

## [N.J.A.C. 5:23-1.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 1. GENERAL PROVISIONS**

#### **§ 5:23-1.1 Title; division into subchapters**

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(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. "Recreational Park Trailers Subcode" which may be cited throughout the regulations as [N.J.A.C. 5:23-4D](#) and, when referred to in Subchapter 4D of this chapter, may be cited as this subchapter.
7. "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.
8. "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.
9. "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.
10. "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.
11. "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.
12. "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.

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13. "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."
14. "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.
15. "Optional elevator inspection program" which may be cited throughout the rules as N.J.A.C. 5:23-12A and, when referred to in subchapter 12A of this chapter, may be cited as "this subchapter."

## History

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### HISTORY:

Amended by R.1978 d.350, eff. October 1, 1978.

See: 10 N.J.R. 378(a), 10 N.J.R. 469(f).

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

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

(b) substantially amended.

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

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

Added 9 and 10 to (b).

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text added at (b)5.

Amended by R.1990 d.562, effective November 19, 1990.

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

Added reference to [N.J.A.C. 7:14B](#).

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

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

Text on elevators added at (b).

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

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

Reference to Indoor Air Quality Subcode added at (b)12.

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Deleted (b)14.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

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In (b)9, substituted "Rehabilitation Subcode" for "Tax Exemptions".

Amended by R.1998 d.480, effective September 21, 1998.

See: [30 N.J.R. 1119\(b\)](#), [30 N.J.R. 3461\(a\)](#).

In (b), added 16.

Amended by R.1999 d.351, effective October 18, 1999.

See: [31 N.J.R. 1838\(a\)](#), [31 N.J.R. 3082\(a\)](#).

Rewrote (b)14.

Amended by R.2008 d.213, effective August 4, 2008.

See: [39 N.J.R. 2411\(a\)](#), [40 N.J.R. 4523\(b\)](#).

Added new (b)8; and recodified former (b)8 through (b)16 as (b)9 through (b)17.

Amended by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#), [51 N.J.R. 1269\(a\)](#).

Deleted former (b)6 and (b)7, and recodified former (b)8 through (b)17 as (b)6 through (b)15.

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## **N.J.A.C. 5:23-1.2**

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### **§ 5:23-1.2 Authority**

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These regulations are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority of the "State Uniform Construction Code Act" (P.L. 1975, c.217, as amended).

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## [N.J.A.C. 5:23-1.3](#)

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### **§ 5:23-1.3 Intent and purpose**

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(a) It is the intent and purpose of the regulations:

1. To encourage innovation and economy in construction and to provide requirements for construction and construction materials consistent with nationally recognized standards.
2. To formulate such requirements, to the extent practicable, in terms of performance objectives, so as to make adequate performance for the use intended as the test of acceptability.
3. To permit to the fullest extent feasible the use of modern technical methods, devices and improvements, including premanufactured systems, consistent with reasonable requirements for the health, safety and welfare of occupants or users of buildings and structures.
4. To eliminate restrictive, obsolete, conflicting and unnecessary construction regulations that tend to unnecessarily increase construction costs or retard the use of new materials, products or methods of construction, or provide preferential treatment to types or classes of materials or products or methods of construction.
5. To insure adequate maintenance of buildings and structures throughout the State and to adequately protect the health, safety and welfare of the people.
6. To eliminate unnecessary duplication of effort and fees in the review of construction plans and the inspection of construction.

## [N.J.A.C. 5:23-1.4](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 1. GENERAL PROVISIONS***

#### **§ 5:23-1.4 Definitions**

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

"Alteration" means the rearrangement of any space by the construction of walls or partitions, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which affects a primary structural component.

"Billboard" means any sign which exceeds 32 square feet in area on any face, except for signs which advertise or otherwise identify activities performed upon the property on which the sign is located.

"Building" means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individuals, animals or property of any kind. When used herein, building and structure shall be interchangeable except where the context clearly indicates otherwise.

"Building subcode official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce the provisions of the building subcode within the jurisdiction of the enforcing agency.

"Business day" means any day of the year, exclusive of Saturdays, Sundays, and legal holidays.

"Certificate of approval" means a certificate issued pursuant to N.J.A.C. 5:23-2 upon completion of work that requires a construction permit but not a certificate of occupancy.

"Certificate of compliance" means the certificate provided for in N.J.A.C. 5:23-2 and 12, indicating that potentially hazardous equipment is being maintained in accordance with the Act and this chapter.

"Certificate of continued occupancy" means the certificate provided for in N.J.A.C. 5:23-2, indicating that as a result of a general inspection of the visible parts of the building, no violations of [N.J.A.C. 5:23-2.14](#) have been determined to have occurred and no unsafe conditions violative of [N.J.A.C. 5:23-2.32](#) have been found, and that the existing use of the building has heretofore lawfully existed.

"Certificate of occupancy" means the certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations.

"Change of use" means a change from one use to another use in a building or tenancy or portion thereof.

"Class 1 structure" means a structure not listed in [N.J.A.C. 5:23-4.3A\(d\)](#)1i through vi or 2ii through xxii.

"Class 2 structure" means a structure listed in [N.J.A.C. 5:23-4.3A\(d\)](#)2ii through xxii.

"Class 3 structure" means a structure listed in [N.J.A.C. 5:23-4.3A\(d\)](#)1i through vi.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"Construction Board of Appeals" means the board provided for in [N.J.A.C. 5:23A](#).

## § 5:23-1.4 Definitions

"Construction official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce and administer the regulations within the jurisdiction of the enforcing agency.

"Construction permit" means an authorization to begin work subject to the conditions established in subchapter 2 of this chapter.

"Department" means the Department of Community Affairs.

"Effective date" means, in the case of a new rule, amendment or repeal, the date of promulgation in the New Jersey Register. The effective date of a readoption is the date of filing with the Office of Administrative Law.

"Electrical subcode official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce and provisions of the electrical subcode within the jurisdiction of the enforcing agency.

"Electric vehicle service equipment (EVSE)" or "electrical vehicle supply equipment" means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point-of-sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

"Elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure; or a power driven, inclined, continuous stairway used for raising or lowering passengers; or a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted. This includes, but it is not limited to, elevators, escalators, moving walks, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1 (Safety Standards for Belt Manlifts).

"Elevator subcode official" means a qualified person appointed by the municipal appointing authority or the Commissioner, pursuant to the Act and this chapter, to enforce the provisions of any subcode specifically designated for such enforcement in N.J.A.C. 5:23-3, within the jurisdiction of the enforcing agency.

"Enforcing agency" means the municipal or State administrative entity charged with the administration and enforcement of the regulations consisting of the construction official, subcode officials and assistants thereto appointed in accordance with [N.J.S.A. 52:27D-126](#) of the act and the regulations.

"Equipment" means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention equipment, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations, which are related to building services and shall not include manufacturing, production or process equipment, but which shall include connections from building service to process equipment.

"Facility" for the purpose of applying for an annual permit means exclusive of a hotel/casino, a building or group of buildings under common ownership or control and whose maintenance work is performed under the direct supervision of a maintenance supervisor.

"Fire protection subcode official" means a qualified person appointed by the appropriate appointing authority or the commissioner pursuant to the act and the regulations to enforce those portions of any subcode, specifically designated for such enforcement in N.J.A.C. 5:23-3, within the jurisdiction of the enforcing agency.

"Ground sign" means a sign mounted on the ground or on multiple pole supports with its lower edge less than 15 feet above grade measured at the longest pole.

"Group" means the classification of an occupancy (also see "Use Group").

## § 5:23-1.4 Definitions

"Health care facility" means the facility or institution, whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, home for the sheltered care of adult persons, and bioanalytical laboratory or central services facility serving one or more such institutions, but excluding institutions that provide healing solely by prayer.

1. This definition shall not be deemed to include nurses, doctors, or other staff housing not attached in accordance with minimum fire separation standards in the building subcode; administrative offices not attached in accordance with minimum fire separation standards in the building subcode; parking garages, or other such facilities for which the Federal government does not impose standards as a condition of funding.

"Hearing examiner" means a person appointed by the commissioner to conduct hearings, summarize evidence and make findings of fact.

"Lead abatement" means a process designed either to mitigate or to eliminate permanently lead-based paint hazards on a premises and includes, but is not limited to: the removal of lead-based paint and lead-contaminated dust; the containment or encapsulation of lead-based paint; the replacement of lead-painted surfaces or fixtures; the removal or covering of lead-contaminated soil; and all preparation, cleanup, disposal and post-abatement clearance testing activities associated with such measures. "Lead abatement" shall not include painting, woodworking, structural renovation or other indoor or outdoor contracting services that may result in the disturbance of paint, unless it is evident from the statements and/or actions of a person or persons authorizing or performing such services that an objective of the work is the mitigation or permanent elimination of a lead-based paint hazard.

"Lead evaluation" means a surface-by-surface investigation to determine the presence and condition of lead-based paint and the provision of a report explaining the results of the investigation, including, but not limited to, hazards and recommendations for abatement.

"Maintenance" means the replacement or mending of existing work with equivalent materials or the provision of additional work or material for the purpose of the safety, healthfulness and upkeep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

"Make-ready" means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of EVSE including, but not limited to, Level Two EVSE and direct current fast chargers (DCFC). Make-ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate EVSE on a "plug and play" basis. For the purpose of this definition, Level 2 EVSE operates on a 40 to 100 amp breaker on a 208 or 240 volt AC circuit. DCFC operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations.

"Manufactured home" means a structure with respect to which the manufacturer has filed a certification required by the Secretary of the United States Department of Housing and Urban Development and which complies with the standards established under [42 U.S.C. §§ 5401](#) et seq.

"Manufacturing, production, and process equipment" means all equipment employed in a system of operations for the explicit purpose of the production of a product. Manufacturing, production, and process equipment shall include, but is not limited to, the following:

1. Electrical generation equipment, such as turbines, condensers, generators, and the like;
2. Electrical transmission equipment such as transformers, capacitors, regulators, switchgears, and the like;



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3. Air pollution equipment, such as scrubbers;
4. Metal working equipment, such as castings, screen machines, grinders, lathes, presses, drills, welders, and the like;
5. Material handling equipment, such as rollers, control belts, and the like;
6. Packaging equipment, such as bottling machines;
7. Process drying equipment, such as ovens, kettles, fans, and the like;
8. Finishing equipment, used for such purposes as heat treatment, plating, painting, and the like;
9. Petrochemical refinery/plant equipment used for distillation, conversion, treatment, and blending;
10. Electric, steam, pneumatic- or hydraulic-actuated equipment, such as motors, pumps, compressors, and the like;
11. Tanks which constitute part of a controlled industrial process, including those tanks containing flammable and combustible liquids, together with the dikes surrounding the tanks;
12. All piping used to transport products to and between industrial processes; any piping connected to the potable water supply downstream of an appropriate backflow prevention device; and any piping located upstream of the first joint at the outlet of the equipment or upstream of the indirect connection to the sanitary or storm sewer;
13. Pipe racks, hangers, and the like that support the process piping and the storage racks for the raw materials and finished products. Building structural systems supporting the racks, hangers, storage loads, and the like are excluded from the definition of process equipment, except that pipe support units that include a foundation and support steel shall be included as process equipment when they do not transfer loads to structures whose main function is other than supporting process pipe;
14. Boilers, pressure vessels, furnaces, and the like used exclusively for industrial process;
15. Pre-wired and/or pre-engineered (bearing name plate) electro-mechanical equipment or machinery used exclusively for an industrial process; and
16. Electrical work which forms a part of the power or control system of industrial process equipment, up to the point where that work connects to the plant electrical distribution system. Such a point shall be considered a suitable junction box, panel board, disconnect switch, or a terminal box which constitutes the final connection to the factory-installed equipment wiring. Where these items are not supplied as a part of the equipment, they shall be subject to local enforcing agency jurisdiction.

"Minor work" means construction work undertaken in existing structures, requiring no plan review, not altering in any way the structural members of a building and meeting the definition set forth in [N.J.A.C. 5:23-2.17A](#).

"Municipality" means any city, borough, town, township or village.

"Municipal Procedures Manual" means the book established by the Commissioner, effective January 1, 1984, and any subsequent revisions, detailing the steps to be followed in completing, processing and filing the standards forms, logs and reports required for administration and enforcement of the State Uniform Construction Code.

"Operative date" means the date upon which the Department and local enforcing agencies shall enforce, and all parties shall comply with, an effective rule. Unless otherwise provided in the notice of adoption published in the New Jersey Register, the effective date is the operative date.

"Ordinary maintenance" means restoration or improvement of a routine or usual nature which is done by replacing a part of, or putting together, something that is worn or broken in a building, electrical,

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plumbing, heating, ventilation or air conditioning system and meeting the definition set forth in [N.J.A.C. 5:23-2.7](#).

"Owner" means the owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation, directly or indirectly in control of a building, structure or real property and shall include any subdivision thereof of the State.

"Plans and specifications" means and includes all of the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project controlled by these rules and necessary for obtaining a permit. They shall be drawn to an appropriate scale. Where the plans and specifications show, describe or document features of the project not controlled by these rules, the portion(s) of the plans and specifications showing features not controlled by these rules shall not be considered to be "plans and specifications" within the meaning of this definition.

"Plumbing subcode official" means a qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce the provisions of the plumbing subcode within the jurisdiction of the enforcing agency.

"Premanufactured system" or "premanufactured construction" means an assembly of materials or products that is intended to comprise all or part of a building or structure and that is assembled off-site by a repetitive process under circumstances intended to insure uniformity of quality and material content. The term shall include, but not be limited to, manufactured homes and industrialized/modular buildings.

"Primary function space" means a room or space housing a major activity for which the building or tenancy is intended, including, but not limited to, office area, auditorium, assembly space, dining room, bar or lounge, warehouse, factory, dwelling, care, confinement, retail, and educational spaces, but not including kitchens, bathrooms, storage rooms or other spaces supporting a primary function space. A building or tenancy may contain more than one primary function space.

"Prior approvals" means the necessary certifications or approvals issued or authorized by any Federal or State agency, or any political subdivision of the State, which are not inconsistent with this chapter and which are conditions precedent to the issuance of a construction permit or a certificate of occupancy or approval, as the case may be. Prior approvals shall include, but not be limited to, the following:

1. Zoning;
2. Soil erosion and sediment control;
3. Highway curb cuts;
4. Water and sewer treatment works approvals;
5. Coastal areas facilities review;
6. Compliance of underground storage tank systems with [N.J.A.C. 7:14B](#);
  - i. An approval granted by the Department of Environmental Protection or the construction official by authority of [N.J.A.C. 7:14B](#) shall be deemed to be a prior approval;
7. Educational adequacy review of public school facilities under [N.J.A.C. 6A:26](#);
8. Pinelands review; and
9. Compliance of abandoned wells with N.J.A.C. 7:9-9.
  - i. Compliance with N.J.A.C. 7:9-9.1 shall be evidenced by a certification issued by a well driller licensed by the Department of Environmental Protection.

"Private inplant inspection agency", or "evaluation and inspection agency", means a business entity authorized pursuant to [N.J.A.C. 5:23-4](#) or 4A to approve premanufactured construction.

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"Private on-site inspection and plan review agencies" means a business entity authorized pursuant to [N.J.A.C. 5:23-4](#) to act in lieu of a subcode official.

"Public school facility" means any building or part thereof used by a local, regional or consolidated board of education as a primary or secondary school.

"Pylon sign" means an elevated sign supported either by a monopole or by multiple pole supports and having its bottom edge 15 feet or more above ground level, measured at the base of the longest pole if there is more than one, or an elevated sign mounted on the roof of another structure.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure.

"Renovation" means the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation shall include the replacement of equipment or fixtures.

"Repair" means the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.

"State sponsored code change proposal" means any proposed amendment or code change adopted by the commissioner in accordance with subsection c. of section 6 of the act as amended for the purpose of presenting such proposed amendment or code change at any of the periodic code change hearings held by the National Model Code adoption agencies, the codes of which have been adopted as subcodes under the Act. For purposes of this definition a State sponsored code change proposal may also oppose any code change under consideration by a model code agency.

"Stop construction order" means the order provided for in *N.J.S.A. 52:27D-132* of the act and *N.J.A.C. 5:23-2*.

"Structure" means a combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided, the word "structure" shall be construed when used herein as though followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning.

"Subcode" means any of the national model codes, parts thereof or other codes or standards as adopted by reference in *N.J.A.C. 5:23-3* or as set forth in [N.J.A.C. 5:23-7](#), 8, 10 and 12.

"Supplemental private on-site inspection agency" means a business entity registered as a business in the State of New Jersey and authorized pursuant to [N.J.A.C. 5:23-4](#) to act in lieu of a subcode official or inspector for the purpose of performing an inspection or inspections related to a specific project or to supplement the inspection staff of an enforcing agency.

"Tenancy" means an entire building, or that portion of a building or story, which is or is intended to be under the control of a single owner or tenant.

"The Code in effect at the time of permit application" means either the Code in effect on the date of submission of a complete permit application or the Code under which the original plans were reviewed and released pursuant to [N.J.A.C. 5:23-1.6](#).

"Use" means that portion of a building or tenancy which is devoted to a single use group or special use or occupancy, as defined in the building subcode, or as established by the provisions of any other subcode for the purpose of specifying special requirements applicable to that portion of a building or tenancy.

"Use Group" means the classification of an occupancy (also see "Group").

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"Wall sign" means a sign mounted on the wall of another structure in a manner such that it is exposed to wind loads from one side only.

"Work area" means any entire use, primary function space or tenancy comprising all or part of a reconstruction project as delineated on the approved permit application and/or plans.

## History

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### HISTORY:

As amended, R.1977 d.256, effective August 1, 1977.

See: 9 N.J.R. 164(a), 9 N.J.R. 358(a).

As amended, R.1978 d.162, effective June 1, 1978.

See: 10 N.J.R. 141(a), 10 N.J.R. 225(a).

As amended, R.1981 d.133, effective May 7, 1981.

See: 13 N.J.R. 119(a), 13 N.J.R. 258(c).

"Certificate of continued occupancy" and "prior approvals" recodified.

As amended, R.1982 d.7, effective February 1, 1982.

See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

"Manufactured home" was "mobile home", and definition substantially amended. Added "or premanufactured construction" to "premanufactured system", and added "The terms ... homes".

As amended, R.1983 d.611, eff. January 3, 1984.

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

Added definitions of "major work", "minor work", "municipal procedures manual", "ordinary repair" and "small job".

As amended, R.1984 d.120, effective April 16, 1984.

See: 16 N.J.R. 179(a), 16 N.J.R. 873(a).

"Certificate of occupancy" added "[N.J.A.C. 5:23-1.4](#) have ... been found" to definitions.

