002.

#### 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 Chapter 23 superseded N.J.A.C. 5:16, Standard Building Code and N.J.A.C. 5:20, Safety Glazing Materials, which were repealed by R.1978 d.360, effective October 6, 1978.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 Chapter 23 also superseded N.J.A.C. 5:21, Uniform Standards Code for Mobile Homes, which was repealed by R.1982 d.7, effective February 1, 1982.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.

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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.

13. "Radon Hazard Subcode" which may be cited throughout the regulations as N.J.A.C. 5:23-10 and when referred to in subchapter 10 of this chapter may be cited as this subchapter.

14. "Playground safety subcode" which may be cited throughout this chapter as N.J.A.C. 5:23-11 and, when

referred to in subchapter 11 of this chapter, may be cited as "this subchapter."

15. "Elevator Safety Subcode" which may be cited throughout the rules as N.J.A.C. 5:23-12 and when referred to in subchapter 12 of this chapter may be cited as this subchapter.

**Case Notes**

Registered architect retained to sign and seal drawings to comply with permit regulations entitled to approve as prepared or return for compliance modifications (citing Small Dwelling Energy Subcode). *Deck House, Inc. v. New Jersey State Board of Architects*, 531 F.Supp. 633 (D.N.J.1982).

Departments of Community Affairs and Energy could not amend state energy subcode. *New Jersey Builders Ass'n v. Coleman*, 227 N.J.Super. 23, 545 A.2d 783 (A.D.1988).

**5:23-3.19 Manufactured home subcode**

(a) Pursuant to authority of P.L. 1975, c.217, as amended, the Commissioner hereby adopts the Federal Manufactured Home Construction and Safety Standards, as set forth in Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, as the manufactured home subcode for New Jersey.

1. Copies of the volume of the Code of Federal Regulations containing Part 3280 of Title 24 may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20420.

2. Part 3280 of Title 24 of the Code of Federal Regulations, including all subsequent revisions and amendments thereto, may be known and cited as the manufactured home subcode.

(b) The following sections of Subpart A of Part 3280 are deemed to be administrative in nature and are therefore excluded from the manufactured home subcode:

1. Section 3280.1, entitled "Scope";
2. Section 3280.5, entitled "Data plate";
3. Section 3280.6, entitled "Serial number";
4. Section 3280.7, entitled "Modular homes"; and
5. Section 3280.8, entitled "Certification label".

(c) Any manufactured home construction or safety issue not covered under the manufactured home subcode which is, however, covered under another subcode adopted pursuant to this subchapter shall be determined in accordance with such other subcode.

(d) The adoption of a manufactured home subcode shall not be construed as in any way limiting the power or duty of the Department of Community Affairs to enforce and comply with all applicable provisions of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 and the regulations promulgated pursuant thereto, including all subsequent revisions and amendments thereto, when authorized to do so by the Secretary of the United States Department of Housing and Urban Development.

Amended by R.1982 d.7, eff. February 1, 1982.

See: 13 N.J.R. 171(a), 14 N.J.R. 142(a).

This section was recodified from 5:23-3.9.

**5:23-3.20 Mechanical subcode**

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

1. Pursuant to authority of P.L. 1975, c.217, the Commissioner hereby adopts the model code of the International Code Council, Inc., known as the International Mechanical Code/2000. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications stated in (b) below.

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

ii. The International Mechanical Code/2000 may be known and cited as the "mechanical subcode."

2. Any references to the International Building Code, International Plumbing Code, ICC Electrical Code, International Fire Code or the International Energy Conservation Code listed in Chapter 15 shall be considered a reference to the appropriate adopted building, plumbing, electrical, BOCA National Fire Prevention Code-1996 or energy subcode in N.J.A.C. 5:23-3.

3. Anywhere the term "code" appears, shall be a reference to "subcode" as defined in N.J.A.C. 5:23-1.4 for any of the adopted national model codes as appropriate.

(b) The following chapters, sections or pages of the International Mechanical Code/2000 are amended as follows:

1. Chapter 1 of the mechanical subcode, entitled "Administration," is deleted in its entirety.

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

i. Section 201.3 is amended to delete the words "International Building Code, ICC Electrical Code, International Fire Code, International Plumbing Code," and in lieu thereof substitute "building, electrical, fire protection, and plumbing subcodes."

ii. The definition of the term "alteration" is deleted and substitute the definition found in N.J.A.C. 5:23-1.4.

iii. The definition of the term "approved" is deleted.

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

v. The definition of the term "code" is deleted.

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

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

i. Section 301.1 is amended to delete the words "in accordance with Section 101.2."

ii. Section 301.4 is amended to delete the words "in accordance with Section 105."

iii. Section 301.11 is deleted.

iv. Section 307.1 is amended to delete "approved plumbing fixture" on line 3 and insert the following: "drywell, sump pump, floor drain, or drainage system below floor."

v. Section 307.2.1 is amended to add the following after the word "disposal" on line 3: "in accordance with the adopted plumbing subcode."

vi. Section 307.2.2 is deleted.

vii. Section 309 is deleted.

viii. Section 312 is deleted.

4. Chapter 4 of the mechanical subcode, entitled "Ventilation," is amended as follows:

i. Section 403.2 is amended to add the following language: "Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outside air shall be reduced in accordance with such engineered system design."

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

i. Section 503.1 is amended to replace the second sentence with the following: "The type and wiring methods for motors in areas that contain flammable vapors or dusts shall be in accordance with the electrical subcode."

ii. Section 512.1 is amended to add a sentence as follows: "This section shall not apply to radon construction techniques covered by subchapter 10 of the Uniform Construction Code."

iii. 513.11 is amended to replace the third sentence with the following: "Secondary power shall be from a legally required standby power source complying with the electrical subcode." Also, delete the following sentences: "Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within 60 seconds of failure of the primary power."

iv. 513.12.1 is amended to delete the wording in its entirety and substitute the following: "Wiring. All wiring shall be in accordance with the electrical subcode."