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Definition for "Facility" added.

Amended by R.1990 d.57, effective February 5, 1990.

See: 21 N.J.R. 3345(b), 22 N.J.R. 350(b).

Reference to compliance with N.J. Underground Storage of Hazardous Substances Act, and deletion of language excluding "public school buildings" from definitions of "building" and "structure".

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Industrialized/modular buildings added to definition of premanufactured system.

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

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

Definitions of certificate of approval, elevator and elevator subcode official added.

## § 5:23-1.4 Definitions

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

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

Definitions added for Class I, II and III structures.

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(a).

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

Administrative correction.

See: 26 N.J.R. 2779(c).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.544, effective October 16, 1995.

See: [27 N.J.R. 2827\(a\)](#), [27 N.J.R. 3933\(a\)](#).

Amended by R.1996 d.190, effective April 15, 1996.

See: [28 N.J.R. 320\(a\)](#), [28 N.J.R. 1981\(a\)](#).

Added "construction documents".

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

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

See: [28 N.J.R. 2112\(a\)](#), [28 N.J.R. 3549\(a\)](#).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Amended "Prior approvals" and "Subcode".

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

Amended "Prior approvals" and "Public school facility".

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

In list of definitions, added "Alteration", "Change of use", "Primary function space", "Reconstruction", "Rehabilitation", "Renovation", "Repair", "Tenancy", "Use", "Work area".

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Changed "Ordinary repair" definition to "Ordinary maintenance".

Administrative change.

## § 5:23-1.4 Definitions

See: [34 N.J.R. 1022\(a\)](#).

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

Deleted "Construction documents"; added "Plans and specifications".

Amended by R.2003 d.473, effective December 15, 2003.

See: [35 N.J.R. 2421\(a\)](#), [35 N.J.R. 5543\(a\)](#).

Deleted "Major work".

Amended by R.2004 d.260, effective July 6, 2004.

See: [35 N.J.R. 3474\(b\)](#), [36 N.J.R. 3274\(a\)](#).

Added "Billboard", "Ground sign", "Pylon sign" and "Wall sign".

Amended by R.2004 d.393, effective October 18, 2004.

See: [36 N.J.R. 3003\(a\)](#), [36 N.J.R. 4814\(a\)](#).

Added "Group" and "Use Group".

Administrative Correction.

See: [38 N.J.R. 3024\(a\)](#).

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

Added definition "The Code in effect at the time of permit application".

Administrative correction.

See: [38 N.J.R. 5355\(a\)](#).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

In definition "Class I structure", substituted "vi" for "vii" and "xxii" for "xxi"; in definition "Class II structure", substituted "xxii" for "xxi"; and in definition "Class III structure", substituted "vi" for "vii".

Amended by R.2008 d.213, effective August 4, 2008.

See: [39 N.J.R. 2411\(a\)](#), [40 N.J.R. 4523\(b\)](#).

Rewrote definition "Manufactured home".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Substituted definition "Class 1 structure" for definition "Class I structure", definition "Class 2 structure" for definition "Class II structure", and definition "Class 3 structure" for definition "Class III structure"; and added definition "Manufacturing, production, and process equipment".

Amended by R.2018 d.090, effective March 5, 2018.

See: [49 N.J.R. 2327\(a\)](#), [50 N.J.R. 955\(a\)](#).

## § 5:23-1.4 Definitions

In definition "Minor work," deleted "no prior approvals and" following "requiring".

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

Deleted definition "Small job".

Amended by R.2023 d.112, effective September 18, 2023.

See: [54 N.J.R. 1763\(a\)](#), [55 N.J.R. 1999\(a\)](#).

Added definitions "Electric vehicle service equipment (EVSE)" or "electrical vehicle supply equipment", and "Make-ready"

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Added definition "Supplemental private on-site inspection agency".

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## [N.J.A.C. 5:23-1.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 1. GENERAL PROVISIONS***

### **§ 5:23-1.5 Effective date**

---

**(a)** The provisions of the regulations shall take effect on January 1, 1977. All construction regulations incorporated in any act of the State of New Jersey, or of any municipality presently in effect, or validly promulgated or enacted by any board, department, commission or agency thereof, shall continue in effect until January 1, 1977, and shall thereafter be superseded and of no further force and effect. Any law or regulation addressing areas for which the commissioner shall not have promulgated a subcode may continue in effect until such time as a subcode therefor is adopted.

**(b)** Exceptions include:

1. This section shall not apply to those aspects of the act which were capable of taking effect on the effective date of the act.
2. This section shall not apply to those parts of [N.J.A.C. 5:23-4](#) which require the adoption of a resolution or other action prior to the effective date. Such section shall take effect upon adoption.
3. This section shall not apply to laws or regulations specifically saved by the act or the regulations.



## [N.J.A.C. 5:23-1.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 1. GENERAL PROVISIONS***

#### **§ 5:23-1.6 Grace period**

---

(a) For a period of six months following the operative date of a subcode revision, applicants may submit a complete permit application, including all prior approvals, to be reviewed under the code in force immediately preceding the subcode revision. Provided that the application is complete, the construction official and applicable subcode officials shall perform the plan review and issue construction permit(s) based on the code in force immediately prior to the operative date of the subcode revision. This grace period shall apply only to revisions of subcodes.

(b) In the case of a project under review for which a permit has not been issued on the operative date of any subcode revision, review shall continue and permits shall be issued based on the code in force immediately prior to the operative date of the subcode revision.

#### **History**

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##### **HISTORY:**

As amended, R. 1978 d.350, eff. October 1, 1978.

See: 10 N.J.R. 378(a), 10 N.J.R. 469(f).

As amended, R.1984 d.267, eff. June 14, 1984 to expire August 13, 1984.

See: 16 N.J.R. 1812(a).

New (c) added.

Readoption: R.1984 d.382, eff. August 13, 1984, to expire April 1, 1988.

See: 16 N.J.R. 1812(a), 16 N.J.R. 2356(d).

Administrative Correction to (b): Changed "receive" to "received".

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

Amended by R.1993 d.353, effective July 19, 1993.

See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1995 d.544, effective October 16, 1995.

See: [27 N.J.R. 2827\(a\)](#), [27 N.J.R. 3933\(a\)](#).

Amended by R.1997 d.303, effective July 21, 1997.

See: [29 N.J.R. 1437\(b\)](#), [29 N.J.R. 3247\(a\)](#).

Amended section name; rewrote (a); and substantially amended (b).

§ 5:23-1.6 Grace period

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## **N.J.A.C. 5:23-1.7**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23.  
UNIFORM CONSTRUCTION CODE > SUBCHAPTER 1. GENERAL PROVISIONS**

### **§ 5:23-1.7 Validity**

---

**(a)** If any provision of the regulations or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the regulations which can be given effect, and to this end the provisions of the regulations are severable.

**(b)** Nothing contained in the act or the regulations shall be deemed to affect, repeal, or invalidate local zoning ordinances or the regulation or licensing of any trade or profession engaged in construction work.

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## [N.J.A.C. 5:23-2.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.1 Title; scope; intent**

---

- (a) This part of the regulations, adopted pursuant to authority of the State Uniform Construction Code Act, and entitled "Administration and enforcement; process", shall be known and 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.
- (b) Unless otherwise specifically provided, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.
- (c) Except as is otherwise specified, these regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location and occupancy of all buildings and structures and their service equipment as herein defined, and shall apply to existing or proposed buildings and structures in the State of New Jersey.
- (d) The regulations shall be construed to secure its expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

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## [N.J.A.C. 5:23-2.2](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.2 Matter covered**

---

(a) The provisions of the regulations shall apply to all buildings and structures and their appurtenant construction, including vaults, area and street projections, and accessory additions; and shall apply with equal force to municipal, county, State, and private buildings, except where such buildings are otherwise specifically provided for by the regulations.

1. Manufacturing, production, and process equipment, as defined at [N.J.A.C. 5:23-1.4](#), is not under the jurisdiction of the Uniform Construction Code. Equipment, processes, or operations involving combustible dust as defined by the building subcode shall not be considered manufacturing, production, or process equipment, and, therefore, shall be subject to the requirements of this chapter.

2. Manufactured homes constructed and installed under 24 CFR Parts 3280 and 3285, respectively, is not under the jurisdiction of the Uniform Construction Code. The relocation or rehabilitation of manufactured homes is under scope of the Uniform Construction Code.

(b) A building or structure shall not be constructed, extended, repaired, removed, renovated, altered or reconstructed in violation of these provisions, except that no permit shall be required for ordinary maintenance as provided herein, and except further that the raising, lowering or moving of a building or structure on the same lot, as a unit, necessitated by a change in legal grade or widening of a street, shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy changed.

1. Any new work, such as foundations or utility connections shall, however, be in accordance with the regulations.

(c) Any requirement essential for structural, fire or sanitary safety of a building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by the regulations, shall be determined by the construction official, and appropriate subcode official.

(d) The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the regulations, shall be deemed a violation and subject to the remedies prescribed in this subchapter.

(e) Where provisions herein specify requirements for structural, fire and sanitary safety, no provision of any municipal zoning or other municipal code shall conflict, govern or have effect. Where the provisions herein specify requirements with respect to location, use, permissible area and height, and the municipal zoning code establishes requirements as well, then the more restrictive requirements of this code or the zoning code shall govern.

### **History**

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#### **HISTORY:**

Amended by 1981 d.134, effective May 7, 1981.

## § 5:23-2.2 Matter covered

See: 13 N.J.R. 119(a), 13 N.J.R. 258(b).

(e): "other municipal" was "general".

Administrative Correction to (b): Changed "construed" to "constructed".

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

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Rewrote (b), new exception that no permit required for ordinary repairs.

Amended by R.2003 d.473, effective December 15, 2003.

See: [35 N.J.R. 2421\(a\)](#), [35 N.J.R. 5543\(a\)](#).

In (b), substituted "maintenance" for "repairs" in the introductory paragraph.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Added (a)1.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (a), inserted a comma following "State"; and in (a)1, added the second sentence.

Amended by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#), [51 N.J.R. 1269\(a\)](#).

Added (a)2.

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## [N.J.A.C. 5:23-2.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-2.3 Applicability**

---

These regulations shall apply to all construction undertaken after the effective date of the regulations or any subsequent amendment thereof.

### **History**

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#### **HISTORY:**

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

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## [N.J.A.C. 5:23-2.4](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.4 Alterations, replacements and damages**

---

(a) Existing structures, when repaired, renovated, altered or reconstructed, shall conform to the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode.

(b) If an existing structure is damaged by fire or any other cause, the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode, shall apply to the restoration of such building or structure.

(c) Any work which is mandated by any housing, property or fire safety maintenance code, standard or regulation or other State or local law requiring improvements to buildings or structures shall be made to conform only to the requirements of that code, standard, law or regulation and shall not be required to conform to the subcodes adopted pursuant to this chapter unless the code requiring the alteration so provides.

1. Except as otherwise provided in [N.J.A.C. 5:23-6.2\(g\)](#), any requirement of any other code, standard, regulation, ordinance or law that is more restrictive than any requirement of N.J.A.C. 5:23-6 applicable to the same issue shall not be enforceable.

### **History**

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#### **HISTORY:**

Amended by R.1985 d.16, effective February 4, 1985.

See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a)7 added.

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

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

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Rewrote (a) stating existing structures shall conform to 5:23-6, "Rehabilitation Subcode"; deleted (a)1 through (a)6; rewrote (b), (c) and inserted (c)1; deleted (a)7i through (b)1.

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

See: [33 N.J.R. 3392\(a\)](#), [34 N.J.R. 267\(a\)](#).



§ 5:23-2.4 Alterations, replacements and damages

Rewrote (c)1.

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## [N.J.A.C. 5:23-2.5](#)

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### **§ 5:23-2.5 Concerning increase in size**

---

If the structure is increased in floor area or height, then the increased portion of the structure shall conform to the requirements of this chapter applicable to new construction, while any related work within the existing structure shall conform with the requirements of N.J.A.C. 5:23-6, Rehabilitation Subcode.

### **History**

---

#### **HISTORY:**

Amended by R.1988 d.389, effective August 15, 1988.

See: 20 N.J.R. 1026(a), 20 N.J.R. 2073(a).

Amended by R.1993 d.61, effective February 1, 1993.

See: 24 N.J.R. 1421(a), 25 N.J.R. 463(c).

Hardwired smoke detectors added.

Amended by R.1994 d.433, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 1910(a), 26 N.J.R. 3706(a).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

In (a)2, amended NFIPA reference.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Rewrote (a) to conform with "Rehabilitation Subcode"; deleted (a)1 through (c)

## [N.J.A.C. 5:23-2.6](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### § 5:23-2.6 Change of use

---

(a) Continuation of existing use: The legal use of any structure existing on the effective date of the regulations may be continued without change, except as may be specifically provided in these regulations or in any property or fire safety maintenance code, or minimum housing standard or regulation, adopted pursuant to law.

1. A certificate of continued occupancy shall be granted upon request, subject to this subchapter.

(b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as provided below.

1. A certificate of occupancy shall be issued, provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode. After a change of use has been made to a building or structure, the reestablishment of a prior use is prohibited, unless the building complies with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode, for the prior use.

i. Buildings meeting the requirements of [N.J.A.C. 5:23-6.31\(p\)](#) shall be entitled to a certificate of occupancy for Group R-1. The certificate of occupancy shall be subject to the condition that it shall be valid for a bed and breakfast use only.

2. If any non-residential occupancy, other than Use Groups F, H, or S, accommodates seven or more non-consecutive group overnight stays within a calendar year for persons over 2 1/2 years of age, and the activities involve planned periods of sleep, the building is considered to have undergone a change of use. In such a case, it shall be necessary to apply for and be issued a Certificate of Occupancy. This shall be a dual Certificate of Occupancy to allow Use Group R-1 in addition to the existing use of the building. Any facility that accommodates six or fewer overnight stays within a calendar year shall obtain a permit under the Uniform Fire Code, [N.J.A.C. 5:70](#). Group overnight stays in Use Groups F, H, and S shall be prohibited.

3. The use of an existing structure as a "special amusement building," as defined in the building subcode, shall be a change in the character of use of the existing building. The building or portion thereof shall be required to comply with [N.J.A.C. 5:23-6.31\(a\)](#)5vii.

i. Exception: The use of an existing structure or portion thereof as a special amusement building for not more than 15 days in a calendar year provided that a permit for such use has been issued by the local fire official pursuant to the Uniform Fire Safety Act, [N.J.S.A. 52:27D-192](#) et seq.

4. If any room or space incidental to a religious occupancy is being used as a hospitality room, accommodates 15 persons for emergency shelter, for 15 consecutive days or 50 days in a calendar year, and the activities involve planned periods of sleep, the building is considered to have undergone a change of use. In such a case, it shall be necessary to apply for and be issued a Certificate of Occupancy. This shall be a dual Certificate of Occupancy to allow Use Group R-1, in addition to the existing use of the building. Any religious facility that accommodates fewer stays within a calendar year

## § 5:23-2.6 Change of use

shall obtain a permit under the Uniform Fire Code, [N.J.A.C. 5:70](#). Hospitality rooms in occupancies other than a religious occupancy shall be prohibited.

## History

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### HISTORY:

Amended by R.1985 d.16, effective February 4, 1985.

See: 16 N.J.R. 3073(b), 17 N.J.R. 275(a).

(a) Added text: "or fire safety" and "or minimum housing standard or regulation".

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

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

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

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

Amended by R.1995 d.611, effective December 4, 1995 (operative April 4, 1996).

See: [27 N.J.R. 3257\(a\)](#), [27 N.J.R. 4884\(a\)](#).

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

New heading "Change of use"; rewrote (b); added "Rehabilitation Subcode" in (b)1; deleted (b)1i through (c).

Amended by R.2002 d.255, effective August 5, 2002.

See: [33 N.J.R. 4177\(a\)](#), [34 N.J.R. 2783\(a\)](#).

In (b), added 2.

Amended by R.2003 d.157, effective April 21, 2003.

See: [34 N.J.R. 4247\(a\)](#), [35 N.J.R. 1663\(b\)](#).

In (b), added 3.

Administrative correction.

See: [35 N.J.R. 5062\(a\)](#).

Amended by R.2004 d.423, effective November 15, 2004.

See: [36 N.J.R. 3004\(a\)](#), [36 N.J.R. 5090\(a\)](#).

In (b)3, deleted "temporary or permanent" preceding "use of an existing structure" in the first sentence, and deleted "the building subcode and fire protection subcode requirements of" preceding the NJAC reference in the last sentence, of the introductory paragraph, added i.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

Added (b)1i.

Amended by R.2018 d.021, effective January 16, 2018.

§ 5:23-2.6 Change of use

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (b), substituted "provided below" for "herein provided"; and in (b)1, inserted a comma following "issued" and added the second sentence.

Amended by R.2021 d.082, effective August 16, 2021.

See: [52 N.J.R. 1883\(a\)](#), [53 N.J.R. 1375\(a\)](#).

In (b)2, inserted a comma following "H" twice; and added (b)4.

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## [N.J.A.C. 5:23-2.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.7 Ordinary maintenance**

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(a) Ordinary maintenance to structures may be made without filing a permit application with or giving notice to the construction official.

(b) Ordinary maintenance shall not include any of the following:

1. The cutting away of any loadbearing wall or partition, or portion thereof;
2. The removal or cutting of any structural beam or bearing support;
3. The removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements;
4. Any work affecting structural or fire safety;
5. Any work that will increase the nonconformity of any existing building or structure with the requirements of the regulations;
6. Addition to, or alteration, replacement or relocation of:
  - i. Any standpipe;
  - ii. Water supply, sewer, drainage, gas, soil, waste, vent or similar piping;
  - iii. Electrical wiring, except that the following shall be considered ordinary electrical maintenance:
    - (1) Communications wiring in a Class 3 structure provided that the installation does not involve the alteration or penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode.

**(A)** For the purposes of applying this provision, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode; or
  - iv. Mechanical or other work affecting public health or general safety; or
7. Any work undertaken for the purpose of lead abatement.