6. Chapter 6 of the mechanical subcode, entitled "Duct Systems," is amended as follows:

i. Section 602.2.1 is amended to modify Exception 3 to read: "This section shall not apply to materials exposed within plenums in one-and two-family dwellings. Wire exposed in plenums of one-and two-family dwellings shall conform to the requirements of the electrical subcode."

ii. Section 602.2.1.1 is deleted in its entirety and substitute the following language: "Wiring, cable and raceways installed in a plenum shall be listed and installed in accordance with the electrical subcode."

iii. Section 602.2.1.4 is deleted in its entirety and substitute the following language: "Combustible electrical equipment exposed within a plenum shall be listed and labeled and shall be installed in accordance with the requirements of the electrical subcode."



7. Chapter 9 of the mechanical subcode, entitled "Specific Appliances, Fireplaces and Solid Fuel Burning Equipment," is amended as follows:

- i. Section 917.2 is deleted in its entirety.
- ii. Section 917.3 is deleted in its entirety.

8. Chapter 10 of the mechanical subcode, entitled "Boilers, Water Heaters and Pressure Vessels," is amended as follows:

- i. Section 1001.1 is amended to replace the words "installation, alteration, and repair of boilers," with the words "installation and alteration of boilers."
- ii. Section 1003.1 is amended to add the following phase: "Pressure vessels shall be designed and constructed in accordance with the requirements of ASME "Rules for Construction of Pressure Vessels, Section VIII/1998". "

9. Chapter 11 of the mechanical subcode, entitled "Refrigeration," is amended as follows:

- i. Section 1102.2.2 is deleted.
- ii. Section 1109 is deleted.

10. Chapter 13 of the mechanical subcode, entitled "Fuel Oil Piping And Storage," is amended as follows:

- i. Section 1301.2 is amended to add the following sentence: "Where the tank is of a size and type that is subject to the Department of Environmental Protection rules for the installation of Underground Storage Tanks at N.J.A.C. 7:14B, those rules shall apply."

11. Chapter 15 of the mechanical subcode, entitled "Referenced Standards," is amended as follows:

- i. Under the heading "ICC," amend the following titles:

(1) Delete "IEC—2000 Electrical Code."

(2) Delete "IFC—2000 International Fire Code" and substitute the following: "BOCA National Fire Prevention Code/1996."

(3) Delete "IBC—2000 International Building Code."

(4) Delete "IEEC—2000 International Energy Conservation Code."

(5) Delete "IPC—2000 International Plumbing Code."

12. Appendix A of the mechanical subcode entitled "Combustion Air and Chimney Connector Pass-Throughs" is informative and is not part of the code.

13. Appendix B of the mechanical subcode entitled "Recommended Permit Fee Schedule," is deleted in its entirety.

(c) Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building of Use Group I-1, R-1, R-2, or any dwelling unit of Use Group R-3 located in a building required to be registered as a multiple dwelling, if that building contains a fuel-burning appliance or has an attached garage.

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

i. The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

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

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

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

New rule.

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

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

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

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

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

Substantially amended.

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

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

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

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

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

Model subcode revisions.

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

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

Added (a)3 and (c).

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

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



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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

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

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

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

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

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

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

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

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

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

Added (c).

Amended by R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

Rewrote (a) and (b).

Administrative correction.

See: 33 N.J.R. 3310(a).

### 5:23-3.20A (Reserved)

New Rule R.1992 d.183, effective April 20, 1992.

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

Repealed by R.2001 d.196, effective June 18, 2001.

See: 33 N.J.R. 6(a), 33 N.J.R. 2090(a).

Section was "Indoor air quality subcode".

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

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

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

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

(b) The provisions of this subcode shall apply to the construction, alteration, repair or increase in size of detached one-or two-family dwellings or single family townhouses, of Use Group R-4, of type 5B construction that are not more than two stories or 35 feet in height and no more than 4,800 square feet in area per floor. For the purpose of applying this section, a habitable attic shall not constitute a story. A habitable attic shall be an attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven feet above the attic floor is not more than one-third the area of the next floor below.

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

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

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

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

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

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

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

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

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

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

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

Table No. 301.2a  
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

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

Notes:

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

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

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

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

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

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

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

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

iv. Section 303.6 "Required Heating" is deleted.

v. Section 309.1 Opening Protection—Delete and substitute in lieu thereof the following: "Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid core wood doors not less than 1¾ inches in thickness or approved equivalent. The sills of all door openings between garages and adjacent interior spaces shall be raised not less than 4 inches above the garage floor."

vi. Section 309.2—Separation Required—Delete and substitute in lieu thereof the following: "Private garages located beneath rooms shall have walls, partitions, floors and ceilings separating the garage from the adjacent interior spaces constructed with not less than 1 hour fire resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of ½-inch gypsum board or equivalent applied to the garage side."

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

viii. Section 312.1, under the second exception in the second line, delete "8¼ inches" and substitute in lieu thereof, "8 inches";

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

"R-213.1 General: When risers are closed, all treads may have a uniform projection not to exceed 1½ inches.

The greatest riser height within a flight of stairs shall not exceed the smallest by more than ¾ inch.

The greatest tread run within any flight of stairs shall not exceed the smallest by more than ¾ inch.

Stairways shall not be less than 3 feet clear width, and the headroom, rise and run shall conform to the following requirements from Figure No. R-213.1 of the 1992 CABO One and Two-Family Dwelling Code. As per this figure, tread depth is 9" minimum, riser height is 8¼" maximum and headroom is 6'8" minimum. Handrails may project from each side of a stairway a distance of 4½ inches into the required width."