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1. Ordinary building maintenance shall include:
  - i. Exterior and interior painting;

## § 5:23-2.7 Ordinary maintenance

- ii. Installation, repair, or replacement of interior finishes of less than 25 percent of the wall area in a one- or two-family dwelling. This shall include plastering and drywall installation;
    - (1) Vinyl wall covering of any amount is ordinary maintenance;
    - (2) Paneling shall not be considered ordinary maintenance;
  - iii. Wall papering at any location;
  - iv. The replacement of glass in any window or door. However, the replacement glass shall be of a type and quality that complies with the minimum requirements of the code;
  - v. The replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. The replacement of means of egress and emergency escape windows and doors may be made in the same opening without altering the dimensions or framing of the original opening, and shall not reduce the required height, width, or net clear opening of the previous window or door assembly. Exception: Opening protectives in fire-resistance rated assemblies;
  - vi. The repair or replacement of any non-structural component, such as a non-loadbearing partition and a railing in one- and two-family dwellings. Materials or components used shall be identical to, or closely similar to, the existing materials and in the same location as those replaced;
  - vii. The repair, replacement, or installation of any non-structural elements including, but not limited to, built in or attached furnishings, bookcases, equipment, or accessories, such as cabinets, benches or seats, and bathroom accessories;
  - viii. The repair, replacement, or installation of any interior or exterior trim, decoration, or moldings;
  - ix. The repair, replacement, or installation of any flooring material with a new material;
  - x. The repair or replacement of existing roof covering on detached one- and two-family dwellings;
  - xi. The repair or replacement of existing siding on one- and two-family dwellings.
    - (1) Exception: The repair or replacement of polypropylene siding shall not be ordinary maintenance;
  - xii. The repair or replacement of existing siding with like material not exceeding 25 percent of the total building exterior wall area in other than one- and two-family dwellings.
    - (1) Exception: The repair or replacement of polypropylene siding shall not be ordinary maintenance;
  - xiii. Notwithstanding (b)2 and 4 above, the repair or replacement of any part of a deck, porch, or stoop that does not provide structural support for any roof or portion of a building. Materials used shall be identical to, or closely similar to, the existing materials and in the same location as those replaced;
  - xiv. The repair, replacement, or installation of screens;
  - xv. The installation of insulation, except foam plastic insulation, when installed adjacent to or not more than one and a half inches from an interior finish;
  - xvi. The repair, replacement, or installation of exterior gutters and leaders; and
  - xvii. The installation of a storable spa or hot tub that is provided with a lockable safety cover that complies with ASTM F1346.
2. Ordinary plumbing maintenance shall include:
- i. Replacement of hose bib valves. Replacement hose bib valves shall be provided with an approved atmospheric vacuum breaker;

## § 5:23-2.7 Ordinary maintenance

- ii. Refinishing of existing fixtures. Relining of fixtures shall not be considered to be ordinary maintenance;
  - iii. Replacement of ball cocks. Replacement ball cocks must be an approved anti-siphon type;
  - iv. Repair of leaks involving the replacement of piping;
  - v. Clearance of stoppages;
  - vi. Replacements of faucets or working parts of faucets;
  - vii. Replacement of valves (including shower or combination bath/shower valves);
  - viii. Replacements of working parts of valves, including, but not limited to, shower or combination bath/shower valves;
  - ix. Replacement of traps;
  - x. Replacement of fixtures with a similar fixture provided that no change in the piping arrangement is made; and
  - xi. Replacement of domestic clothes washers and domestic dishwashers.
3. Ordinary electrical maintenance shall include:
- i. The replacement of any receptacle, switch, or lighting fixture, or part thereof, not containing emergency battery packs with a like or similar item. Receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant are required shall comply with Section 406.4(D) of the electrical subcode;
  - ii. Repairs to any installed electrically operated equipment such as doorbells, communication systems, and any motor operated device. Provided, however, that if fire protection systems are interrupted for repairs the fire official shall be notified in accordance with the building subcode;
  - iii. Installation of communications wiring in a Class 3 structure, provided that the rearrangement does not involve penetration of a fire-rated assembly and is not in a hazardous location as defined in Chapter 5 of the electrical subcode;
    - (1) For the purposes of applying these provisions, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode, such as telephone, radio antenna, or coaxial cable TV wiring. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode;
  - iv. Replacement of domestic dishwashers;
  - v. Replacement of kitchen range hoods in dwelling units, provided that the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cubic feet per minute (cfm), and provided that the hood recirculates or vents independently to the outdoors;
  - vi. The installation of a burglar alarm, security system, or doorbell in one- and two-family dwellings; and
  - vii. The installation of a plug-in landscape irrigation unit under 30 volts at one- or two-family dwellings.
4. Ordinary fire protection maintenance shall include:
- i. The replacement of any sprinkler or smoke alarm, smoke detector, or heat detector head with a like device;
  - ii. The repair or replacement of any component of a fire alarm or smoke and heat detection equipment (other than the replacement of a fire alarm control panel);



## § 5:23-2.7 Ordinary maintenance

- iii. The installation of battery-powered smoke alarms; and
  - iv. The installation of battery-powered or plug-in type carbon monoxide alarms.
5. Ordinary heating, ventilation, and air conditioning maintenance shall include:
- i. Replacement of motors, pumps and fans of the same capacity;
  - ii. Repair and replacement of heating, supply and return piping and radiation elements, which does not require rearrangement of the piping system;
  - iii. Repair and replacement of duct work;
  - iv. Repair of air conditioning equipment and systems;
  - v. Repair or replacement of control devices for heating and air conditioning equipment;
  - vi. Replacement of kitchen range hoods in dwelling units, provided that the replacement hood exhaust rate does not exceed the exhaust rate of the existing hood or the exhaust rate of the replacement hood does not exceed 400 cfm, and provided that the hood recirculates or vents independently to the outdoors;
  - vii. Replacement of domestic clothes dryers serving, and located within, dwelling units, provided that no change in fuel type, pipe size, or location or electrical characteristics is required;
  - viii. Replacement of domestic stoves and domestic ovens in dwelling units, provided no change in fuel type, pipe size, or location or electrical characteristics is required;
  - ix. The replacement of bathroom exhaust fans in dwelling units, provided that the fan vents independently to the outdoors; and
  - x. The application of liquid applied lining material inside an existing chimney.
6. Ordinary elevator maintenance shall include:
- i. The following work on elevator brakes:
    - (1) Installation of new linings;
    - (2) Replacement of brake switches, brake stand pivot bushings, and bearings or the reaming out and use of oversized pins. Replacement or repair of brake magnets, magnet coils and/or core sleeves;
    - (3) Renewal of phase splitting coils; and
    - (4) Re-babbiting of brake pin holes (gearless), and realigning of brake stands to pulleys.
  - ii. The following controller/selector repairs:
    - (1) Installation of overload relays and potential switches, and installation or replacement of reverse phase relays;
    - (2) Replacement of damaged resistance tubes, grids, broken controller panel sections, main power or brake rectifiers, power and light transformers, and microprocessor printed circuit boards. Replacement or reconditioning of dash pots and retarders;
    - (3) Renewal of switch bases, armatures, hinge pins, coils, contacts and shunt leads; and
    - (4) Adjustment of controller to original design specifications.
  - iii. The following work on motor generators:
    - (1) Installation of four stem brush rigging on exciter, installation or renewal of bearing oil gauges, and renewal of sleeve or ball bearings;
    - (2) Replacement of generator armatures, commutators, commutator brushes, and turning down and undercutting of commutators;

## § 5:23-2.7 Ordinary maintenance

- (3) Rewinding of generator armatures, stators and field controls;
  - (4) Removal for testing on a work bench, reinsulating, banding and reinstallation of motor generators; and
  - (5) Repair of solid state drives and adjustments of generator compounding.
- iv. The following work on hoist motors:
  - (1) Installation or renewal of bearing oil gauges, renewal of sleeve or ball bearings, and re-babbiting of sleeve bearings (gearless);
  - (2) Replacement of motor armatures, rotors, motor collector rings, commutators, commutator brushes, and turning down and undercutting of commutators;
  - (3) Rewinding of stators, armatures, and field coils; and
  - (4) Removal for testing on a work bench, reinsulation, banding and reinstallation of hoist motors and realignment of motors to worm shafts.
- v. The following work on machines:
  - (1) Installation of new demountable drive sheave rims, new drive shafts, new integral drive sheaves, split couplings;
  - (2) Replacement of worms, gears, worm shaft housings, thrust bearings, thrust housings, external ring gears and pinions, machine drums, solid drive sheaves with demountable drive sheaves, and sheave bearing. Replacement or repair of stop motion switches, slack cable switches, replacement of drive sheave linings. Regrooving of drive sheaves;
  - (3) Re-babbiting of main bearings, external gears and bearings, and worm shaft housings;
  - (4) Renewal of sleeve bearings, drum buffers, and drum shafts;
  - (5) Re-securing of loose brake pulleys and realignment of brake pulleys, with motor gear shaft; and
  - (6) Removal of bearing shims.
- vi. The following work on suspension means, compensating ropes and compensating chains:
  - (1) Replacement or re-socketing of hoist ropes and replacement of compensating ropes or chains, governor ropes, and hitches; and
  - (2) Shortening of hoist ropes due to a rope stretch.
- vii. The following work on governors:
  - (1) Re-calibration, sealing, and reconditioning of governors; and
  - (2) Replacement or reconditioning of governor rope tension sheaves.
- viii. The following work on overhead, deflector, car and counterweight sheaves:
  - (1) Replacement or repair of sheaves, sheave bearings and sheave shafts; and
  - (2) Re-babbiting of sheave bearings.
- ix. The following work on hoistways:
  - (1) Replacement of traveling cables and other hoistway wiring;
  - (2) Repair of counterweights, hoistway switches, hydraulic pistons, oil lines in the pit, and repacking of packing glands; and
  - (3) Repair or replacement of hoistway door equipment, rollers relating cables, gibs, hall buttons, lanterns, position indicator stations, and all existing related equipment, selector tapes,

## § 5:23-2.7 Ordinary maintenance

cables, dust covers, toe guards and hoistway fascia, and repair or replacement of all existing pit equipment with like equipment.

x. The following work on rails and guides:

- (1) Realignment or replacement of main or counterweight rail sections with like products; and
- (2) Repair or replacement of guide shoe liners or car and counterweight guides with like product.

xi. The following work on cabs:

- (1) Installation or replacement of main and auxiliary car operating panels, emergency lighting, communication devices, door protective and reopening devices, car position indicators, and in-car lanterns;
- (2) Repair or replacement of operating station on top of cars, door operating devices, motors, linkages, hangers, etc., hoistway door drive mechanisms, clutches, etc., side emergency exit latching devices and electrical switches, floor leveling and selector drive devices, terminal slow down and limiting devices, load weighing devices (on top of car and under car isolation), keyless entry and security devices, top of car intrusion devices, closed-circuit TV surveillance devices, lighting fixtures in the car on top of the car and under the car; and
- (3) Replacement of ceilings with code approved materials, and of door sills, cab flooring, walls and panels with materials equivalent to those being replaced in respect to weight and fire resistance.

## History

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### HISTORY:

Amended by R.1993 d.487, effective October 4, 1993.

See: 25 N.J.R. 2159(a), 25 N.J.R. 4592(a).

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Substituted references to ordinary maintenance for references to ordinary repairs throughout; and in (a), substituted a reference to permit applications for a reference to applications.

Amended by R.2004 d.131, effective April 5, 2004.

See: [35 N.J.R. 5336\(a\)](#), [36 N.J.R. 1755\(a\)](#).

Recodified former 5:23-9.3(a) as new (c), and inserted "building" preceding "maintenance" in the introductory paragraph of 1, inserted "or replacement" preceding "of any non-structural member" in vi, substituted "shall" for "will" preceding "be permitted under" in viii and substituted "maintenance" for "repairs" in 3i.

Amended by R.2004 d.467, effective December 20, 2004.

See: [36 N.J.R. 2122\(a\)](#), [36 N.J.R. 5709\(b\)](#).

## § 5:23-2.7 Ordinary maintenance

In (b), substituted "Ordinary" for "Such" preceding "maintenance" in the introductory paragraph and rewrote 6iii; in (c), rewrote 3iii.

Amended by R.2007 d.39, effective February 5, 2007 (operative July 1, 2007).

See: [38 N.J.R. 3706\(a\)](#), [39 N.J.R. 370\(a\)](#).

In (c)3i, substituted ", including" for ". Replacement of" and deleted "in the electrical subcode, shall not be considered ordinary electrical maintenance" following "required".

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In (c)6ii(2), deleted the last sentence; in (c)6vi, substituted "suspension means" for "hoist ropes"; in (c)6vii(1), deleted ", or replacement of governors with like equipment" following "governors"; and in (c)6xi(3), substituted "sills" for "saddles".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (c)3i, substituted ", damp/wet or tamper-resistant are required (Sections 210.8, 406.8 and 406.11, respectively, of the electrical subcode)" for "is required".

Amended by R.2012 d.181, effective November 5, 2012.

See: [44 N.J.R. 1757\(a\)](#), [44 N.J.R. 2556\(a\)](#).

In (c)1viii, deleted ", except carpeting," preceding "with", and deleted ". However, installation of carpeting in one and two family dwellings shall be permitted under ordinary maintenance" from the end.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (c)1xiii, deleted "and" from the end; in (c)1xiv, substituted "; and" for a period; added (c)1xv; rewrote (c)3i; in the introductory paragraph of (c)5, inserted a comma following "ventilation"; in (c)5iv and (c)5v, deleted "and" from the end; rewrote (c)5vi; in (c)5vii, substituted a semicolon for a period at the end; in (c)5viii, substituted "; and" for a period; and added (c)5ix.

Amended by R.2018 d.090, effective March 5, 2018.

See: [49 N.J.R. 2327\(a\)](#), [50 N.J.R. 955\(a\)](#).

Rewrote (c)1 through (c)5.

Petition for Rulemaking.

See: [51 N.J.R. 1289\(b\)](#), [1375\(a\)](#), [1626\(a\)](#).

Amended by R.2021 d.013, effective February 16, 2021.

See: [52 N.J.R. 559\(a\)](#), [53 N.J.R. 242\(a\)](#).

In (b)1, substituted "loadbearing wall or partition," for "wall, partition"; rewrote (c)1v through vii and xiii; in (c)3v and (c)5vi, inserted ", and provided that the hood recirculates or vents independently to the outdoors"; and in (c)5ix, inserted ", provided that the fan vents independently to the outdoors".

§ 5:23-2.7 Ordinary maintenance

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## [N.J.A.C. 5:23-2.8](#)

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### **§ 5:23-2.8 Installation of equipment**

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(a) When the installation, extension or alteration of mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing, gas piping, electric wiring, heating system or other equipment is specifically controlled by the provisions of this chapter, it shall be unlawful to use such equipment until a certificate of occupancy or certificate of approval, as the case may be, has been issued therefor by the construction official having jurisdiction. Use of elevator devices shall be subject to [N.J.A.C. 5:23-12.9](#).

1. Exception: Equipment replacement under minor or emergency work may be put into use prior to the issuance of a certificate of approval.

(b) The Department shall have exclusive authority to approve systems for indirect apportionment of heating costs in multiple dwellings.

### **History**

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#### **HISTORY:**

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Stylistic changes.

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

See: [28 N.J.R. 2112\(a\)](#), [28 N.J.R. 3549\(a\)](#).

Amended by R.2003 d.384, effective October 6, 2003.

See: [35 N.J.R. 2422\(a\)](#), [35 N.J.R. 4712\(a\)](#).

Designated the existing paragraph as (a) and added (b).

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

Added (a)1.

## [N.J.A.C. 5:23-2.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-2.9 Variations and exceptions**

---

(a) No variations or exceptions from the requirements of any subcode of these regulations may be made, except upon the following findings:

1. That strict compliance with any specific subcode provision, if required, would result in practical difficulty to such owner; and
2. That the exception, if granted, will not jeopardize the health, safety and welfare of intended occupants and the public generally.

(b) Except as may be otherwise specified in this chapter, no variations shall be granted from any of the requirements of N.J.A.C. 5:23-2, 4 or 5.

### **History**

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#### **HISTORY:**

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

Added (b).

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## [N.J.A.C. 5:23-2.10](#)

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### **§ 5:23-2.10 Applications for variations**

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(a) An application for a variation pursuant to this section shall be filed in writing with the construction official and shall state specifically:

1. A statement of the requirements of the subcode from which a variation is sought;
2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties;
3. A statement of the nature and extent of such practical difficulties; and
4. A statement of feasible alternatives to the requirements of the subcode which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally.

### **History**

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#### **HISTORY:**

Administrative Correction to (a): Changed "set" to "state".

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

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## **N.J.A.C. 5:23-2.11**

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### **§ 5:23-2.11 Review of variation applications**

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Within 20 business days next succeeding the receipt by the construction official of the application, it shall be denied or granted by written order stating the reasons therefor. The application shall be deemed denied for purposes of appeal if no decision is forthcoming within such 20-day period. Records of all applications for variation, and actions taken thereon shall be available for public inspection at the enforcing agency during normal business hours.

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## [N.J.A.C. 5:23-2.12](#)

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### **§ 5:23-2.12 Final decision on variations**

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The appropriate subcode official(s) shall make the final determination with respect to matters within their jurisdiction. The construction official shall notify the applicant of that determination. Whenever an application for a variation shall result in contradictory or inconsistent determinations by different subcode officials having jurisdiction pursuant to N.J.A.C. 5:23-3, the construction official shall rule as to which subcode official's determination shall be final, and shall notify the applicant of that ruling. Whenever the construction official shall be certified in a particular subcode, he may modify the determination of the subcode official.

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## **N.J.A.C. 5:23-2.13**

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### **§ 5:23-2.13 Authority to grant variations**

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The enforcing agency with plan review responsibility shall have the sole authority to grant variations.

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## [N.J.A.C. 5:23-2.14](#)

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### § 5:23-2.14 Construction permits--when required

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(a) It shall be unlawful to construct, enlarge, repair, renovate, alter, reconstruct or demolish a structure, or change the use of a building or structure, or portion thereof, or to install or alter any equipment for which provision is made or the installation of which is regulated by this chapter without first filing an application with the construction official, or the appropriate subcode official where the construction involves only one subcode, in writing and obtaining the required permit therefor.

1. Notwithstanding any provision of (b) below to the contrary, a permit shall be required for any work to abate violations cited in a Notice of Violation and Order to Terminate (F213) issued after a certificate of occupancy has been issued.
2. A permit is required when undertaking a project involving lead abatement for which a lead abatement clearance certificate is required pursuant to [N.J.A.C. 5:23-2.23\(p\)](#).

(b) The following are exceptions from (a) above:

1. Ordinary maintenance as defined in [N.J.A.C. 5:23-2.7](#) shall not require a permit or notice to the enforcing agency;
2. Minor work as defined by [N.J.A.C. 5:23-2.17A](#) shall require a permit. However, work may proceed, upon notice to the enforcing agency, before the permit is issued;
3. Emergency work not involving lead abatement, except that notice shall be given as soon thereafter as is practicable, and a permit shall be applied for not later than 72 hours thereafter.
4. Exceptions to permit requirements for temporary structures, tents, tensioned membrane structures, canopies, and greenhouses are as follows:
  - i. Temporary structures: A construction permit is not required for the erection, operation or maintenance of any temporary structures (excluding tents, tensioned membrane structures, canopies, and greenhouses) covering an area less than 120 square feet, including all connecting areas or spaces with a common means of egress or entrance and which remain in place for less than 180 days;
  - ii. Tents, tensioned membrane structures, and canopies: A construction permit is not required for tents, tensioned membrane structures, and canopies that meet all of the criteria in (b)4ii(1) through (5) below. Tents, tensioned membrane structures, and canopies meeting the following criteria shall be subject to the permitting requirements of the Uniform Fire Code ([N.J.A.C. 5:70-2.7](#)).
    - (1) The tent, tensioned membrane structure, or canopy is 140 feet or less in any dimension and 16,800 square feet or less in area whether it is one unit or is composed of multiple units;
    - (2) The tent, tensioned membrane structure, or canopy remains in place or will remain in place for fewer than 180 days;

## § 5:23-2.14 Construction permits--when required

- (3) The tent, tensioned membrane structure, or canopy is used or occupied only between April 1 and November 30;
  - (4) The tent, tensioned membrane structure, or canopy does not have a permanent anchoring system or foundation; and
  - (5) The tent, tensioned membrane structure, or canopy does not contain platforms or bleachers greater than 11 feet in height.
- iii. A temporary greenhouse, also called a "hoophouse" or "polyhouse," meeting the criteria stated in [N.J.A.C. 5:23-3.2\(d\)](#), shall not require a permit.
- iv. Regardless of whether the tent, tensioned membrane structure, canopy, or greenhouse requires a permit, a permit shall be required for any electrical equipment, electrical wiring or mechanical equipment that would otherwise require a permit.
5. A gas utility company shall not be required to obtain a permit or give notice to the enforcing agency for the replacement of interior gas utility company-owned metering (meter and related appurtenances) with exterior gas utility company owned-metering provided that the work is performed by qualified employees of the gas utility company.
- i. When the work is performed by a contractor hired by the gas utility, the following shall apply:
    - (1) The contractor must be a licensed master plumber or a licensed heating, ventilation, air conditioning, and refrigeration contractor;
    - (2) The utility company must have in place a quality control program, staffed by employees of the utility company, to oversee the work of the contractor. The quality control personnel will inspect and provide documentation for all work performed by the contractor;
    - (3) The utility company must deliver, to the local enforcing agency, a list of all addresses where the work will be performed;
    - (4) The local enforcing agency will randomly choose 10 percent of the addresses and issue permits and perform inspections of the completed work. Fees will be paid for these permits.
      - (A) If the rate of failed inspections is 20 percent or greater, the Department shall be notified and 50 percent of all of the utility company's work associated with this program must be inspected in accordance with this protocol until the failure rate is reduced to below 20 percent; and
    - (5) Certificates of approval will be issued only for those addresses where construction permits were issued.
6. A permit shall not be required for a sign that meets all of the following conditions; provided, however, that the construction official shall have authority to require the removal of any sign that creates an unsafe condition or otherwise to require correction of any such condition:
- i. It is supported by uprights or braces in or upon the ground surface;
  - ii. It is not served by an electrical circuit directly connected to the sign;
  - iii. It is not greater than 25 square feet in surface area (one side); and
  - iv. It is not more than six feet above the ground (mounted height).
7. Lead abatement work performed on a steel structure or other superstructure or in a commercial building.
8. A construction permit for building work shall not be required for garden-type utility sheds and similar structures that are 200 square feet or less in area, 10 feet or less in height, and accessory to buildings of Group R-2, R-3, R-4, or R-5 and which do not contain a water, gas, oil, or sewer connection. A construction permit for electrical work shall be required, when applicable.

## § 5:23-2.14 Construction permits--when required

9. A permit shall not be required for fences six feet or less in height. This exception does not apply to barriers surrounding public or private swimming pools.

10. A construction permit is not required for an outdoor maze, unless it is six feet or greater in height or contains any electrical equipment. Outdoor mazes that do not require a permit are subject to the permitting requirements of the Uniform Fire Code ([N.J.A.C. 5:70-2.7](#)).

i. For the purposes of applying this requirement, an outdoor maze is an attraction that lacks a roof and is designed to disorient patrons, reduce vision, present barriers, or otherwise impede the flow of traffic and does not consist solely of living rooted plants such as corn stalks or trees, but includes mazes created from plants that have been cut and attached to an object to support them.

11. A permit shall not be required for installation of portable or vehicle-mounted generators and the associated components of the portable distribution system serving carnivals and fairs when the system is in compliance with [N.J.A.C. 5:23-2.18D](#). However, such installations are subject to inspection by the Department.

(c) An annual construction permit may be issued by the construction official to educational, industrial, institutional, mercantile, business and government facilities based upon submission of the following in duplicate:

1. Identification of the facility and the buildings covered by the application for the annual permit.
2. Identification of the location within the facility where the annual permit records will be maintained.
3. A listing of the names, titles and trade specialties of the facility's full-time maintenance staff.
4. The name of the person responsible for the maintenance logs, job assignments and quality control.
5. A statement from the management of the facility attesting that the maintenance staff performing work under the annual permit are under the direct supervision of a qualified individual, as set forth under [N.J.A.C. 5:23-2.14\(e\)](#)<sup>1</sup>, or are individually qualified in their respective trades.
  - i. Evidence of qualification shall be journeyman status, civil service status, trade experience, trade school certification, college degree, State licensure pursuant to law or other appropriate evidence of competence.
  - ii. No person employed on the maintenance staff of a facility shall be deemed to be qualified to engage in lead abatement unless he or she has been certified by the New Jersey Department of Health pursuant to section 3 of P.L. 1993, c.288 (N.J.S.A. 26:20-3) (see [N.J.A.C. 8:62](#)).
6. A statement from the management explaining their procedures for providing training at Department seminars on construction codes on a regular basis for at least one, but not more than three, individuals per subcode.
7. A statement from the management explaining the procedures of the applicant to ensure proper quality control of the work performed under the annual permit.
8. Receipt of the required annual permit fee and training registration fee.

(d) The Construction Official, upon review of the application, may issue or deny an annual construction permit in whole or in part. The construction permit (Form F-170) shall state that the permit is an annual permit and indicate the technical subcodes in which the facility is approved to do work under the annual permit. A copy of the annual permit shall be forwarded by the Construction Official to the Department of Community Affairs Training Section along with the appropriate training registration fee.

(e) Conditions of the annual permit are as follows:

1. The "annual permit" may be issued for building/fire protection, electrical, mechanical or plumbing work or any combination of those classifications of work, providing that the individual responsible for work done under the annual permit possesses knowledge as evidenced in accordance with [N.J.A.C. 5:23-2.14\(c\)](#)<sup>5</sup>, in the technical work classification for which the annual permit is sought.

## § 5:23-2.14 Construction permits--when required

- i. An approved copy of the annual permit application shall be kept at a facility's maintenance office within the municipality having jurisdiction for review by the Construction Official and appropriate subcode official. The Construction Official shall be notified of the location of the facilities maintenance office.
2. The life of the annual construction permit shall be limited to one year;
3. The facility shall maintain a construction log of all work performed. The construction log shall contain the date, a brief description and estimated or actual cost of the project. This log shall be subject to a quarterly inspection by the construction official or his authorized representative. Any business record showing when and where work was done and the extent of such work shall be deemed to be a construction log: Applications for the renewal of the "annual permit" shall be filed with the Construction Official at least 60 days prior to the expiration of the current annual permit. The facility application shall make current the information previously submitted to the Construction Official. The application for renewal shall be accompanied by the established fee.
4. The annual permit covers all work subject to this chapter done by the facility's full-time maintenance staff, but shall not include work performed by outside contract even if the contractor is hired by the facility and is working under direct supervision of the facility's maintenance staff. Work performed by outside contract shall be subject to applicable UCC regulations and State Licensure Law.
5. A permanent work log, approved by the construction official, of all work done under the "annual permit" must be maintained at a facilities maintenance office on site or must be available at the time of the inspection upon 24 hours notice of such inspection. The log must contain the date, a brief description of the work, photographs for any work which was not inspected prior to closing as set forth in (e)8 below, and the name of the person supervising the work. The log shall be retained for three years.
6. Architectural or engineering drawings, as required by law for work done under the annual permit, shall be prepared by a registered architect or licensed engineer as defined by the statutory requirements of the professional registration laws of this State and shall be kept permanently on file and be made available to the Construction Official and appropriate subcode official, for review upon request.
7. The appropriate subcode official, at least two (2) times a year, shall perform inspections of the facility for which an annual permit has been issued. The maximum time between inspections shall be a six month period.
8. Work that is normally inspected prior to closing shall be ordered to be reopened by the facility upon written notice from the Construction Official or appropriate subcode official if he has reason to believe that a violation is present. A photograph shall be taken of any work intended to be enclosed without inspection.
9. Any work that is done under the supervision of the facilities maintenance staff and under a regular construction permit shall be entered into the annual permit log. The construction permit number shall be listed as a part of the entry.
10. Training for annual permits shall be provided at the seminars for code officials.
  - i. The facility shall provide a list of at least one, but not more than three, individuals per subcode who are required to complete five hours of continuing education per year.
  - ii. The Department shall maintain the training records for each annual permit. The annual permit shall not be renewed unless the facility completes the training for each issued subcode.
  - iii. The Department shall notify the construction official who issued the permit if the training has not been completed.
11. Any changes to the annual construction permit application shall be forwarded to the Construction Official within 30 days of the change.

## § 5:23-2.14 Construction permits--when required

- 12.** The following work is not permitted under an annual permit:
- i.** Any work done on a facility that would result in a change of use of a building or part of a building;
  - ii.** New buildings and additions regardless of size;
  - iii.** Renovation, alteration or reconstruction work completed between inspection periods in an area in excess of 5,000 square feet per building;
  - iv.** Any work done on a facility that would result in an increase to the area of a building;
  - v.** The installation or alteration of a sprinkler system;
  - vi.** Any work that affects the required means of egress;
  - vii.** Any modification work, other than routine maintenance, that affects life safety systems, such as, but not limited to:
    - (1)** Emergency lighting systems;
    - (2)** Smoke and heat detection systems;
    - (3)** Stand-by generator systems;
    - (4)** Emergency smoke evacuation systems.
  - viii.** Any work which would disturb asbestos and require a permit to perform.
- (f)** Construction requirements for commercial farm buildings shall be as set forth in [N.J.A.C. 5:23-3.2\(d\)](#).
- (g)** No person shall construct, enlarge, alter, reconstruct, or demolish a retaining wall or series of retaining walls having a total height four feet or greater, or a retaining wall less than four feet having a negative impact on a foundation, without first obtaining a construction permit. The height of a retaining wall shall be the sum of the heights of all retaining walls on the same slope and shall be measured from the bottom of the footing to the top of the wall.
- 1.** Exceptions: This requirement shall not apply to any retaining wall that is intended to be dedicated to the municipality and is subject to regulation, inspection, and the issuance of bonds under Article 6, Subdivision and Site Plan Review and Approval, of the Municipal Land Use Law, P.L. 1975, c. 291 ([N.J.S.A. 40:55D-37](#) et seq.) nor shall it apply to any retaining wall subject to review and approval by a county engineer or by the State Department of Transportation.

## History

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### HISTORY:

As amended, R.1981 d.462, eff. December 7, 1981.

See: 13 N.J.R. 390(a), 13 N.J.R. 885(d).

(c)1i: added "under the control and supervision of a person"; (c)1iii: added "any business construction log."

Amended by R.1985 d.351 effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Section substantially amended.

Amended by R.1986 d.213, effective June 16, 1986.

See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Subsection (e) substantially amended.

Administrative Correction: "facility's" changed from "facilities" throughout.



## § 5:23-2.14 Construction permits--when required

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

Amended by R.1990 d.558, effective November 19, 1990.

See: 22 N.J.R. 1969(b), 22 N.J.R. 3483(a).

Conditional exemption for hoopouses or polyhouses added.

Amended by R.1991 d.60, effective February 19, 1991.

See: 22 N.J.R. 3609(a), 23 N.J.R. 405(b).

Gas utilities exempt from permit and notice requirements.

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

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

Mechanical work added to (e)1.

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

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

Form numbers changed in (d).

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.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), [27 N.J.R. 3325\(a\)](#).

Rewrote (c)6 and (e)10.

Amended by R.1996 d.297, effective July 1, 1996 (operative October 1, 1996).

See: [28 N.J.R. 1586\(b\)](#), [28 N.J.R. 3301\(a\)](#).

In (b) added exception for signs.

Amended by R.1997 d.302, effective July 21, 1997 (operative September 24, 1997).

See: [29 N.J.R. 2202\(a\)](#), [29 N.J.R. 3242\(b\)](#).

Added (b)7.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Rewrote (a); added (a)1 stating exception; amended (e)4 and (e)12iii.

Administrative change.

See: [31 N.J.R. 135\(b\)](#).

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (a)1 and (b)1, substituted references to ordinary maintenance for references to ordinary repairs.

## § 5:23-2.14 Construction permits--when required

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (b), added 8 and 9.

Administrative correction.

See: [34 N.J.R. 2965\(a\)](#).

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

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

In (b), rewrote 4.

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (b)8, substituted "that" for ", which" preceding "are 100 square feet or less in area", substituted "Group R-2, R-3, R-4 or R-5" for "Use Groups R-2, R-3 or R-4", and inserted "the requirements at" preceding "[N.J.A.C. 5:23-9.9](#)".

Amended by R.2005 d.228, effective July 18, 2005.

See: [37 N.J.R. 163\(a\)](#), [37 N.J.R. 2673\(b\)](#).

Added (g).

Amended by R.2006 d.157, effective May 1, 2006.

See: [37 N.J.R. 3108\(a\)](#), [38 N.J.R. 1824\(a\)](#).

Deleted (a)1; and in (b), rewrote 4 and added (b)10.

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

Rewrote (a)1.

Administrative correction.

See: [38 N.J.R. 5355\(b\)](#).

Amended by R.2009 d.126, effective April 20, 2009.

See: [41 N.J.R. 16\(a\)](#), [41 N.J.R. 1725\(a\)](#).

In (b)8, substituted "construction permit for building work" for "permit", inserted "and which do not contain a water, gas, oil or sewer connection", and rewrote the last sentence.

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (d), inserted a comma following "application" and deleted "C" following "F-170".

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

## § 5:23-2.14 Construction permits--when required

In the introductory paragraph of (a), deleted ", or to undertake a project involving lead abatement in accordance with [N.J.A.C. 5:17](#)," following "chapter"; added (a)2; and rewrote (b)3.

Amended by R.2016 d.116, effective September 19, 2016.

See: [48 N.J.R. 531\(a\)](#), [48 N.J.R. 1908\(a\)](#).

In the introductory paragraph of (g), inserted "and shall be measured from the bottom of the footing to the top of the wall"; and in (g)1, substituted "Exceptions:" for "Exception", and inserted "nor shall it apply to any retaining wall subject to review and approval by a county engineer or by the State Department of Transportation".

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

Rewrote (b)5.

Amended by R.2018 d.090, effective March 5, 2018.

See: [49 N.J.R. 2327\(a\)](#), [50 N.J.R. 955\(a\)](#).

In (b)8, substituted "200" for "100", and inserted a comma following "oil".

Amended by R.2020 d.123, effective November 16, 2020.

See: [51 N.J.R. 1723\(a\)](#), [52 N.J.R. 2057\(a\)](#).

Added (b)11.

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## [N.J.A.C. 5:23-2.15](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### § 5:23-2.15 Construction permits--application

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(a) The application for a permit shall be submitted on the standard Construction Permit Application form prescribed by the Commissioner at [N.J.A.C. 5:23-4.5\(b\)2](#) and shall be accompanied by the required fee, as provided for in this subchapter and [N.J.A.C. 5:23-4](#). The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure, and all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the construction official, which shall include, but not be limited to, the following:

1. The name and address of the owner: Where the owner is not a resident of the State, he shall designate a resident as agent for the purpose of service of any notices or orders which may be necessary. Such address shall not be limited to a post office box, but shall specify a physical location where such owner or agent may be found during normal business hours. Where the owner is a corporation, partnership or other business entity, the application shall indicate the names and addresses of the officers, or other responsible persons upon whom service may be made;
2. The street address and lot and block number of the property upon which the building or structure is proposed to be erected;
3. A description of the proposed work, including the use group classification, proposed construction type, lot ground coverage in square feet, total floor area in square feet, total building or structure volume in cubic feet, the total number of plumbing fixtures, the total number of electrical fixtures, outlets and major appliances, a description of the type of heating system, the source of water supply, the mode of sanitary waste disposal and a listing of any special, unusual or hazardous facilities proposed for inclusion in the building or structure;
4. The estimated cost of the work for which a permit is sought, including but not limited to building construction, on-site construction, and all integral equipment, built-in furnishings and finishes. Where any material or labor proposed for installation in the building or structure is furnished or provided at no cost, its normal or usual cost shall be included in the estimated cost;
5. A statement that all required State, county, and local prior approvals have been given, including such certification as the construction official may require;
  - i. Exception: For permit applications which lack one or more prior approvals, but are otherwise complete, plan review shall proceed as provided at (f)4ii(1) below;
6. For Class 1 structures or for a smoke control system installed in any structure, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals, or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode;
7. If the work involves lead abatement, the applicant shall provide the following:
  - i. A copy of the scope of work which shall describe precisely the location and extent of the work;

## § 5:23-2.15 Construction permits--application

- ii. A sketch plan showing the locations where abatement work is to be performed and showing emergency egress routes for any occupants to be in the building during abatement;
- iii. A record of all materials to be used for all phases of the job, including encapsulants, enclosures, containment materials and replacement components, as appropriate;
- iv. A copy of the lead evaluation report, if any has been done, prepared by a business firm certified by the Department pursuant to [N.J.A.C. 5:17](#) to do lead evaluation; and
- v. The degree to which any lead hazard identified in any report prepared by a lead evaluation firm certified by the Department will be abated; and

8. If the work involves reconstruction, an identification of the work area, except where plans are filed with the application, in which case the work area shall be delineated on the plans.