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

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

xii. Section 314.7 is deleted in its entirety;

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

"The handgrip portion of the handrails shall not be more than 2 ¾ inches in cross-sectional dimension, or the shape shall provide an equivalent gripping surface. The handgrip portion of handrails shall have a smooth surface with no sharp corners."

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

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

(D) Area 4, Subcodes: Housing code provisions including occupancy loads, minimum utilities and facilities. Building subcode provisions including structural requirements, durability and weatherability requirements, and light, air and ventilation requirements. Electrical subcode provisions including minimum service and appliances and basic circuits. Fire prevention code provisions including special permits required, storage and handling of goods and materials, maintenance of exit facilities and maintenance of fire protection equipment. Fire Protection subcode provisions including height and area requirements, fire resistance, flame spread and combustibility requirements; and fire alarm, detection and suppression systems. Plumbing subcode provisions including sanitary waste disposal, water supply, venting and required facilities.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.6.

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

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

This section was "Facility fire protection supervisor requirements" which was repealed and 5.21 was recodified.

Administrative Correction to (a), (b)2 and (b)5.

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

Amended by R.1991 d.308, effective June 17, 1991.

See: 23 N.J.R. 1085(a), 23 N.J.R. 1923(a).

Midterm and final exams required at (b); RCS program increased to 60 contact hours; BOCA Building, Mechanical, Plumbing, Energy Conservation, Barrier-Free and CABO codes required in all courses, fire protection inspector subject requirements specified in greater detail.

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

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

Added elevator inspector standards at (d)11.

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

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

Subdivided (b)2 and substantially amended (b)2i.

## 5:23-5.21 Renewal of license

(a) The Department may issue the appropriate license following submission of an application, payment of the required nonrefundable fee, and verification by the Licensing Unit of the Bureau of Code Services that the applicant meets the requirements for renewal of the license established herein.

(b) Every three years, any license already issued shall be renewed upon submission of an application, payment of the required nonrefundable fee, and verification by the Licensing Unit of the Bureau of Code Services that the applicant has met such continuing educational requirements as may be established by the Commissioner.

1. The Department shall renew the license previously issued for a term of three years; provided, however, that it may renew any such license for a shorter period of time if so requested by the licensee. The renewal period shall begin 90 days prior to the expiration dates, which shall be July 31 or January 31.

(c) The Department shall issue, upon application, a duplicate license wallet card of the appropriate type and specialty, upon a finding that the license has been issued, and that the applicant is entitled to such license wallet card to replace one that has been lost, destroyed, or mutilated. Payment of a fee of \$10.00 shall be required.

(d) Continuing education requirements are as follows:

1. The following continuing education requirements are based upon the type(s) of license(s) held, and not upon employment positions held. Continuing Education Units (CEUs) will be subject to approval by the Bureau of Code Services. One CEU equals 10 contact hours. CEUs will be awarded both for technical and for administrative licenses.

i. Inspector license only—1.5 CEU (technical);

ii. Inspector and subcode official licenses—2.0 CEU's (1.5 technical and 0.5 administrative);

iii. Inspector, subcode official and construction official licenses—2.5 CEU's (1.5 technical and 1.0 administrative).

2. If an individual adds an inspector license in a new subcode area to an existing license, there will be no additional continuing education requirement for the new licenses during that licensure period.

3. If an individual adds administrative licenses to an existing license, there will be no additional continuing education requirement for the new administrative license during that licensing period.

4. To maintain a mechanical inspector's license, 1.5 CEU (technical) shall be completed, as required by this section, in addition to any other CEU requirements for other licenses held.

5. The Department may determine that attendance at specific seminar(s) is mandatory for individual inspectors, subcode officials, or construction officials.

i. The Barrier Free Subcode seminar shall be a mandatory seminar. Each licensed building subcode official or building inspector shall have completed this course for license renewal on or after July 1, 1998. Barrier Free Subcode seminars completed after July 1, 1995 shall be counted toward meeting this requirement.

ii. If the Department establishes mandatory seminar(s), the seminar(s) will be offered in sufficient numbers and locations so as to facilitate compliance.

iii. For those code officials who do not complete the mandatory seminar(s), the Department shall offer either a special seminar or video seminar so the code official may be in compliance. The Department shall charge a fee of \$50.00 per person to attend any video seminar or special seminar.

6. CEU credit for a given course shall be allowed with respect to all licenses held by a licensee to which the course may be applicable.

(e) Lapsed license renewal requirements are as follows:

1. Where the holder of a license has allowed the license to lapse by failing to renew the license as provided for in (b) above, a new application and license shall be required. If such application is made within three years of the license having lapsed, then application may be made in the same manner as a renewal application.

2. The late renewal application shall be accompanied by the appropriate renewal fee and an additional late fee of \$65.00 per year or fraction thereof.

3. Additionally, the licensee must make up or meet the annual continuing education training requirement for each active and expired year as specified herein.

4. Where a license has lapsed for a period exceeding three years, a new application shall be required in accordance with N.J.A.C. 5:23-5.5, and the applicant must meet all current licensure requirements.

(f) After revocation of a license upon any of the grounds set forth in these rules, the Licensing Unit may not renew or reinstate such license; however, a person may file a new application for a license with the Department.