(b) In addition to the requirements at (a) above, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. The names and addresses of all contractors engaged or planned for engagement by the owner in the execution of the work.
  - i. A current validated State builder registration card shall be shown by the contractor and the registration number of the contractor shall be recorded on the permit, pursuant to the New Home Warranty and Builder's Registration Act ([N.J.S.A. 46:3B-1](#) et seq.), if the project is a one or two family dwelling, condominium or cooperative, unless it is to be built in whole or in part by an owner, in which case an affidavit shall be filed by the owner on a form prescribed by the Department of Community Affairs, in which he acknowledges that work done by him, or by a subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act and states that he will disclose this information to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy.
2. The name and license number of the contractor(s) or subcontractor(s) for plumbing; electrical; or heating, ventilating, air conditioning, and refrigeration work, where such work is proposed.
  - i. Plumbing, electrical, heating, ventilating, air conditioning, and refrigeration work shall not be undertaken except by persons licensed to perform such work pursuant to law, except in the case of a single-family homeowner on his or her own dwelling.
  - ii. The seal and signature of the licensed plumbing; electrical; or heating, ventilating, air conditioning, and refrigeration contractor(s) shall be affixed to the corresponding subcode application form.
3. The name and address of the responsible person who will be in charge of the work and who is responsible to the owner for ensuring that all work is installed and completed in conformity with the regulations. The person may be the design architect or engineer, the contractor or a third party acceptable to the construction official.
4. If the work involves lead abatement, one of the following shall be supplied:
  - i. The name and Department certification number issued pursuant to [N.J.A.C. 5:17](#) of any business firm undertaking the lead abatement; or
  - ii. If the work is to be done by employees of the owner of the property, the name and New Jersey Department of Health certification number issued pursuant to [N.J.A.C. 8:62](#) of each such employee; or
  - iii. If the work is to be done on an owner-occupied single family dwelling, a certification by the owner stating that he or she owns and occupies the property as a principal place of residence, will be performing the abatement work, and has received the written information for homeowners prepared by the Department explaining the danger of improper lead abatement, procedures for

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conducting safe lead abatement, and the availability of certified lead abatement contractors or of any available training for homeowners.

5. If the work involves fire protection equipment, any contractor performing such work shall have the appropriate certification issued pursuant to [N.J.S.A. 52:27D-25n](#) et seq. The certification number of the contractor shall appear on the permit application.
  - i. Exception: Certification shall not be required for licensed electrical contractors or for licensed alarm contractors installing fire alarms.
  - ii. Exception: Certification shall not be required for homeowners performing work within their residences.
  - iii. Exception: Certification shall not be required for in-house employees performing routine maintenance work, inspections, or testing of fire protection equipment.
  - iv. Exception: Certification shall not be required for contractors who install water supply lines outside a building.
  
6. If the work involves a landscape irrigation system, any contractor performing such work shall be certified pursuant to the Landscape Irrigation Contractors Certification Act, [N.J.S.A. 45:5AA-1](#) et seq. The seal and signature of the certified contractor shall be affixed to the permit application.
  - i. Exception: Certification shall not be required for public employees performing work on property of the public entity, for vendors of landscape irrigation components, materials or equipment delivering, rendering advice or assistance or performing normal warranty service for such equipment, for contractors installing or performing work on irrigation equipment to be used solely for agricultural purposes or for licensed plumbing contractors.
  - ii. Exception: Certification shall not be required for homeowners performing work on landscape irrigation systems on their own properties.
  
7. If the work involves a burglar alarm, fire alarm, or electronic security system, any contractor performing such work shall be licensed pursuant to [N.J.S.A. 45:5A-18](#) et seq. The license number of the contractor shall appear on the permit application.
  - i. Exception: Licensure shall not be required for telephone utility or cable television companies regulated by the Board of Public Utilities or for licensed electrical contractors.
  - ii. Exception: Licensure shall not be required for homeowners performing work on burglar alarms, fire alarms, or electronic security systems in their own homes.
  
8. If work involves a home improvement performed by a contractor, such contractor shall be registered pursuant to [N.J.S.A. 56:8-136](#) et seq. The registration number of the contractor shall appear on the permit application. No number shall be required to be provided by any person performing a home improvement who is not required to be registered, in accordance with (b)8ii, iii, v, vi or viii below. The appropriate license, registration or certification number and documentation shall be provided by any person exempt from registration as a contractor pursuant to (b)8iv or vii below.
  - i. For purposes of this paragraph, "home improvement" shall mean and include any work subject to the code that involves the reconstruction, alteration, renovation, repair or demolition of the whole or any part of any building in Group R-2, R-3, R-4 or R-5, or in any building or structure appurtenant thereto, or the conversion of an existing building in another group into a building in Group R-2, R-3, R-4 or R-5;
  - ii. Exception: Registration shall not be required for any person performing a home improvement upon a building or structure in Group R-2, R-3, R-4 or R-5 owned by that person, or by a member of that person's immediate family;

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iii. Exception: Registration shall not be required for any person performing a home improvement, without any charge for his or her services, upon a residential or non-commercial property owned by a bona fide charity or other non-profit organization;

iv. Exception: Registration shall not be required for any person regulated by the State as an architect, professional engineer, landscape architect, land surveyor, electrical contractor, master plumber, locksmith, burglar alarm business, fire alarm business, liquefied petroleum gas marketer, lead evaluation or abatement contractor or asbestos abatement contractor, or any other person in any other related profession requiring registration, certification or licensure by the State of New Jersey, who is acting within the scope of practice of that profession;

v. Exception: Registration shall not be required for any person employed by a community association or cooperative corporation or by a landlord who is making home improvements within the person's scope of employment at the residential or non-commercial property that is owned or leased by the community association or cooperative corporation or landlord;

vi. Exception: Registration shall not be required for any public utility, as defined under [N.J.S.A. 48:2-13](#);

vii. Exception: Registration shall not be required for any person licensed as a home financing agency, a home repair contractor or a home repair salesman pursuant to [N.J.S.A. 17:16C-77](#), provided that the person is acting within the scope of such license, and provided that such license number shall appear on the permit application;

viii. Exception: Registration shall not be required for any home improvement retailer with a net worth of more than \$ 50,000,000 or any employee of such home improvement retailer who is making or selling such home improvements within the person's scope of employment by the home improvement retailer. This exception shall not apply to persons working as subcontractors for any such home improvement retailer.

9. If the work involves home elevation, any contractor performing such work shall be registered pursuant to [N.J.S.A. 56:8-136](#) et seq. and shall be in compliance with the applicable provisions of [N.J.A.C. 13:45A-17](#) and 17A. The registration number of the contractor shall appear on the permit application and the application shall include the certification required pursuant to [N.J.S.A. 52:27D-123.16](#).

i. For purposes of this paragraph, "home elevation" shall mean and include any home improvement that involves raising an entire building of Group R-2, R-3, R-4, or R-5 to a higher level above the ground.

10. If the work involves an elevator, escalator, or a moving walkway, any mechanic performing such work shall be licensed pursuant to [N.J.S.A. 45:14H-1](#) et seq. The license number of the mechanic shall appear on the permit application.

11. Contractors who are not subject to State licensing, registration or certification shall be subject to any applicable licensing, registration or certification requirement established by municipal ordinance. Any municipal license, registration or certification number issued to any such contractor shall be included in any application for a construction permit for work to be done by such contractor.

12. In the event of any change of contractor or person in charge of work at (b)1 through 11 above, such change shall be filed as an amendment to the application.

(c) A separate application and permit shall be required for each building.

(d) Application for a permit shall be made by the owner, or his or her agent, a licensed engineer, architect, plumbing, electrical, heating, ventilation, air conditioning, and refrigeration, or other contractor employed in connection with the proposed work. If the application is by a person other than the owner, it shall be accompanied by an affidavit of the owner or the authorized person making the application, that the proposed work is authorized by the owner, and that the applicant is authorized to make such application. All



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issued permits shall remain the property of the owner, even if the application was made by a contractor or authorized agent.

**(e)** Construction permits for individual tenant spaces in multi-tenant buildings shall be issued pursuant to [N.J.A.C. 5:23-2.23A](#).

**(f)** Plans, plan review, plan release:

**1.** Plans and specifications: The application for the permit shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

**i.** Site diagram: There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; accessible route(s) for buildings required by [N.J.A.C. 5:23-7](#) and Chapter 11 of the building subcode to be accessible; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

**(1)** Where any of the conditions in (f)1i(1)(A) through (C) below are met, a plan shall be submitted to the Construction Official detailing the manner in which the adjoining property will be protected. The Construction Official is authorized to utilize special technical services as per [N.J.A.C. 5:23-2.19](#). No permit shall be issued until such plan has been filed.

**(A)** The foundation for the new building is immediately adjacent to an existing foundation, such that the existing foundation may be impacted by the construction work being performed;

**(B)** The footing for the new building is higher or lower than the footing for an existing building and the distance between the edges of the footings is equal to or less than the distance between the bottoms of the footings; or

**(C)** The new building roof is higher than the building roof on the adjoining property and the building roof of the adjoining property is a flat, hip or gable roofs with a slope of less than 70 degrees and the roof of the adjoining property is located 20 or fewer feet from the face of the new building.

**ii.** Building plans and specifications shall contain the following information:

**(1)** Foundation, floor, roof and structural plans;

**(A)** For buildings with roof or other truss systems, a truss layout and permanent truss bracing plan shall be submitted. This plan shall show all the permanent lateral and other bracing locations for individual truss members as well as the connections between the truss system and other components of the structural system necessary for the permanent lateral bracing of the entire structural system.

**(2)** Door, window and finish schedules; and

**(3)** Sections, details, connections and material designations.

**iii.** Electrical plans and specifications shall contain: Floor and ceiling plans; lighting, receptacles, motors and equipment; service entry location, line diagram and wire, conduit and breaker sizes.

**iv.** Plumbing plans and specifications shall contain: Floor plan; fixtures, pipe sizes, and other equipment and materials; riser diagram(s) with pipe sizes, fixture schedule, and sewage disposal.



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**v.** Mechanical plans and specifications shall contain: Floor or ceiling plans; equipment, distribution location, size, and flow; gas riser diagram(s) with pipe sizes and input ratings; location of dampers and safeguards; and all materials.

**vi.** Energy calculations: Calculations showing compliance with the energy subcode shall be submitted for all new buildings and additions to existing buildings. As provided in (f)1vii below, these calculations shall be signed and sealed by the design professional, with the exception of calculations for class 3 structures, which may be submitted by the heating, ventilation, air conditioning, and refrigeration contractor.

**(1)** For detached one- and two-family residential buildings and other residential buildings three stories or less in height, compliance may be demonstrated by the submission of NJ Clean Energy Program for Residential New Construction compliance documentation or other "above code" program documentation, the submission of printouts from software recognized by the Department, such as REScheck, or conforming with the prescriptive packages described in the current energy subcode compliance bulletin. REScheck software is available from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov).

**(A)** To document compliance using REScheck, users shall meet or exceed the applicable provisions of the energy subcode. Please see the current energy subcode compliance bulletin for further guidance.

**(2)** For all other buildings, compliance may be shown with the COMcheck compliance software or equivalent, submission of the compliance forms found in the COMcheck user's manual or the ASHRAE 90.1 user's manual for the edition of ASHRAE adopted under the energy subcode. The COMcheck user's manual and software are available from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov). The ASHRAE 90.1 user's manual is available from the American Society of Heating, Refrigerating and Air-conditioning Engineers Inc., at [www.ashrae.org](http://www.ashrae.org).

**(A)** To document compliance using COMcheck, users shall meet or exceed the applicable provisions of the energy subcode. Please see the current energy subcode compliance bulletin for further guidance.

**vii.** Engineering details and specifications: The construction official and appropriate subcode official may require adequate details of structural, mechanical, plumbing, and electrical work, including computations, stress diagrams, and other essential technical data to be filed. All engineering plans and computations shall bear the seal and signature of the licensed engineer or registered architect responsible for the design. Plans for buildings shall indicate how required structural and fire-resistance rating will be maintained for penetrations made for electrical, mechanical, plumbing, and communication conduits, pipes, and systems.

**(1)** Plans for class 3 structures may be prepared by persons licensed or certified pursuant to their respective laws and rules.

**(2)** Whenever the licensing board or certifying agency pursuant to the applicable rules shall provide for a seal or other form of identification evidencing that the holder is licensed or certified, such shall be acceptable to the enforcing agency in lieu of affidavit.

**viii.** Work area: For reconstruction work in an existing structure, the work area shall be clearly delineated on the plans.

**ix.** Architect's or engineer's seal: The seal and signature of the registered architect or licensed engineer who prepared the plans shall be affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted.

**(1)** Exception: The construction official shall waive the requirement for sealed plans in the case of a single family home owner who had prepared his or her own plans for the construction,

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addition, reconstruction, alteration, renovation, or repair of a detached structure used or intended to be used exclusively as his or her private residence providing that the owner shall submit an affidavit attesting to the fact that he or she has personally prepared the plans and provided further that said plans are in the opinion of the construction official, and appropriate subcode official, legible and complete for purposes of ensuring compliance with the regulations. This exception shall not apply to the structural design, specifications, and plans for new construction or substantial improvement of a home in a V zone in a flood hazard area, which must be developed or reviewed by a registered architect or licensed engineer pursuant to the National Flood Insurance Program rules, [44 CFR 60.3](#).

- x. The construction official upon the advice of the appropriate subcode official may waive the requirement for plans when the work is of a minor nature.
  - xi. Those portions of the plans that are required to be submitted and which are not included at the time of application shall be listed by the design professional as part of the application.
    - (1) All documents prepared by people other than the design professional shall be reviewed by the design professional and submitted with a letter indicating that they have been reviewed and found to be in conformance with the regulations for the design of the building.
  - xii. Building, electrical, plumbing and mechanical work required to be shown may be shown on a single set of plans or a single drawing so long as the drawings are clear and legible.
2. Prototype plan filing: Where a design is used repeatedly at different locations in a municipality or throughout the State, the plans and specifications may be submitted for "prototype" release and filed as follows:
- i. Two complete sets of the plans and specifications for each prototype shall be submitted with a request for prototype plan release. The plans and specifications shall be signed and sealed by a licensed or registered design professional. The plans and specifications will be stamped as released and the plan number and date will be recorded with the prototype release so that prototype plan release may be confirmed for any subsequent use of the released prototype plans. Mirror-image designs shall not be a permitted option, and shall require separate prototype plan release, except for plans that are validated as identical to the original prototype, as provided in (f)2i(1) below. Prototype applications that include a foundation design shall specify the conditions and limitations of that design;
    - (1) Plans for a mirror-image design may be submitted with a letter signed and sealed by the design professional stating that the mirror-image design is identical to the original prototype, but reversed;
  - ii. Permit applications that rely on a released prototype shall consist of two copies of the following permit-specific documents to facilitate a thorough field inspection of the work. (As per [N.J.A.C. 5:23-2.16\(e\)](#), one set of the released plans shall be retained by the construction official and the second set shall be kept at the building site.)
    - (1) A plot plan that is signed and sealed by a registered architect, licensed professional engineer, or licensed land surveyor that includes the location of all utility services, including septic connections;
    - (2) A specific foundation design or certification that the prototype foundation design is suitable for the site;
    - (3) A reference set of plans that includes and clearly identifies each of the options to be used for the building that is the subject of the permit application. The reference set of plans is not required to be signed and sealed;
    - (4) Exterior elevations of the specific building;
    - (5) The prototype file identification number;

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- (6) The plan number and date of the released prototype plan; and
- (7) When an automatic fire sprinkler system is installed, the fire sprinkler system demand, including either hose stream allowances or the required domestic demand, as applicable, at the available water supply shall be documented.

iii. Plans that contain deviations that were not released as part of the prototype shall not be considered a prototype and shall require the submission of a new permit application and application fees for that project to the appropriate plan review agency.

3. Examination of plans: All plans submitted and any amendments thereto accompanied by the required documentation and application, and upon payment of the fee established by the enforcing agency, shall be numbered, docketed and examined promptly after their submission for compliance with the provisions of the regulations.

4. Plan review:

i. Department review: When a review and release of plans by the Department is required pursuant to [N.J.A.C. 5:23-3.11](#) or requested for a prototype plan intended for use Statewide, the owner or agent of the owner shall file an application for construction plan release for each project, along with three sets of plans (two sets for prototypes), specifications, and such other supporting information as the Department may require on forms obtained from the Department. The plans, specifications, and other supporting information shall conform to the requirements of (f) above.

(1) Release of plans: Plans complying with the provisions of the regulations shall be released by the Department and written notice of approval shall be given the applicant promptly and no later than 20 business days after the submission thereof. Plans failing to comply with the provisions of the code shall be rejected and a written notice of rejection, stating the grounds for rejection, shall be given to the applicant not later than 20 business days after the submission thereof. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the grounds for rejection have been corrected and code compliance has been demonstrated. In that case, a written notice of release shall be given to the applicant not later than seven business days after the resubmission of the revised plans. When the grounds for rejection have not been corrected or when code compliance has not been demonstrated, a written notice of rejection stating the grounds for rejection shall be given to the applicant not later than seven business days after the resubmission of the revised plans.

(2) Endorsement of released plans: All plans and amendments thereto, when approved by the department, shall be stamped or endorsed "released", followed by a notation of the date of plan release. One set of such released plans shall be retained by the department, two sets of such released plans shall be submitted to the local enforcing agency with the application for construction permit as herein provided.

(3) Partial filing: When circumstances require, a project may be filed in part (that is, footings, structural, electrical, plumbing, and so forth). Each partial submittal shall include sufficient detail to assure that the proposed portion of work complies with the regulations. A plan "release" for such a portion of work shall be issued without prejudice as to whether a "release" shall be issued for the entire project.

(4) Construction permits: Owners and their agents shall not apply to a local enforcing agency for a construction permit for any building or structure for which a Department plan review and release is required by N.J.A.C. 5:23-3, unless such review and release has been applied for and received by the applicant as evidenced by presentation of released plans to the local enforcing agency.

(5) Time limitation of application: An application for a plan review shall be deemed to have been abandoned 12 months after date of filing, unless such application has been diligently

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prosecuted or a release has been issued; except that, for reasonable cause, the Department may grant one or more extensions of time for additional periods not exceeding 90 days each.

**(A)** When plans are submitted for local review that are required to be reviewed by the Department, the local enforcing agency shall so notify the owner or agent in writing no later than three business days after the submission of the plans.

**ii.** Local enforcing agency plan review: Where a Department plan review is not required by the regulations, an applicant for a construction permit shall be deemed to have applied for a local enforcing agency plan review by filing an application for a construction permit.

**(1)** If required State, county or local prior approvals have not been granted, plan review shall proceed provided that the application for a permit is otherwise complete and the plan review fee has been paid. No permit shall be issued until all required State, county and local approvals are in place.

**(A)** Exception: Permit applicants applying for plan review of individual owner-occupied one- or two family home addition or alteration projects must have zoning approval in place before plan review shall proceed.

**(2)** When the plans submitted with an application for a construction permit or amendment thereto are accompanied by plans which have been released by the Department, then further municipal plan review and fee therefor shall not be required. Release of the plans by the Department shall not prevent enforcing agency officials from thereafter requiring correction of any errors in said plans or from issuing a stop work order when in violation of the regulations. In such case the enforcing agency shall notify the Department;

**iii.** Validity of plan or prototype release: The released plans or prototype (Department or local) shall be valid for the purposes of applying for a construction permit until six months after the operative date of the next edition of the code, as set forth in [N.J.A.C. 5:23-1.6](#).