(g) The Department shall not issue a new license to an applicant whose license was previously revoked unless and until the following conditions are met:

1. At least three years shall have passed since the effective date of the revocation of the previous license;

2. If the applicant was convicted of a crime related in any way to code enforcement, the Department shall have determined in light of the factors set forth in N.J.S.A. 2A:168A-2, that the applicant has been fully rehabilitated and that licensing the applicant would not be detrimental to the public welfare;

3. The applicant shall have made full restitution to any person who sustained a loss as a result of the act or omission for which the previous license was revoked; and

4. All conditions imposed by the order of revocation shall have been complied with.

Amended by R.1982 d.8, effective February 1, 1982.

See: 13 N.J.R. 799(b), 14 N.J.R. 143(a).

(b): Deleted "prior to July 31 in the second year" and added "The renewal . . . January 31".

(c): Deleted "equal to . . . license" and substituted "as may be . . . Commissioner" therefor.

(d): Subsection was "reserved"; test added through (d)1iii.

(e): Added "in accordance with N.J.A.C. 5:23-5.5".

Amended by R.1985 d.352, effective July 15, 1985.

See: 17 N.J.R. 1031(a), 17 N.J.R. 1758(a).

Expiration date changed from "45 days" to "90 days".

(e) substantially amended.

Amended by R.1985 d.528, effective October 21, 1985.

See: 17 N.J.R. 1705(a), 17 N.J.R. 2535(b).

Deleted text in (f) "When it can . . . a new license."; (g) added.

Amended by R.1985 d.612, effective January 6, 1986.

See: 17 N.J.R. 1821(a), 18 N.J.R. 80(a).

Was 5:23-5.7.

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

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

Added (d)2 and recodified from 5.22.

Administrative Correction to (d), (d)1i and (f).

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

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (e)2, fee increased from \$30.00 to \$40.00.

Amended by R.1992 d.272, effective July 6, 1992.

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

Fee non-refundable; renewal process begins 90 days before expiration.

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

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

Fees increased.

Amended by R.1993 d.187, effective May 3, 1993.

See: 25 N.J.R. 624(a), 25 N.J.R. 1875(a).

Added (d)4.

Amended by R.1996 d.53, effective February 5, 1996.

See: 27 N.J.R. 4056(a), 28 N.J.R. 815(b).

Amended by R.1996 d.545, effective December 2, 1996.

See: 28 N.J.R. 3997(a), 28 N.J.R. 5071(b).

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

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

In (d), Substituted "Bureau of Code Services" for "Bureau of Technical Services"; and added (d)5ii(1).

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

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

Amended by R.1998 d.256, effective May 18, 1998.

See: 30 N.J.R. 758(a), 30 N.J.R. 1777(b).

In (d), rewrote 5; deleted former 5i and ii; recodified former 5ii(1) as 5i, and recodified former 5iii and iv as ii and iii.

#### Case Notes

Denial of relicensure upheld for formerly licensed electrical subcode official who pled guilty to disorderly persons offense (based upon former licensee's misconduct while performing public responsibilities authorized by license). *Bevacqua v. Renna*, 213 N.J.Super. 554, 517 A.2d 1215 (App.Div.1986).

Examination of educational standards at former N.J.A.C. 5:23-5.6. *Twp. of Burlington v. Middle Department Inspection Agency, Inc.*, 175 N.J.Super. 624, 421 A.2d 616 (Law Div.1980).

#### 5:23-5.22 Fees

(a) No application for a license shall be acted upon unless said application is accompanied by a non-refundable fee as specified herein.

1. A non-refundable application fee of \$65.00 shall be charged in each of the following instances:

i. Application for any one given technical license specialty, or for the Inplant Inspector or Mechanical Inspector license.

ii. Application for any one given technical license specialty plus the related Subcode Official license, if both are applied for at the same time.

iii. Application for any one given technical license specialty plus the related Subcode Official license, as well as the Construction Official license, if all three are applied for at the same time.

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

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

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

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

i. Newly-installed HVAC systems shall comply with the requirements of ASHRAE 62-89.

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

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

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

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

1. Exception: Specific occupancy areas within and serving a dwelling unit are not required to comply with this section. (Building)

(t) **Accessibility of Sleeping Rooms:** At least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be made accessible unless the facility already provides the number of accessible sleeping rooms required by the barrier free subcode. (N.J.A.C.

5:23-7.1(b)7) In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by the barrier free subcode. (Building)

(u) **Fireblocking and Draftstopping:** When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 721.0 of the building subcode.

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

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

Inserted a new (c); recodified former (c) through (s) as (d) through (t); in the new (g), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in the new (h), made an internal reference change in the introductory paragraph, and rewrote the second sentence in 2.

Administrative change.

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

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

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

In (g), added second sentence; and added (u).

## 5:23-6.25A Supplemental requirements—Use Group R-1

(a) **Automatic Fire Suppression System:** In buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic fire suppression system shall be installed throughout the work area. (Fire)

(b) **Automatic Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire alarm system shall be required throughout the building. System smoke detectors are not required in guestrooms provided that the single-station detectors required by Section 920.3.1 are connected to the emergency electrical system and are annunciated by guestroom at a constantly attended location from which the fire alarm system is capable of being manually activated.

1. Exception: An automatic fire detection system is not required in buildings that do not have interior corridors serving guestrooms and where all guestrooms have a means of egress door opening directly to an exterior exit access which leads directly to the exits. (Note: Single station smoke detectors are still required in individual guest rooms in such buildings in accordance with N.J.A.C. 5:23-6.25(b) or 6.25A(d), as applicable). (Fire)

(c) **Manual Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, a manual fire alarm system shall be required throughout the building.

1. No manual fire alarms shall be required for buildings with less than 25 occupants and less than 10 guestrooms. (Fire)

(d) **Smoke Detectors:** When the work area exceeds 25 percent of the gross enclosed floor area of the building,

smoke detectors within guestrooms that meet the specifications of the building subcode shall be required throughout the building. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

(e) Carbon monoxide alarms: When the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide detectors shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit in a building that contains a fuel-burning appliance or has an attached garage. (Fire)

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

i. The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

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

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

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

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

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

i. For buildings with an automatic fire suppression system throughout;

ii. For buildings with not more than 25 guests when the following conditions are met:

(1) Every sleeping room is provided with an approved, operable window having a sill height not greater than 44 inches;

(2) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;

(3) Any exit access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier; and

(4) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

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

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

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

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



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

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

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

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

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

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

4. When the work area is one entire floor or more, central control station and communication systems shall be provided as follows:

i. An approved public address communication system consisting of loudspeakers in each corridor and in each room and tenant space exceeding 1,000 square feet, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

5. Automatic Fire Suppression System: When the work area is an entire floor, an automatic fire suppression system shall be installed on that floor. When an automatic sprinkler system is provided, the sprinkler riser shall be sized to serve the entire building, even if the system currently being installed serves only a portion of the building. (Fire)

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

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

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

Inserted (e); and recodified existing (e) through (g) as (f) through (h).

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

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

In (d), substituted "25 percent" for "50 percent" following "exceeds" in the first sentence.

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

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

In (e), substituted "detectors" for "alarms" preceding "shall be installed" in the introductory paragraph; and in (g)2i, updated N.J.A.C. reference.

#### 5:23-6.26 Basic requirements—Use Group R-2

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

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

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

ii. Window access to fire escapes shall be permitted from individual units.

iii. For rooming houses, ladders shall be prohibited on fire escapes used as a required means of egress.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.



3. Dwelling units in basements (stories below grade) shall have two means of egress unless the building has an automatic fire suppression system. (An operable window with a net clear opening of at least five square feet, a minimum net clear opening of 24 inches in height and 20 inches in width, and a sill height of not more than 44 inches above the finished floor is acceptable as one of the means of egress.)

4. For rooming houses, a single exit shall be prohibited.

5. Multilevel dwelling units do not require an exit from each level within the dwelling unit provided that these conditions are met: The building is Type 1 or Type 2 construction, with travel distance within the dwelling unit not exceeding 75 feet or the building is not more than three stories and all third floor space is part of a dwelling unit located in part on the second floor and no habitable room has a travel distance of greater than 50 feet from the door of the room to the entrance of the dwelling unit.

6. A single exit is permitted from floor(s) are not more than 16 feet above grade provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.)

7. A single exit is permitted in buildings that are not more than two stories in height from floors that are not more than 16 feet above grade with not more than four dwelling units per floor and exit access travel distance not exceeding 50 feet and with a minimum fire resistance rating of one hour for the exit enclosure and opening protection provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.)

8. As used in this subsection, "rooming house" means any building and any part thereof, which contains two or more units of dwelling space which do not provide a private, secure dwelling space arranged for independent living and containing both full bath and kitchen facilities (exclusive of any such unit occupied by an owner or operator), including any residential hotel. The term does not include any hotel, motel or established guest house in which a minimum of 85 percent of the units of dwelling space are offered on a temporary basis only, for periods lasting no more than 90 days, to guests who either maintain or intend to maintain a primary residence at a location other than the hotel, motel or established guest house. The term also does not include one-family residential dwellings made available for occupancy by not more than five roomers. (Plan review—Building, Fire. Inspection—Building)

(b) Emergency Egress Windows: When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

1. Be operable;
2. Have a sill height of not more than 44 inches; and
3. Have a width of at least 20 inches, a height of at least 24 inches, and have a minimum total area of 5.7 square feet measured from head to sill and side to side.
4. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system. For dwelling units in basements, one of the two remote exits may be as per (a)3 above.

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

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

2. All dwelling unit, guest room or rooming unit corridor doors shall be at least 1 $\frac{3}{8}$  inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{4}$  inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$  inch door. (Note: Existing doors meeting HUD Guidelines or BOCA Existing Structures Code (1984) for a rating of 15 minutes or better shall be accepted.)

3. In buildings with an automatic fire suppression system, doors are only required to provide a smoke barrier, to be free of louvers, to fit plumb and level and to be reasonably tight fitting.

4. All doors opening onto a passageway at grade or onto an exit stair shall be self-closing or automatic closing by listed closing devices.

i. Exception: Group homes with a maximum of 15 occupants and an approved automatic detection system shall not be required to have self-closing doors. (Plan review—Building, Fire. Inspection—Building)

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

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

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

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

1. Exception: Specific occupancy areas within and serving a dwelling unit are not required to comply with this section. (Building)

(s) Accessibility: Accessible features shall be provided for all items that are part of the scope of work in those buildings with four or more dwelling units that are required by the barrier free subcode to be accessible.

(t) Communicating Attic Spaces: Where adjacent dwelling units have communicating space in the attic, a wall shall be constructed to provide a continuous one hour fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be performed on the side of the wall of the dwelling unit that is undergoing reconstruction. (Plan review—Building, Fire. Inspection—Building)

(u) Fireblocking and Draftstopping: When the work being performed exposes the framing of any wall, floor, ceiling or roof, the exposed framing shall comply with Section 721.0 of the building subcode.

Amended by R.1999 d.424, effective December 6, 1999.  
See: 31 N.J.R. 2428(a), 31 N.J.R. 4001(c).

Inserted a new (b); recodified former (b) through (s) as (c) through (t); in the new (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and inserted a reference to electric plan review in 1; in the new (g), made an internal reference change in the introductory paragraph, and rewrote the second sentence in 2; and rewrote the new (s).

Administrative change.

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

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

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

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

## 5:23-6.26A Supplemental requirements—Use Group R-2

(a) Automatic Fire Suppression System: In buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic fire suppression system shall be installed throughout the work area. (Fire)

(b) Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a manual fire alarm system shall be required throughout the building.