**iv.** Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the construction official may grant one or more extensions of time for additional periods not exceeding 90 days each.

**v.** Amended plans and specifications: Amendments may be filed at any time; such amendments shall be deemed part of the original application and, when released, shall be filed therewith. Amended plans and specifications shall be required where deviations affect matters controlled by the code and, in the judgment of the subcode official having jurisdiction, such amended plans are necessary to assist in the determination of code compliance. The official may require the affected portions of the work to be halted until amended plans and specifications are released. If the amendment involves a substantial deviation from the original application, a new affidavit of consent may be required by the construction official. If a Department plan review was required originally, the enforcing agency shall not permit an amendment to the plans or specifications unless the amendment has been released by the Department.

**vi.** Building systems: Structural, electrical and mechanical designs performed and certified by licensed architects or engineers need not be checked in detail by the staff of the enforcing agency, but shall remain as the responsibility of the professional certifying such design.

**vii.** A schematic or sketch plan, when required pursuant to this subsection, shall not be deemed to be a construction copy of a plan and shall therefore not be required to be signed or sealed by a registered architect or licensed professional engineer.

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**HISTORY:**

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

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

(b)1i: deleted text "The registration number of the contractor", and added "A current validated . . . contractor and the".

Amended by R.1985 d.479, effective September 16, 1985.

See: 17 N.J.R. 1462(a), 17 N.J.R. 2248(b).

(b)2ii added. (d) text added "All issued permits . . .".

Administrative Correction: Cleaned up typographical errors.

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

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

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

Text added at (a)6 on Class I structure.

Amended by R.1993 d.353, effective July 19, 1993.

See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.544, effective October 16, 1995.

See: [27 N.J.R. 2827\(a\)](#), [27 N.J.R. 3933\(a\)](#).

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

See: [29 N.J.R. 2204\(a\)](#), [29 N.J.R. 3248\(a\)](#).

In (e)1, substituted "no fewer" for "no less"; and in (e)1i, inserted reference to accessible routes.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Amended (a)6, (a)7v and (e)3v; inserted (a)8 and (e)1vii.

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

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

Rewrote the section.

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

Rewrote the section.

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

Rewrote (e).

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Amended by R.2006 d.32, effective January 17, 2006.

See: [37 N.J.R. 2918\(a\)](#), [38 N.J.R. 484\(a\)](#).

Added (b)5 through 7; recodified former (b)5 as (b)8 and rewrote the reference to (b)1, 2, 3, 4 as "(b)1 through 7."

Amended by R.2006 d.127, effective April 3, 2006.

See: [37 N.J.R. 4599\(a\)](#), [38 N.J.R. 1572\(a\)](#).

Recodified former (b)8 as (b)10 and rewrote the reference "(b)1 through 7" as "(b)1 through 9"; added (b)8 and (b)9.

Administrative correction.

See: [38 N.J.R. 3776\(b\)](#).

Amended by R.2007 d.124, effective May 7, 2007.

See: [38 N.J.R. 3708\(a\)](#), [39 N.J.R. 1669\(a\)](#).

Rewrote (e)1ix; in (e)4i(4), substituted "Department" for "department"; and added (e)4i(4)(A).

Amended by R.2007 d.125, effective May 7, 2007.

See: [38 N.J.R. 3707\(a\)](#), [39 N.J.R. 1671\(a\)](#).

Added new (e); and recodified former (e) as (f).

Amended by R.2007 d.231, effective August 6, 2007.

See: [39 N.J.R. 722\(a\)](#), [39 N.J.R. 3295\(a\)](#).

In (f)1vi(1), substituted "07-2" for "03-2" and "at [www.nj.gov/dca/codes](http://www.nj.gov/dca/codes)" for ", PO Box 802, Trenton, New Jersey 08625"; added (f)1vi(1)(A); in (f)1vi(2), deleted "EZ" following "Check" two times and "or from Pacific Northwest National Laboratory, PO Box 999, ATTN: K5-20, Richland, Washington 99352" following "[www.energycodes.gov](http://www.energycodes.gov)" and substituted "at [www.ashrae.org](http://www.ashrae.org)" for ", 1791 Tullie Circle, NE, Atlanta, GA 30329"; and added (f)1vi(2)(A).

Administrative correction.

See: [39 N.J.R. 3914\(a\)](#).

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

Amended by R.2008 d.39, effective March 3, 2008.

See: [39 N.J.R. 2175\(a\)](#), [40 N.J.R. 1084\(a\)](#).

Added (f)1i(1).

Administrative correction.

See: [40 N.J.R. 1829\(a\)](#).

Amended by R.2009 d.49, effective February 2, 2009.

See: [40 N.J.R. 5318\(a\)](#), [41 N.J.R. 733\(a\)](#).

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In the introductory paragraph of (f)2i, inserted a comma following "option", inserted the fourth occurrence of "shall", and inserted ", except for plans that are validated as identical to the original prototype, as provided in (f)2i(1) below"; and added (f)2i(1) and (f)4i(5).

Amended by R.2009 d.162, effective May 18, 2009.

See: [40 N.J.R. 4268\(a\)](#), [41 N.J.R. 2094\(a\)](#).

Added new (f)4ii(1); and recodified former (f)4ii(1) as (f)4ii(2).

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (a)6, inserted "or any structure with a smoke control system".

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

In the introductory paragraph of (f)1vi(1), and in (f)1vi(1)(A) and (f)1vi(2)(A), substituted "11-1" for "07-2"; in (f)1vi(1), deleted "from the Department of Community Affairs, Division of Codes and Standards at [www.nj.gov/dca/codes](http://www.nj.gov/dca/codes) or" following "available"; in (f)1vi(1)(A), inserted "meet or" and substituted "IECC/2009" for "IECC/2003 by two percent or more"; in the introductory paragraph of (f)1vi(2), substituted a comma for "and" following "Heating"; and in (f)1vi(2)(A), substituted "ASHRAE/2007" for "ASHRAE/2004".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In (a)6, substituted "1" for "I"; in the introductory paragraph of (f)1vi, and in (f)1vii(1) and (f)1vii(3), substituted "3" for "III" throughout; in the introductory paragraph of (f)1vi(1), substituted "one- and" for "one-and"; and in (f)1vii(1), substituted "Act, " for "Act'," twice.

Amended by R.2014 d.117, effective July 21, 2014.

See: [46 N.J.R. 160\(a\)](#), [46 N.J.R. 1685\(a\)](#).

Recodified (f)1ix in part as (f)1ix(1), and in (f)1ix(1), inserted "Exception:", a comma following "renovation", and the last sentence.

Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: [46 N.J.R. 2186\(a\)](#).

Added new (b)9; recodified former (b)9 and (b)10 as (b)10 and (b)11; and in (b)11, substituted "10" for "9".

Adopted concurrent amendment, R.2015 d.077, effective April 15, 2015.

See: [46 N.J.R. 2186\(a\)](#), [47 N.J.R. 989\(b\)](#).

Provisions of R.2014 d.161 adopted without change.

Amended by R.2016 d.116, effective September 19, 2016.

See: [48 N.J.R. 531\(a\)](#), [48 N.J.R. 1908\(a\)](#).

Added (a)5i.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).



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In the introductory paragraph of (a), inserted a comma following "structure"; in (a)6, substituted the first occurrence of "for" for "any structure with", inserted "installed in any structure", and inserted a comma following "professionals"; rewrote (d); and rewrote (f)1iv through (f)1vii.

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In the introductory paragraph of (f)1i, substituted "[N.J.A.C. 5:23-7](#) and Chapter 11 of the building subcode" for "[N.J.A.C. 5:23-7.1](#)".

Amended by R.2020 d.099, effective October 5, 2020.

See: [51 N.J.R. 1243\(a\)](#), [52 N.J.R. 1821\(a\)](#).

In the introductory paragraph of (b), inserted "to the requirements of (a) above"; rewrote (b)2; and in (d), substituted "owner, or his or her" for "owner or his".

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

In the introductory paragraph of (f)4i, inserted a comma following "specifications" twice, and substituted "(f)" for "(e)".

Amended by R.2021 d.082, effective August 16, 2021.

See: [52 N.J.R. 1883\(a\)](#), [53 N.J.R. 1375\(a\)](#).

Rewrote (f)1vii(1) and (f)1vii(2) and deleted (f)1vii(3).

Amended by R.2023 d.039, effective March 20, 2023.

See: [54 N.J.R. 1765\(a\)](#), [55 N.J.R. 527\(a\)](#).

In (b), substituted "at" for "of" following "requirements"; added new (b)10; recodified former (b)10 and (b)11 as (b)11 and (b)12; in new (b)12, substituted "at" for "under" and "11" for "10".

Administrative correction, effective May 10, 2023.

See: [55 N.J.R. 1173\(a\)](#).



## [N.J.A.C. 5:23-2.15A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### § 5:23-2.15A Construction permit for a single-family residence

- (a) Any application for a construction permit for a single family residence shall be accompanied by at least two copies of plans drawn to scale, with sufficient clarity and detailed dimensions to show the nature and character of the work to be performed. Plans submitted shall not be required to show more detail or include more information than is reasonably necessary to assure compliance with the requirements of the Uniform Construction Code and rules in this chapter.
- (b) Plans containing the following information shall be considered to meet the requirements of (a) above:
1. Site diagram consisting of a site plan showing size and location of all new and existing construction on the site with distances from lot lines and indicating new building services, location and size.
  2. Construction plans consisting of a scale drawing showing foundation, floor plans, and elevations, including structural framing notes for all floors, ceilings and roofs. Only girders and columns need be identified and located on the plan. Included on the drawings shall be a loading schedule indicating the live loads for which the structure is designed.
  3. The following details and submissions shall be required:
    - i. A cross section through one typical wall showing construction details from footing to and including roof framing. This section shall indicate all construction materials used including roofing, vapor barriers, sheathing type and thickness, insulation type and thickness, windows, glazing type if other than standard window glazing is used, interior finish material, floor type and thickness, structure, foundation and footings. Decorative material shall not be required to be shown unless it contributes to the structural integrity of the section.
    - ii. When roof or other truss systems are used, the details required by [N.J.A.C. 5:23-2.15\(f\)](#)1ii(1)(A) shall be shown.
    - iii. Electrical details indicating lighting; receptacles; motors and equipment; smoke detectors; service entrance locations; size and type (overhead or underground); panel size, location; number of proposed circuits. A symbol legend shall be included.
    - iv. Plumbing details indicating the locations of fixtures and a notice or table listing water and drainage pipe sizes. A note stating if sewage disposal is to public sewer or individual septic system shall be included.
    - v. Mechanical details indicating the type of heating system; location, size and type of heating unit, noting the distribution method and indicating design rates, location of fire dampers and safeguards; and location, type and size of flue.
    - vi. Energy subcode compliance, applicable to new residences and additions to existing residences, shall be demonstrated with either detailed calculations, the submission of NJ Clean Energy Program for Residential New Construction compliance documentation or other "above code" program documentation, the submission of printouts from software recognized by the

## § 5:23-2.15A Construction permit for a single-family residence

Department, such as REScheck, or conforming with the prescriptive packages described in the current energy subcode compliance bulletin. REScheck software is available from the U.S. Department of Energy at [www.energycodes.gov](http://www.energycodes.gov).

(1) To document compliance using REScheck, users shall meet or exceed the applicable requirements of the energy subcode. Please see the current energy subcode compliance bulletin for further guidance.

4. The drawings shall bear the seal and signature of the registered architect or licensed engineer who prepared the plans affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted.

i. Exception: The construction official shall waive the requirement for sealed plans in the case of a single family home owner who had prepared his or her own plans for the construction, addition, reconstruction, alteration, renovation or repair of a detached structure used or intended to be used exclusively as his or her private residence providing that the owner shall submit an affidavit attesting to the fact that he or she has personally prepared the plans and provided further that said plans are in the opinion of the construction official, and appropriate subcode official, legible and complete for the purposes of ensuring compliance with the regulations. This exception shall not apply to the structural design, specifications, and plans for new construction or substantial improvement of a home in a V Zone in a flood hazard area, which must be developed or reviewed by a registered architect or licensed engineer pursuant to the National Flood Insurance Program rules, [44 CFR 60.3](#).

ii. Plans may be prepared by licensed or certified contractors in accordance with their laws and rules, respectively.

(1) Energy subcode compliance documentation from (b)3vi above may be submitted by the licensed heating, ventilating, air conditioning, and refrigeration contractor.

5. Construction plans, and electrical, plumbing, and mechanical details may be shown on more than one drawing.

6. Where a permit application is based upon a released prototype plan, the permit application shall include the items listed at [N.J.A.C. 5:23-2.15\(f\)2ii](#).

7. The Construction Official, upon the advice of the appropriate subcode official, may waive any or all of the requirements for plans in (b)1 through 6 above when the work is of a minor nature.

## History

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### HISTORY:

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

In (b)3, inserted "and submissions" following "details" in the introductory paragraph, added new ii, recodified former ii through iv as iii through v and added vi.

Administrative correction.

See: [35 N.J.R. 2865\(a\)](#).

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

Rewrote (b)6.

## § 5:23-2.15A Construction permit for a single-family residence

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

In (b)3vi, substituted "REScheck" for "RES Check" twice and "11-1" for "03-2", and deleted "from the Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625 or" following "available".

Recodified from [N.J.A.C. 5:23-9.2](#) and amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Section was "Interpretation: Construction Permit for a single-family residence". In (b)3vi, inserted ", applicable to new residences and additions to existing residences," and the first occurrence of "the submission of"; and rewrote (b)4.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

Rewrote (b)3vi.

Amended by R.2020 d.099, effective October 5, 2020.

See: [51 N.J.R. 1243\(a\)](#), [52 N.J.R. 1821\(a\)](#).

Rewrote (b)4ii.

Amended by R.2021 d.082, effective August 16, 2021.

See: [52 N.J.R. 1883\(a\)](#), [53 N.J.R. 1375\(a\)](#).

In (b)4i, inserted "Exception:" and the last sentence; and rewrote the introductory paragraph of (b)4ii.

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-2.16](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.16 Construction permits--procedure**

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(a) Action on application: The construction official or the appropriate subcode official in the case of construction involving only one trade or subcode, shall examine or cause to be examined all applications for permits and amendments thereto, and approve or deny in whole or in part the application, within 20 business days. If the application is denied in whole or in part, the enforcing agency shall set forth the reasons therefor in writing. If an enforcing agency fails to grant, in whole or in part, or deny an application within 20 business days, such failure shall be deemed a denial of the application for purposes of an appeal to the Construction Board of Appeals, unless such period of time has been extended with the consent of the applicant. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the deficiencies that were stated as grounds for rejection have been corrected and code compliance has been demonstrated. In that case, a written notice of release shall be given to the applicant not later than seven business days after the resubmission of the revised plans. When the grounds for rejection have not been corrected or when code compliance has not been demonstrated, a written notice of rejection stating the grounds for rejection shall be given to the applicant not later than seven business days after the resubmission of the revised plans.

1. Exception: For a building designed in conformance with the one-and two-family dwelling subcode, where the Department or local enforcing agency has released a prototype plan which is to be used for the work covered by the permit application, the construction official shall act on the application within three business days.
  - i. Where the prototype release did not include the foundation detail, the construction official shall act on the application within seven business days.
2. Exception: For a building designed in conformance with the building subcode, where the Department or local enforcing agency has released a plan which is to be used for the work covered by the permit application, provided that the permit is complete, the construction official shall act on the application within five business days.
3. Exception--Plan Release with Conditions and Permit Issuance: In buildings of Group B, F, M, or S, for alteration or reconstruction projects performed in accordance with N.J.A.C. 5:23-6, unless the code official finds that the plans are so deficient that they cannot be used as a means of determining code compliance upon inspection, the construction official shall act on the permit application by identifying and providing to the permit applicant a list of those conditions that require correction for code compliance, as follows:
  - i. A plan release with conditions shall mean that a list of code deficiencies identified through plan review shall be attached to the plans with the condition that the deficiencies so identified will have been corrected and will be code compliant upon inspection.
  - ii. The plan release with conditions shall identify any deferred submittals necessary to perform an inspection.

## § 5:23-2.16 Construction permits--procedure

iii. A timeframe for the receipt by the enforcing agency of the deferred submittals and for the correction of code deficiencies shall be specified in the plan release with conditions. If revised drawings are determined to be necessary, a timeframe for submitting revised drawings shall be specified in the plan release with conditions.

iv. The plans shall be released with conditions and the permit application shall be acted upon following the written acceptance by the permit applicant of the conditions attached to the plan release. When the list of conditions attached to the plan release is provided to the permit applicant, the enforcing agency shall provide a copy of the conditions attached to the plan release to the design professional of record.

(1) The issuance of a plan release with conditions notwithstanding, the construction permit shall not be issued until the conditions of all prior approvals, as defined at [N.J.A.C. 5:23-1.4](#), have been met in accordance with [N.J.A.C. 5:23-2.15\(a\)5](#).

v. Plan release with conditions shall not apply to a change of use or to a change in the character of use in accordance with N.J.A.C. 5:23-6.

(b) Suspension of permit: Any permit issued shall become invalid if the authorized work is not commenced within 12 months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work.

(c) Previous approvals: The rules shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within six months after the operative date of the rules and completed with dispatch. This six months provision shall also apply to subsequent amendments.

(d) Signature to permit: The construction official shall attach his signature to every permit; or he may authorize a subordinate to affix such signature thereto. By doing so he shall certify that each responsible subcode official shall have reviewed and approved the application for permit.

(e) Released plans: The construction official shall stamp or endorse in writing both sets of plans released, and one set of such released plans shall be retained and the other set shall be kept at the building site, open to inspection of the construction official or the construction official's authorized representative at all reasonable times.

1. For plans released pursuant to (a)3 above, the conditions shall be attached to the plans that are retained on site and the plans that are retained by the enforcing agency and shall be available for use in performing inspections.

(f) Revocation of permits:

1. The construction official may revoke a permit or approval issued under the provisions of this code in the following cases:

i. If the applicant has submitted any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; or

ii. If the project for which the permit was obtained is not completed by the third anniversary of the date of the issuance of the permit. If a project is not completed by such date, the permit holder may apply to the enforcing agency for a one-year extension of time for completion of the project. The enforcing agency shall not unreasonably withhold approval of any such extension request. If the project is not completed within the time allowed, the enforcing agency shall take such action under the code as may be appropriate, including, without limitation, demolition of the structure, in which case the legal authority of the jurisdiction shall institute appropriate action against the owner of the property for recovery of the costs incurred. The provisions of this subparagraph shall not apply to:

(1) Improvements to the interior of a building in which the permit holder is currently residing, if such improvements are not visible from outside of the property;

## § 5:23-2.16 Construction permits--procedure

(2) Any building in which all exterior work and all required site improvements have been completed; or

(3) Any project currently under the control of a mortgagee in possession.

(g) Approval of part: The construction official shall issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of this code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(h) Posting of permit: A true copy of the construction permit shall be kept on the site of operations open to inspection during the entire time of prosecution of the work and until the completion of the same.

(i) Notice of start: At least 24 hours notice of start of work under a construction permit shall be given to the construction official.

(j) Conditions of permit: The issuance of the construction permit shall be conditioned upon the following:

1. The payment of appropriate fees;
2. That work will conform to the requirements of the code applicable to the work for which the permit has been issued including prior approvals and any approved amendments thereto;
3. That the permit is a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the regulations;
4. That the owner, his agent, contractor, or other employees will assist the enforcing agency in its inspection work, if requested;
5. That all escrows required to be paid by the applicant, pursuant to [N.J.A.C. 5:23-4.17\(d\)](#), in connection with work done under permits issued for development-wide violation correction, pursuant to [N.J.A.C. 5:23-2.35\(a\)1](#), have been paid unless there is an appeal pending. For purposes of applying this paragraph, any escrow due from any person or entity affiliated with the applicant by way of having any common officers, directors, or shareholders with at least a 10 percent interest shall be deemed to be due from the applicant; and
6. That any change in ownership is reported through a permit update and that any required replacement performance guarantee has been furnished.

(k) Upon request of the local health department, the construction official shall supply copies of permits issued for lead abatement work.

## History

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### HISTORY:

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(a).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.544, effective October 16, 1995.

See: [27 N.J.R. 2827\(a\)](#), [27 N.J.R. 3933\(a\)](#).

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

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See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Amended by R.1998 d.36, effective January 5, 1998.

See: [29 N.J.R. 4214\(a\)](#), [30 N.J.R. 193\(a\)](#).

Deleted (k); recodified existing ( l) as (k).

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

Rewrote the section.

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

In (a), rewrote 1 and added 2.

Amended by R.2004 d.364, effective October 4, 2004 (operative January 14, 2005).

See: [36 N.J.R. 2604\(a\)](#), [36 N.J.R. 4440\(a\)](#).

Rewrote (f).

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

In (j)4, substituted "; and" for a period at the end; and added (j)5.

Amended by R.2007 d.124, effective May 7, 2007.

See: [38 N.J.R. 3708\(a\)](#), [39 N.J.R. 1669\(a\)](#).

In (a)2, deleted "prototype" preceding "plan", inserted "provided that the permit is complete,", and substituted "five" for "seven".

Administrative correction.

See: [40 N.J.R. 3991\(a\)](#).

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (f)1ii, deleted "or January 24, 2005, whichever is later" following the second occurrence of "permit" and deleted "the" preceding "such date".

Amended by R.2012 d.181, effective November 5, 2012.

See: [44 N.J.R. 1757\(a\)](#), [44 N.J.R. 2556\(a\)](#).

In the introductory paragraph of (a), substituted "therefor" for "therefore"; and added (a)3 and (e)1.

Amended by R.2020 d.132, effective December 7, 2020.

See: [52 N.J.R. 95\(a\)](#), [52 N.J.R. 2100\(a\)](#).

In (j)4, inserted a comma following "contractor" and deleted "and" from the end; in (j)5, substituted "10 percent" for "ten percent" and "; and" for a period; and added (j)6.

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## [N.J.A.C. 5:23-2.16A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.16A. Records retention**

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(a) Copies of the following documents shall be retained by the construction official for the life of the building or structure:

1. Construction applications;
2. Permits;
3. Permit updates;
4. Decisions on applications for variations;
5. Decisions of the Construction Board of Appeals;
6. Certificates of occupancy;
7. Elevator inspections;
8. The ongoing inspection control card; and
9. Notices of unsafe structure.

(b) Permits that have been revoked shall be kept for at least three years, or until the building or structure is demolished, whichever comes first.

(c) Plans and specifications including amended drawings, shall be retained by the construction official for a period of at least 10 years unless litigation is pending.

1. Plans and specifications, including amended drawings, shall be retained for the life of the building or structure for the following:
  - i. Hospitals and emergency care facilities;
  - ii. Fire, rescue and police stations;
  - iii. Designated emergency shelters;
  - iv. Designated emergency preparedness, communication, and operation centers;
  - v. Power generating stations;
  - vi. Buildings of Groups H-1 or H-2;
  - vii. Prisons;
  - viii. Casino hotels;
  - ix. Aviation control towers;
  - x. Air traffic control centers; and
  - xi. Emergency aircraft hangers.

§ 5:23-2.16A. Records retention

2. Inspection and certificate logs shall be retained by the construction official for a period of at least 10 years.

(d) Copies of additional documents may be retained at the discretion of the construction official.

## History

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### HISTORY:

New Rule, R.2006 d.24, effective January 17, 2006.

See: [37 N.J.R. 2111\(a\)](#), [38 N.J.R. 485\(a\)](#).

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## [N.J.A.C. 5:23-2.17](#)

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### § 5:23-2.17 Demolition or removal of structures; abandoned wells

- (a) Service connections: Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until releases are obtained from all utilities that provided service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.
- (b) Abandoned wells:
1. In the event that there is a well on the property that has been abandoned, or that will be abandoned in conjunction with the proposed demolition, a permit to demolish or remove a structure on that property shall not be issued until a certification has been obtained from a well driller licensed by the Department of Environmental Protection indicating that the well has been sealed in accordance with N.J.A.C. 7:9-9. If such certification is not presented within 15 days of the application for the permit, the construction official shall give notice of the absence of such certification to the Bureau of Water Allocation, Department of Environmental Protection, PO Box 029, Trenton, NJ 08625-0029.
  2. Notice shall also be given by the construction official to the Bureau of Water Allocation in the event of any demolition activity found to have been undertaken without a permit at a building or premises currently or previously served by a well and in any other case in which no permit application for demolition has been made but the construction official becomes aware that a well has been, or is about to be, abandoned without having been sealed by a licensed well driller.
- (c) Notice to adjoining owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the demolition or removal of a building or structure.
- (d) Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the appropriate subcodes.
- (e) Asbestos abatement: Before a structure can be demolished or removed, the owner or agent shall document that the requirements of USEPA 40 CFR 61 subpart M have been or shall be met. A permit to demolish or remove the structure shall not be issued until the owner or agent notifies the enforcing agency that all friable asbestos or asbestos-containing material that will become friable during demolition or removal has been or will be properly abated prior to demolition.

## History

## § 5:23-2.17 Demolition or removal of structures; abandoned wells

**HISTORY:**

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

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

Amended by R.1993 d.420, effective September 7, 1993.

See: 25 N.J.R. 2158(a), 25 N.J.R. 4072(a).

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.36, effective January 5, 1998.

See: [29 N.J.R. 4214\(a\)](#), [30 N.J.R. 193\(a\)](#).

Added (b); and recodified existing (b) through (d) as (c) through (e).

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## [N.J.A.C. 5:23-2.17A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-2.17A Minor work**

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- (a) The issuance of a permit shall not be required before minor work may proceed. The owner, or an architect or contractor acting on behalf of the owner, shall, however, provide notice of the work to the enforcing agency before work begins.
- (b) Notice of work; application:
1. Notice of minor work shall be oral or written and submitted in person or electronically to local enforcement agency and shall be given before work commences. Notice shall include a brief summary and the location of the work to be performed. Such notice shall be consent for the enforcing agency to enter and inspect in the same manner a permit application is consent.
  2. In addition to the notice, the owner or his or her agent shall be required to file a permit application. The completed permit application shall be delivered in person or by mail to the enforcing agency, within five business days from the date of the notice. The fee shall be paid prior to the issuance of the construction permit.
- (c) Minor work:
1. Minor work shall mean and include:
    - i. The construction or total replacement of any porch or stoop that does not provide structural support for any roof or portion of a building;
    - ii. Renovation or alteration work in an existing one or two-family dwelling, provided that no primary structural members are altered in any way, and further provided that the work does not constitute reconstruction; and
    - iii. Repair or replacement with no reconfiguration of space of any non-structural component such as a partition in structures other than one- and two-family dwellings; or
    - iv. Repair and/or renovation work in a Group B, Group F, Group M, or Group S occupancy performed in accordance with N.J.A.C. 5:23-6, but shall not include work categorized as ordinary maintenance pursuant to [N.J.A.C. 5:23-2.7](#).
  2. Minor work shall also mean and include the replacement of any existing plumbing piping work with new and approved material of like capacity; the installation of drinking fountains and condensate drains in existing structures; the replacement of existing water heaters with new ones of like capacity; and the new installation of fixtures in existing space of dwellings where the new installation of additional fixtures can be accommodated with no increase in the size of the water distribution system, water service, or house drain.
  3. Minor work shall also mean and shall include the replacement of existing low-pressure boilers, warm air furnaces, air conditioning units, and air conditioning condensing units with new appliances of like capacity.

## § 5:23-2.17A Minor work

4. Minor work shall also mean and include new electrical work incidental to the installation of air conditioning, equipment, clothes dryers, and ranges or ovens in one and two-family dwellings; the installation of five or fewer outlets where existing circuits and/or available space for circuits and service are adequate to support the load in one and two-family dwellings (fishing shall be considered minor work regardless of the number of fixtures/receptacles); the replacement of existing wiring with new wiring of the same capacity in one- and two-family dwellings provided that the new wiring shall be of a type approved for the use by the code.

5. Minor work shall also mean and include the following:

- i. The installation of any fire detection or suppression device in any one-or two-family dwelling;
- ii. The installation of a radon mitigation system provided no new electrical work is required and provided the installation does not involve the penetration of a fire-resistance rated assembly;
- iii. The installation of a burglar alarm, security system, or doorbell in structures other than one- and two-family dwellings.

(1) Exception: Controlled, delayed, or sensor released egress doors;

iv. The installation of communications wiring in any Class 1 or Class 2 structure or any Class 3 structure involving the penetration of a fire-resistance rated assembly.

(1) For the purposes of applying this provision, communications wiring shall mean any wiring covered by Chapter 8 of the electrical subcode. Communications wiring shall also include data circuits between computers/information technology equipment, which may be classified as "communications circuits," in accordance with Article 725 of the electrical subcode; and

v. Any change of an existing transmission means from a digital alarm communicator transmitter to a fire alarm supervising station.

(1) For the purposes of applying this provision, transmission means shall mean the existing phone line(s) that transmit fire alarm signals from a digital alarm communicator transmitter to the supervising station. A certified fire alarm service company, licensed fire alarm company or licensed electrical contractor shall submit Form F-391 signed by the contractor to provide a verification statement in writing to the fire subcode official within 24 hours that all required signals remain operational after the new transmission means is installed.

6. Minor work shall not include lead abatement.

7. Minor work on elevator devices shall also mean and include work as outlined in [N.J.A.C. 5:23-12.8\(b\)](#) and not involving any structural modification to a building.

(d) Inspection of minor work:

1. Inspections shall be required for minor work and the enforcing agency shall inspect any such work within three business days of the request for inspection, or other such time within 30 days, as agreed upon by the enforcing agency and the owner, agent, or other responsible person in charge of work;

i. Exception: The replacement of an existing transmission means shall not require an onsite inspection by the fire subcode official as long as the verification form required by (c)5v(1) above is received within 24 hours of installation; and

2. The construction official shall issue a certificate of approval stating that the work performed under a Minor Work Permit substantially complies with the UCC. The inspection shall be based upon what is visible at the time of said inspection and the certificate of approval shall so indicate.

## History

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### HISTORY:

## § 5:23-2.17A Minor work

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Stylistic changes.

Amended by R.1993 d.580, effective November 15, 1993.

See: 25 N.J.R. 3692(a), 25 N.J.R. 5145(c).

Amended by R.1993 d.663, effective December 20, 1993.

See: 25 N.J.R. 4546(a), 25 N.J.R. 5927(a).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Rewrote (d).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

[N.J.A.C. 5:23-2.17A\(c\)](#)6xxv through xxvii, as added by R.1995 d.564, operative May 1, 1996.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Amended (c)1i through (c)1iii.

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (c)6, inserted a reference to 2508 in vii, inserted a new xxv, and recodified former xxv through xxvii as xxvi through xxviii.

Amended by R.2003 d.473, effective December 15, 2003.

See: [35 N.J.R. 2421\(a\)](#), [35 N.J.R. 5543\(a\)](#).

In (c)6, substituted "modification" for "alteration".

Amended by R.2004 d.467, effective December 20, 2004.

See: [36 N.J.R. 2122\(a\)](#), [36 N.J.R. 5709\(b\)](#).

In (c), rewrote 4.

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (c)6, substituted "in [N.J.A.C. 5:23-12.8\(b\)](#)" for "below" and deleted "and as scoped within the applicable sections of Part XII of ASME A17.1 referenced in the building subcode:" from the end; and deleted (c)6i through (c)6xxviii.

Amended by R.2011 d.269, effective November 7, 2011.

## § 5:23-2.17A Minor work

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

In (c)2, deleted "hot" preceding "water heaters", substituted "bathtubs" for "tubs", and inserted "clothes"; added new (c)3; and recodified former (c)3 through (c)6 as (c)4 through (c)7.

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

Incorporated the amendment by R.2011 d.269; and in (c)4, substituted "fewer 125 or 250" for "less 110 or 220".

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

In (c)5iv(1), inserted "and" at the end; and added (c)5v and (d)1i.

Amended by R.2012 d.181, effective November 5, 2012.

See: [44 N.J.R. 1757\(a\)](#), [44 N.J.R. 2556\(a\)](#).

Added (c)8.

Amended by R.2018 d.090, effective March 5, 2018.

See: [49 N.J.R. 2327\(a\)](#), [50 N.J.R. 955\(a\)](#).

Rewrote (b) and (c); and in the introductory paragraph of (d)1, substituted "three business days" for "30 days".

Petition for Rulemaking.

See: [51 N.J.R. 1289\(b\)](#), [1375\(a\)](#), [1626\(a\)](#).

Amended by R.2021 d.013, effective February 16, 2021.

See: [52 N.J.R. 559\(a\)](#), [53 N.J.R. 242\(a\)](#).

In (b)1, substituted a period for a semicolon following "commences" and added the second and third sentences; in (c)3, inserted "low-pressure"; and in (c)5ii, inserted "and provided the installation does not involve the penetration of a fire-resistance rated assembly".

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

In (d)1, inserted ", or other such time within 30 days, as agreed upon by the enforcing agency and the owner, agent, or other responsible person in charge of work".



## [N.J.A.C. 5:23-2.18](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.18 Inspections**

---

(a) Preliminary inspection: Before issuing a permit, the construction official and appropriate subcode official shall, where necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a construction permit.

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

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

i. The bottom of footing trenches before placement of footings;

(1) In the case of pile foundations, a pile log and certification prepared by a licensed design professional shall take the place of the inspection required by (b)1i above. Such certification shall include, but not be limited to, verification that the size, type, and location of the piles conforms to the released plans and that the piles are properly set to support the design loads. Such certification shall be based upon personal observations made by the design professional at the site;

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

(1) For new construction, a foundation location survey showing all building corners of the foundation and the elevation of the top of the foundation wall shall be submitted to the construction official as soon as possible after the installation of the foundation wall. It is not necessary for work to cease for the preparation and submission of this survey. A land surveyor licensed in the State of New Jersey shall prepare the survey. The proposed foundation location and elevation as shown on the original plot plan shall also be shown on the foundation location survey.

(A) Exception: A foundation location survey shall not be required for additions, decks, swimming pools, sheds or similar structures.

(2) For new construction, additions, and work that is determined to be a substantial improvement pursuant to [N.J.A.C. 5:23-6.3A](#), the foundation location survey, including the lowest floor elevation and as-built elevation documentation, for a building that is located in a flood hazard area shall be submitted to the construction official and to the local floodplain administrator and shall include elevation certificates as required by section 1612.4 of the building subcode or section R322.1.10 of the one- and two-family dwelling subcode; the documentation and certificates shall be submitted prior to further vertical construction;

iii. Utility services, including septic;

iv. Mid-point inspections shall include the following:

## § 5:23-2.18 Inspections

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

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

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

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

**(D)** Prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist (Form F390) to be verified and initialed by the inspector and then made part of the permit file for buildings of Type V construction.

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

**(3) Plumbing Subcode:** Rough piping.

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

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

ii. The requirement for a framing checklist, established at (b)1iv(D) above, shall apply to buildings of Type V construction of Groups R-2, R-3 and R-4 only.

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

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

**(c) Notice for inspection:**

**1.** The owner or other responsible person in charge of work shall notify the enforcing agency, in writing, when the work is ready for any required inspection specified herein or required by the construction official or appropriate subcode official. This notice shall be given at least 24 hours prior to the time the inspection is desired. This notice shall represent an attestation on the part of the owner, other than single-family owner-occupants performing their own work, or other responsible person in charge of work, that the work has been completed in conformance with the code and is ready for inspection. The request shall be considered received on the next business day after it was sent if the request was sent outside of normal business hours.

**2.** Inspections shall be performed within three business days, or other such time within 30 days, as agreed upon by the enforcing agency and the owner, agent, or other responsible person in charge of work, of the time for which it was requested. The enforcing agency shall notify the owner, agent, or other responsible person in charge of work when the inspection will be performed within 24 hours of official receipt of the notice. The agreed upon time shall be confirmed, in writing, and sent within normal

## § 5:23-2.18 Inspections

business hours. The work shall not proceed in a manner which will preclude the inspection until it has been made.

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

1. Building and Fire Subcode: Installation of all interior and exterior finish materials, sealing of exterior joints, mechanical system and any other required equipment.
2. Electrical Subcode: Wiring, devices and fixtures.
3. Plumbing Subcode: Piping, trim and fixtures.
4. Tests required by any provision of the adopted subcodes.
5. A review for compliance with [N.J.A.C. 5:23-7](#), the Barrier Free Subcode, for all buildings required by [N.J.A.C. 5:23-7.1](#) to be accessible.
6. Verification of compliance with [N.J.A.C. 5:23-3.5](#), Posting structures.

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

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

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

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

**(i)** If the owner or occupant improperly denies entry to the construction official, the construction official, or his or her authorized representative, shall obtain an administrative warrant or other legal remedy to secure entry issued by a court of competent jurisdiction.

## History

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### HISTORY:

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

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

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

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

Class I inspections added to (b)1iv.

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

See: [28 N.J.R. 2112\(a\)](#), [28 N.J.R. 3549\(a\)](#).

## § 5:23-2.18 Inspections

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

See: [29 N.J.R. 2204\(a\)](#), [29 N.J.R. 3248\(a\)](#).