1. Exception: No manual fire alarm system shall be required for buildings where all dwelling units are located fewer than three stories above the lowest level of exit discharge or one story or less below the highest level of exit discharge serving the dwelling unit(s). (Fire)

(c) Smoke Detection Systems: When the work area exceeds 25 percent of the gross enclosed floor area of the building, approved smoke detection systems shall be located in all interior common areas. Such systems shall be powered by an alternating current (AC) constantly active electric circuit that cannot be deactivated by the operation of any interconnected switching device and shall comply with NFPA 70-93 (National Electric Code) requirements, except as otherwise provided in this section. Such systems shall be on circuitry that is connected into the building owner's electric meter.

1. In multiple dwellings six stories or more in height and having 30 or more dwelling units, such systems:

i. Shall be connected to a supervisory type listed control panel conforming to U.L. 864 requirements and NFPA 72-90 standards, except as otherwise provided in this section;

ii. Shall be powered by an approved emergency power source as installed in conformance with NFPA 70-93 (National Electrical Code);

iii. Shall have a control panel of the multi-zoned type that will visually indicate the floor or zone from which the alarm is activated, which panel shall be located in accordance with NFPA 72-90 standards or as directed by the local fire subcode official.

2. A pre-signal alarm feature is not permitted.

3. The separate zoning of floors in high-rise buildings for selective floor evacuation is permitted at the discretion of the fire subcode official in consultation with the fire department.

4. Alarms shall be located so as to be effectively heard above all other sounds, by all the occupants, in every occupied space within the building not separated by fire walls having a fire-resistance rating of at least two hours.

5. With the approval of the fire subcode official, fixed temperature heat detectors in those locations where frequent nuisance alarms would be likely to occur. Such

building spaces include, but are not limited to, garages, crawl spaces, uninhabitable attics, heater and boiler rooms, laundry rooms, kitchens, restaurant service areas, and other rooms where the ambient temperatures are below 40 degrees Fahrenheit or above 100 degrees Fahrenheit and/or have a relative humidity either below 20 percent or above 85 percent or where environmental conditions are likely to produce nuisance alarms.

6. Existing common area smoke detection systems that were installed in compliance with this subchapter or with the Regulations Governing Rooming and Boarding Houses or Regulations for the Maintenance of Hotels and Multiple Dwellings and maintained in accordance with N.J.A.C. 5:70-3, for which a construction permit was issued subject to plan review approval, shall be accepted as conforming to this section. (Fire)

(d) Smoke Detection within Dwelling Units: Smoke detectors shall be provided within dwelling units as follows:

1. When the work area is an entire dwelling unit, smoke detectors that meet the specifications of the building subcode shall be installed. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72.

2. When any work is undertaken within a dwelling unit, single station smoke detectors shall be installed. (Battery-powered units shall be permitted.) The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

(e) Carbon monoxide alarms: Single station carbon monoxide detectors shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any dwelling that is part of the scope of work in a building that contains a fuel-burning appliance or has an attached garage. Additionally, when the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in every room or dwelling unit in the building. (Fire)

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

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

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

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

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

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

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

i. Buildings with an automatic fire suppression system throughout;

ii. When the vertical opening connects not more than two floor levels with not more than four dwelling units per floor and each dwelling unit has access to a fire escape or other approved secondary exit; or

iii. Owner-occupied buildings with not more than four dwelling units per floor, and in which the following conditions are met:

(1) Every sleeping room is provided with an approved, operable window having a sill height not greater than 44 inches;

(2) Every dwelling unit or sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit; and

(3) The building is protected throughout by a supervised, automatic fire alarm system, installed in accordance with the UCC. (Plan review—Building, Fire. Inspection—Building)

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

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

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

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

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

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

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

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

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

signed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

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

4. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, central control station and communication systems shall be provided as follows:

- i. An approved public address communication system consisting of loudspeakers in each common corridor, each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

- ii. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

- iii. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain the public address panel, the fire department communications panel, fire detection and alarm system annunciator panels, status indicators and controls for air handling systems, sprinkler valve and water flow detector display panels, and status indicators and a telephone for fire department use with controlled access to the public telephone system. (Fire)

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

1. Exception: Elevator devices wholly within individual dwelling units and not accessible to the general public shall not be required to comply. (Elevator)

Amended by R.1999 d.259, effective August 16, 1999.  
See: 31 N.J.R. 825(a), 31 N.J.R. 2330(a).

Inserted (e); and recodified existing (e) through (g) as (f) through (h).

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

In (c)6 and in (g)2i, updated N.J.A.C. reference.

### 5:23-6.27 Basic requirements—Use Group R-3/R-4

(a) Smoke Detection within Dwelling Units: Smoke detectors that meet the specifications of the building subcode shall be installed. The smoke detectors shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire.)

(b) Carbon monoxide alarms: In any dwelling unit that is located in a building required to be registered as a multiple dwelling and that contains a fuel-burning appliance or has an attached garage, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area. (Fire)

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

i. The dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

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

(c) Egress Windows:

1. When the building is used as a bed and breakfast, every sleeping room below the fourth story shall be provided with an operable window having a sill height of not more than 44 inches.

i. Windows in sleeping rooms shall not be required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system. (Plan review—Building, Fire, Inspection—Building)

2. When the work being performed creates a bedroom below the fourth floor, at least one sleeping room window or exterior door shall:

i. Be operable;

ii. Have a sill height of not more than 44 inches; and

iii. Have a width of at least 20 inches, a height of at least 24 inches, and have a minimum total area of 5.7 square feet measured from head to sill and side to side.

iv. Windows are not required to meet these requirements in buildings where the sleeping room is provided with a door to a corridor having access to two remote exits or in buildings equipped throughout with an automatic fire suppression system.

(d) When the work being performed creates living space over a private garage, the private garage shall comply with section 407 of the building subcode for fire resistance rating.

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

(f) Electrical Equipment and Wiring:

1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.

2. Kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and one switch controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.

3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.

4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.

6. Electrical service equipment (overcurrent devices) shall be located where they will not be subject to physical damage and shall not be located in the vicinity of easily ignitable material.

7. All 125 volt, single-phase, 15 and 20 ampere receptacles in locations specified in Section 210-8(a) of the electrical subcode shall have ground-fault circuit protection for personnel. (Electrical)



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

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

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

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

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

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

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

### 5:23-6.31 Change of use

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

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

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

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

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

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

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

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

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

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

Table 313.1.2 of the building subcode in which case only the portion changed shall comply. The portion of the building changed shall comply with all the other basic requirements of N.J.A.C. 5:23-6.10 through 6.30 for the new use group.

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

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

- i. Covered Mall Building—Section 402.0;
- ii. Atriums—Sections 404.0;
- iii. Underground Structures—Section 405.0;
- iv. Open parking structures—Section 406.0;
- v. Private Garages—Section 407.0;
- vi. Public Garages—Section 408.0;
- vii. Use Group I-3—Section 410.0;
- viii. Motion Picture Projection Rooms, Screening Rooms and Sound Stages—Section 411.0;
- ix. Stages and Platforms—Section 412.0;
- x. Special Amusement Buildings—Section 413.0;
- xi. HPM Facilities—Section 416.0;
- xii. Hazardous Materials—Sections 417.0 and 418.0;
- xiii. Spray Booths, Spray Rooms, and Spray Storage Rooms—Section 419.0. (Plan review—Building, Fire, Inspection-Building.)

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

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

TABLE C  
Hazard Categories and Classifications  
Means of Egress

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

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

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

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

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

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

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

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

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

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

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

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

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

vii. Section 1013.0 (Grandstands).

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



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

x. Section 1019.0 (Horizontal exits).

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

xii. Section 1023.0 (Exit signs and lights).

xiii. Section 1024.0 (Means of egress lighting).

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

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

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

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

6. When a change of use is made to any residential use group (R-1, R-2, R-3 or R-4) or to Use Group I-1, every sleeping room below the fourth story shall have at least one operable window or exterior door. Where windows are provided to comply with this requirement, the window shall have a sill height of not more than 44 inches, and have a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

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

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

iii. In a building that originally was in Use Group R-3 and is returning to Use Group R-3, the windows shall be permitted to remain as they were during the time when the building previously was in use as a

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

(d) Enclosure of vertical openings:

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

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

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

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

TABLE E  
Hazard Categories and Classifications  
Height and Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TABLE F  
Hazard Categories and Classifications  
Exposure of Exterior Walls

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TABLE G  
Hazard Categories and Classifications  
Fire Suppression

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

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

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

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

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

(h) Fire Alarm Systems: When a change of use is made to any of the following use groups, a fire alarm system shall be installed in accordance with sections 918.0 and 924.2 of

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

1. Use Group A-4 or E: A fire alarm system shall be installed and maintained as required by Section 918.4.1 of the building subcode.

2. Use Group B: A fire alarm system shall be installed and maintained as required by Section 918.4.2 of the building subcode.

3. Use Group H: A fire alarm system shall be installed and maintained as required by Section 918.4.3 of the building subcode.

4. Use Group I: A fire alarm system shall be installed and maintained as required by Section 918.4.4 of the building subcode.

5. Use Group R-1: A fire alarm system shall be installed and maintained as required by Section 918.4.5 of the building subcode.

6. Use Group R-2: A fire alarm system shall be installed and maintained as required by Section 918.4.6 of the building subcode. (Fire)

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

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

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

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

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

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

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

i. An approved system of automatic smoke detectors;

ii. An approved automatic fire suppression system equipped with automatic fire alarm devices; or

iii. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:

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

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

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

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

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

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

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

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

(k) Carbon monoxide alarms: When the use of a building is changed to Use Group I-1, R-1 or R-2, or to Use Group R-3 when the dwelling unit is located in any building required to be registered as a multiple dwelling, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any room or dwelling unit in a building that contains a fuel-burning appliance or has an attached garage. (Fire)

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

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

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

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

TABLE K Structural Load Categories	
Load Category	Use or Character of Use

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

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

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

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

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

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

3. When a change of use results in a building being reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1610.0 of the building subcode: Fire, rescue and police station; Use Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307.0 of the building subcode where the quantity of material exceeds the exempt amount as per Section 307.8 of the building subcode. (Building)

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

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

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

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

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

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

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

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

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

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

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

- i. Hazardous (classified) Locations;
- ii. Commercial Garages, Repair and Storage;
- iii. Aircraft Hangars;
- iv. Gasoline Dispensing and Service Stations;
- v. Bulk Storage Plants;
- vi. Spray Application, Dipping, and Coating Processes;
- vii. Health Care Facilities;
- viii. Places of Assembly;

ix. Theaters, Audience Areas of Motion Picture and Television Studios and Similar Locations;

x. Motion Picture and Television Studios and Similar Locations; and

xi. Agricultural Buildings.

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

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

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

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

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

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

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

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

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



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

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

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

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

TABLE N  
Outdoor Air Rates Based on Occupancy Type

Occupancy	P/1,000 sq. ft.	CFM/ person	Occupancy	P/1,000 sq. ft.	CFM/ person
Storage Warehouses	5	10	Reducing Salons	20	15
Correction Facilities			Supermarkets	8	15
Dining Halls	100	15	Theaters		
Guard Stations	40	15	Auditoriums	150	15
Dry Cleaners, laundries			Stages and Studios	70	15
Coin oper dry cleaner	20	15	Transportation		
Coin oper laundries	20	15	Platforms	100	15
Education			Vehicles	150	15
Auditoriums	150	15	Waiting Rooms	100	15
Classrooms	50	15	Workrooms		
Libraries	20	15	Bank Vaults	5	15
Music Rooms	50	15	Meat Processing <sup>a</sup>	10	15
Food & Bev Service			Pharmacy	20	15
Dining Rooms	70	15	Photo Studios	10	15
Kitchens (cooking)	20	15	Sports and Amusement		
Hospitals, Nursing & Convalescent Homes			Spectator Areas	150	15
Med Procedure Rooms	20	15	Correctional Facilities		
Physical Therapy	20	15	Cells	20	20
Recovery and ICU	20	15	Education		
Hotels, Motels, Resorts, Dormitories			Laboratories	50	20
Assembly Rooms	120	15	Training Shops	30	20
Dormitory Sleep Areas	20	15	Food & Bev Service		
Lobbies	30	15	Cafeteria, fast food	100	20
Specialty Shops			Hotels, Motels, Resorts, Dormitories		
Barber	25	15	Conference Rooms	50	20
Florists	8	15	Dry Cleaners		
Hardware, drug, fabric	8	15	Commercial Laundry	10	25
			Hospitals, Nursing and Convalescent Homes		
			Patient Rooms	10	25
			Specialty Shops		
			Beauty	25	25
			Dry Cleaners, Laundries		
			Commercial Dry Cleaner	30	30
			Food & Bev Service		
			Bars & Cocktail Lounges	100	30
			Dry Cleaners, Laundries		
			Storage, Pick-up	30	35
			Smoking Lounges	70	60
			Offices		
			Conference Rooms	50	20
			Office Spaces	7	20
			Reception Areas	60	20
			Telecommunication		
			Ctrs & Data Entry	60	20



Occupancy	P/1,000 sq. ft.	CFM/ person
<b>Theaters</b>		
Lobbies	150	20
Ticket Booths	60	20
<b>Sports and Amusement</b>		
Playing floors (gym)	30	20
<b>Sports and Amusement</b>		
Ballrooms and Discos	100	25
Bowling Alleys		
(Seating areas)	70	25
Game Rooms	70	25
<b>Hospitals, Nursing &amp; Convalescent Homes</b>		
Operating Rooms	20	30
<b>Hotels, Motels, Resorts, Dormitories</b>		
Gambling Casinos	120	30
<b>Occupancy</b>	<b>CFM/ sq. ft.</b>	
<b>Education</b>		
Corridors	0.1	
Locker Rooms	0.5	
<b>Hospitals, Nursing and Convalescent Homes</b>		
Autopsy Rooms	0.5	
<b>Public Spaces</b>		
Corridors and Utilities	0.05	
Elevators	1.0	
Locker & Dressing Rooms	0.5	
Public Restrooms	75 cfm per water closet or urinal	
<b>Retail Stores, Sales Floors and Showroom Floors</b>		
Basement and Street	0.3	
Dressing Rooms	0.2	
Malls and Arcades	0.2	
Shipping and Receiving	0.15	
Storage Rooms	0.15	
Upper Floors	0.2	
Warehouses	0.05	
<b>Specialty Shops</b>		
Automotive Service	1.5	
Clothes and Furniture	0.3	
Pet Shops	1.0	
<b>Sports &amp; Amusement</b>		
Ice Arenas	0.5	
Swimming Pools		
(Pool & Deck Area)	0.5	
<b>Storage</b>		
Repair Garages/Public Garages	1.5	
<b>Workrooms</b>		
Darkrooms	0.5	
Duplicating	0.5	

Note: P/1,000 sq. ft. = persons per 1,000 square feet of building area.

Note a. Spaces unheated or maintained below 50 degrees F are not covered by these requirements unless the occupancy is continuous.

Where the ventilation rates in Table N are based on CFM/person

(1)  $OL_n \times V_n$  is less than or equal to  $OL_e \times V_e$  + no upgrade

(2)  $OL_n \times V_n$  is greater than  $OL_e \times V_e$  + upgrade

Where the ventilation rates in Table N are based on CFM/square footage

(3)  $SF_n \times V_n$  is less than or equal to  $SF_e \times V_e$  + no upgrade

(4)  $SF_n \times V_n$  is greater than  $SF_e \times V_e$  + upgrade

Where the ventilation rates in Table N are based on CFM/square footage and CFM/person

(5)  $OL_n \times V_n$  is less than or equal to  $SF_e \times V_e$  + no upgrade

(6)  $OL_n \times V_n$  is greater than  $SF_e \times V_e$  + upgrade

(7)  $SF_n \times V_n$  is less than or equal to  $OL_e \times V_e$  + no upgrade

(8)  $SF_n \times V_n$  is greater than  $OL_e \times V_e$  + upgrade

Where:

$OL_n$  = the occupant load of the proposed occupancy based on Table N. When accepted by the administrative authority this occupant load can be reduced.

$OL_e$  = the occupant load of the existing occupancy based on Table N.

$SF_n$  = the square footage of the proposed occupancy.

$SF_e$  = the square footage of the existing occupancy.

$V_n$  = the ventilation rate for the proposed occupancy based on Table N.

$V_e$  = the ventilation rate for the existing occupancy based on Table N.

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

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

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

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

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

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

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

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

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

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

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

Administrative correction.

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

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

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

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

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

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

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

Administrative correction.

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

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

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

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

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

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

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

#### 5:23-6.32 Additions

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

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

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

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