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

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

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

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

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

In (b), rewrote 1iv.

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

Rewrote the section.

Administrative correction.

See: [35 N.J.R. 3298\(a\)](#).

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

See: [37 N.J.R. 3110\(a\)](#), [38 N.J.R. 1183\(a\)](#).

Added (b)1iv(1)(E).

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

See: [38 N.J.R. 872\(a\)](#), [39 N.J.R. 370\(b\)](#).

In (c)1, added new third sentence, and recodified former third sentence as new (c)2.

Administrative correction.

See: [39 N.J.R. 3914\(a\)](#).

Amended by R.2008 d.192, effective July 21, 2008.

See: [39 N.J.R. 4985\(a\)](#), [40 N.J.R. 4314\(b\)](#).

In the introductory paragraph of (b)1, substituted "one- and" for "one-and"; and in the introductory paragraph of (b)1ii(1), inserted "and the elevation of the top of the foundation wall", "or professional engineer" and "and elevation", and inserted the second sentence.

Administrative correction.

See: [40 N.J.R. 5579\(a\)](#).

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

Deleted former (b)1iv(1)(D); recodified former (b)1iv(1)(E) as (b)1iv(1)(D); in (b)1iv(1)(D), inserted "(Form F390)" and "for buildings of Type V construction"; and added (b)2ii.

Amended by R.2009 d.126, effective April 20, 2009.

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See: [41 N.J.R. 16\(a\)](#), [41 N.J.R. 1725\(a\)](#).

In (b)1ii(1)(A), deleted "as described in [N.J.A.C. 5:23-9.9](#)" following "sheds".

Amended by R.2014 d.117, effective July 21, 2014.

See: [46 N.J.R. 160\(a\)](#), [46 N.J.R. 1685\(a\)](#).

Rewrote (b)1ii(2).

Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: [46 N.J.R. 2186\(a\)](#).

Rewrote (b)1i.

Adopted concurrent amendment, R.2015 d.077, effective April 15, 2015, with changes effective May 18, 2015.

See: [46 N.J.R. 2186\(a\)](#), [47 N.J.R. 989\(b\)](#).

In (b)1i(1), inserted the first occurrence of "design", deleted "engineer" following the first occurrence of "professional", and substituted the second occurrence of "design professional" for the second occurrence of "engineer".

Amended by R.2020 d.132, effective December 7, 2020.

See: [52 N.J.R. 95\(a\)](#), [52 N.J.R. 2100\(a\)](#).

Added (i).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (b)1ii(2), substituted "1612.4" for "1612.5".

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

In (b)2, inserted "and detection/alarm", and inserted "and" following "devices;".

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Rewrote (c).

## [N.J.A.C. 5:23-2.18A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

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

- (a) Whenever a public utility proposes to undertake a program of installing load management devices at the properties of a substantial number of service customers within a limited period of time, it may apply to the Department for permission to utilize the procedure set forth in this section.
- (b) A utility with a program to install load management devices shall submit detailed information to the Department on the design of the device.
- (c) The utility shall provide an educational program acceptable to the Department to acquaint any interested Department personnel and municipal subcode officials with the device and with installation and operating procedures.
- (d) The utility shall insure that all devices to be installed are identical in design, listed and labeled or otherwise approved according to this chapter for their intended use.
- (e) At least one month in advance of any installations, the utility shall submit to the Department, and to each affected municipality, notice of the anticipated number of installations to be performed in each municipality. A maximum and a minimum figure may be submitted where there is uncertainty about the number to be scheduled by customers. An approximate number of weeks for installations in that municipality shall be given along with an approximate number of installations per week.
  - 1. Each week, in advance of installation, the utility shall notify the municipality of any change in the anticipated number of installations for that week. No weekly number of installations shall be so great that the cumulative number of installations in the municipality shall exceed the maximum anticipated number submitted.
  - 2. Prior to the commencement of any installation, and as soon as may be practicable, the utility or its contractors will provide to each municipality notice of the actual sites of installations.
  - 3. The Department and the municipalities shall be notified as soon as possible in the event of any change in existing schedules by the utility or its contractors.
- (f) On the Monday following installations, the utility shall submit to each municipality a completed permit application for all installations completed in the municipality's jurisdiction during the preceding week.
  - 1. A listing of all permits so delivered shall be filed by the utility with the Department.
  - 2. All devices installed during that week, by a single contractor, shall be included on that application. The application shall include the Construction Permit Application and an Electrical Subcode Technical Section.
  - 3. Since the permit is not, typically, for work at a single location, the block number shall be entered as "UCC 2.18" and the lot as "A." The work site location shall be the name of the municipality and the owner in fee shall be the utility.

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

- 4.** In addition to the Construction Permit Application, the utility or contractor shall supply the municipality a complete listing of locations where the devices, listed on this permit, were installed. This list shall include owner's name, owner's address, block and lot, date of installation, type of device(s) installed, and the contractor's name.
- (g)** If, for any reason, a permit application, or any part, is found to have been submitted in error, the utility or its contractors shall notify the municipality as soon as possible.
- (h)** When all required municipal and utility inspections have been approved, a single certificate of approval, for that permit, shall be issued to the utility.
- (i)** If any municipality or the Department has reason to suspect that permit applications are being mishandled or carelessly accounted for, an investigation may be conducted of the utility's permit files for this project and of any permits in the possession of individual contractors in the utility's employ for this project.
- (j)** The utility shall pay to each municipality 30 percent of the permit fees otherwise due and owing.
- (k)** The municipality shall inspect 30 percent of the installations performed and shall record the results of those inspections. The utility shall inspect at least 10 percent of the installations performed and shall record the results of those inspections and forward those results concurrently to the municipality and to the Department weekly.
- (l)** If a municipality or a utility discovers a defect rate of not less than seven percent for any contractor employed by the utility, the Department shall be immediately notified. The Department shall investigate and, in the interest of public safety, shall be authorized to order that:
1. The offending contractor cease to be employed by the utility for this project;
  2. The utility remit the fees necessary to inspect all existing installations of the offending contractor in all municipalities where that contractor has performed work;
  3. That each municipality affected perform inspections of all the offending contractor's existing installations; and
  4. That the utility or its designees correct or remove all defective installations to the satisfaction of the municipal officials.
- (m)** If, at any time, the Department tabulates a program-wide defect rate equal to or exceeding three percent, the utility shall be notified and the inspection rate and fee rate in (j) and (k) above shall rise to 50 percent.
- (n)** If the three percent or greater program-wide defect rate cannot be reduced within two weeks, the program may be terminated by the Department by notifying the utility and all affected municipalities.
- (o)** A municipality in which a defect rate equal to or greater than seven percent has been twice reported to the Department and which has reason to believe that the program cannot be successfully implemented within its jurisdiction may notify the Department and the utility of the need for termination of the program in that municipality. The Department, upon verifying the accuracy of the municipality's claim, shall issue a notice to the utility and to the municipality ordering the termination of the program in that municipality.

## History

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### HISTORY:

New Rule, R.1989 d.550, effective November 6, 1989.

See: 21 N.J.R. 233(a), 21 N.J.R. 3458(a).

Amended by R.1994 d.28, effective January 18, 1994.

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

See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).

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

See: [28 N.J.R. 3697\(a\)](#), [28 N.J.R. 4782\(a\)](#).

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## [N.J.A.C. 5:23-2.18B](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.18B Utility area lighting facility installation program**

---

- (a) Whenever an electric utility proposes to undertake installation of area lighting facilities located on private property on metal poles with an underground electric feed, having no ancillary utility facilities attached to said poles, the utility shall follow the procedures set forth in this section.
- (b) Installation of an area lighting facility shall be treated as minor work in accordance with [N.J.A.C. 5:23-2.17A](#). The utility shall, within five business days after verbal notice to the enforcing agency of a proposed installation, mail a permit application to the enforcing agency setting forth, at a minimum, the identity of the utility, the street address and location of the site lighting facilities, the number of facilities to be installed and a description of the installation.
- (c) The utility shall pay a fee which shall be computed at 25 percent of the otherwise applicable permit fee chargeable for such installations as per the Department fee schedule established under [N.J.A.C. 5:23-4.20\(c\)2i\(2\)](#) and iii(1).
- (d) If any violations are noted by an inspector, the inspector shall notify the affected utility and the Department. Code officials shall not issue "Stop Construction Orders" or "Notices of Violation" for such installations unless expressly authorized to do so by the Department.

### **History**

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#### **HISTORY:**

New Rule, R.1998 d.362, effective July 20, 1998.

See: [30 N.J.R. 1122\(a\)](#), [30 N.J.R. 2644\(b\)](#).

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## [N.J.A.C. 5:23-2.18C](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### § 5:23-2.18C Use and occupancy of swimming pools, spas and hot tubs

(a) It shall be unlawful to continue the use and occupancy of a swimming pool, spa or hot tub until a copy of a valid bonding and grounding certificate has been made available to the construction official, the pool, spa or hot tub has been inspected, and an electrical certificate of compliance has been issued. This requirement shall apply to any swimming pool, hot tub or spa located on any property other than one or two-family residential property and includes, but is not limited to, pools, hot tubs or spas open for the use of members, residents or the public.

1. The electrical certificate of compliance shall be issued annually by the local enforcing agency upon the presentation of a valid bonding and grounding certificate, satisfactory completion of an inspection by the electrical subcode official and payment of an inspection fee. This certificate shall be evidence that, based upon a visual inspection, the wiring in or around the pool pump and associated electrical equipment is free from electrical safety hazards, and meets the applicable requirements of the electrical subcode.
2. The bonding and grounding certificate shall be issued in accordance with [N.J.A.C. 5:23-2.20\(e\)](#).
3. A bonding and grounding certificate shall also be required for swimming pools, spas, or hot tubs which either are newly constructed or have undergone modifications that impact the bonding or grounding system. No additional visual inspection shall be required for the issuance of an electrical certificate of compliance where a construction permit is issued for the electrical work pertaining to the pool, spa, or hot tub.

(b) The most recent bonding and grounding certificate and electrical certificate of compliance shall be posted in accordance with [N.J.A.C. 5:23-3.5\(f\)](#).

### History

#### **HISTORY:**

New Rule, R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

Administrative correction.

See: [35 N.J.R. 4861\(a\)](#).

Amended by R.2009 d.100, effective April 6, 2009.

See: [40 N.J.R. 5900\(a\)](#), [41 N.J.R. 1397\(a\)](#).

In (a)1, substituted "electrical subcode" for "1996 National Electrical code".

§ 5:23-2.18C Use and occupancy of swimming pools, spas and hot tubs

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## [N.J.A.C. 5:23-2.18D](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.18D Carnival and fair electrical systems**

---

(a) It shall be unlawful to operate a portable or vehicle-mounted generator and the associated components of the portable distribution system serving carnivals and fairs until a valid certificate of compliance, issued in accordance with [N.J.A.C. 5:23-2.20\(f\)](#), has been made available to the Department.

1. Upon receipt of the required itinerary, as required by [N.J.A.C. 5:14A-9.2](#), the Department may inspect the portable generator and associated components to verify compliance with the applicable sections of the electrical subcode.

### **History**

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#### **HISTORY:**

New Rule, R.2020 d.123, effective November 16, 2020.

See: [51 N.J.R. 1723\(a\)](#), [52 N.J.R. 2057\(a\)](#).

## [N.J.A.C. 5:23-2.19](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.19 Special technical services**

---

(a) Whenever the construction official and the appropriate subcode official determine that a need for special technical services exists with regard to a particular project for which the municipal enforcing agency is classified to perform plan review, the construction official may require the applicant to obtain and furnish to the construction official, at the applicant's expense, a report from a licensed engineer or registered architect. Such report shall contain the information deemed necessary by the construction official to aid in his determination. Such may include, but not be limited to:

1. Analysis of materials and installation or design methods not covered by the provisions of the subcodes;
2. Site investigation;
3. Structural analysis;
4. Building systems analysis (that is, mechanical, electrical, vertical transportation, and so forth).

(b) The commissioner reserves the right to further regulate the performance of special technical services.

### **History**

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#### **HISTORY:**

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

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## [N.J.A.C. 5:23-2.20](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.20 Tests and special inspections**

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(a) All tests required by the provisions of the regulations shall be made and conducted under the supervision of the enforcing agency in accordance with such inspection and test procedures as may be prescribed by the provisions of the regulations, with the expense of all tests and special inspections to be borne by the owner or lessee or by the contractor performing the work.

1. Except as otherwise provided, tests conducted by persons authorized to conduct such tests in accordance with this chapter are not required to be witnessed by the local enforcing agency, unless the local enforcing agency determines such witnessing to be necessary.

(b) All special inspections, as provided in the building subcode, shall apply to Class 1 buildings, mass timber elements in Type IV-A, IV-B, and IV-C construction, and a smoke control system installed in any building. A special inspector shall be independent of the contractor and shall be responsible to the building owner or building owner's agent. Special inspectors shall be certified in the appropriate specialty.

1. Special inspections for soil conditions and pile foundations shall be performed under the direct supervision of a New Jersey licensed engineer.

(c) The construction official may accept tests and test reports of the Department and other government agencies, as well as signed statements and supporting inspection and test reports filed by qualified licensed professionals or approved agencies or firms.

(d) In lieu of requiring the removal and reinstallation of the chimney vent connector for purposes of inspection of the chimney or vent as per N.J.A.C. 5:23-2:18, the construction official shall accept a Chimney Verification for Replacement of Fuel-Fired Equipment (Form F-370), signed by the contractor who installed the replacement fuel-fired equipment. Verification from homeowners shall not be accepted in lieu of the required inspection.

1. A permit applicant using the Chimney Verification for Replacement of Fuel-Fired Equipment Form (Form F-370) for minor or emergency work must provide this form along with the permit application.

(e) The bonding and grounding certificate for swimming pools, spas and hot tubs, shall be issued by a recognized electrical testing agency or a New Jersey State licensed electrical contractor. This certificate shall verify the continuity and integrity of the bonding and grounding system. It shall be valid for five years from the date of issuance. The bonding and grounding certificate may cover more than one swimming pool, spa, and/or hot tub unit.

(f) The certificate of compliance for portable or vehicle-mounted generators, the associated components, and the portable distribution systems used at carnivals and fairs shall be issued by a New Jersey State-licensed electrical contractor or a recognized electrical testing agency. This certificate shall certify that the portable or vehicle-mounted generator, the associated components, and the portable distribution system are in compliance with Article 525 of the electrical subcode. The certificate of compliance shall be valid for one year from the date of issuance.

## § 5:23-2.20 Tests and special inspections

1. The model number and serial number of the system components approved for use shall be recorded on the certificate of compliance.

## History

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### HISTORY:

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

See: [24 N.J.R. 1147\(a\)](#), [24 N.J.R. 2243\(a\)](#).

Special inspections added.

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

See: [27 N.J.R. 619\(a\)](#), [27 N.J.R. 2187\(a\)](#).

Added (c).

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

See: [28 N.J.R. 3697\(a\)](#), [28 N.J.R. 4782\(a\)](#).

Amended by R.1997 d.376, effective September 15, 1997.

See: [29 N.J.R. 2741\(a\)](#), [29 N.J.R. 4102\(a\)](#).

In (c), inserted "Form (F-370)", substituted "contractor" for "person" and added last sentence.

Amended by R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

Added (d).

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

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

Added a new (b); recodified former (b) through (d) as (c) through (e).

Amended by R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

In the introductory paragraph of (b), added the last sentence; and added (b)1.

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

In the introductory paragraph of (b), inserted "and any building that contains a smoke control system".

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

Rewrote the introductory paragraph of (d); and added (d)1.

Amended by R.2012 d.179, effective November 5, 2012.

See: [44 N.J.R. 1679\(a\)](#), [44 N.J.R. 2557\(a\)](#).

## § 5:23-2.20 Tests and special inspections

In the introductory paragraph of (a), deleted "and" following "agency" and a comma following "lessee", substituted "tests and special inspections" for "test and inspections", and inserted "by" following the second occurrence of "or"; added (a)1; and in (e), inserted the last sentence.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In the introductory paragraph of (b), substituted "1" for "I".

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (b), deleted "any building that contains" preceding "a smoke", and inserted "installed in any building".

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In the introductory paragraph of (d), substituted "shall" for "may".

Amended by R.2020 d.123, effective November 16, 2020.

See: [51 N.J.R. 1723\(a\)](#), [52 N.J.R. 2057\(a\)](#).

Added (f).

Amended by R.2023 d.138, effective December 4, 2023.

See: [55 N.J.R. 1056\(a\)](#), [55 N.J.R. 2403\(a\)](#).

In the introductory paragraph of (b), inserted ", mass timber elements in Type IV-A, IV-B, and IV-C construction,".

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## [N.J.A.C. 5:23-2.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.21 Construction control**

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**(a) Responsibilities:** The provisions of this section shall define the construction controls required for all buildings involving professional architecture/engineering services and delineate the responsibilities of such professional services together with those services that are the responsibility of the contractor during construction.

**(b) Professional architecture or engineering services:**

1. Design: All new, renovation, alteration, reconstruction, expansion, addition or modification work involving the practice of professional architecture or engineering, as defined by the statutory requirements of the professional registration and licensing laws of this State, shall be prepared by registered architects or licensed engineers. All plans, computations and specifications required for a construction permit application must be prepared by or under the direct supervision of a registered architect or licensed engineer and bear his or her signature and seal in accordance with the State's statutes and regulations governing the professional registration and licensing of architects and engineers.

**(c) Responsible person in charge of work:** The owner shall designate a person to be in charge of the work who shall be responsible for:

1. Verification of all controlled materials per building subcode requirements of testing, certification and identification;
2. Special inspection of critical construction components;
3. Submission of amended plans and specifications whenever substantial deviations are necessary or desired, or when required to do so pursuant to [N.J.A.C. 5:23-2.15\(f\)](#)<sup>4v</sup>; and
4. The responsible person in charge of work shall perform the necessary services and be present on the construction site on a regular and periodic basis to determine that, generally, the work is proceeding in accordance with the code and any conditions of the construction permit.

**(d) Reporting:** At the completion of the construction, the responsible person in charge of work shall submit to the construction official a report as to the satisfactory completion and the readiness of the project for occupancy and shall certify that, to the best of the responsible person's knowledge and belief, such has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code, with any substantial deviations noted.

**(e) Construction contractor services:** The actual construction of the work shall be the responsibility of the contractor(s) as identified on the approved construction permit and shall involve:

1. Execution of work in accordance with the regulations;
2. Execution and control of all methods of construction in a safe and satisfactory manner;

## § 5:23-2.21 Construction control

3. Execution of all work in accordance with the code and those portions of the plans and specifications controlled by the code;
  4. In general, render all such construction services as required to effect a safe and satisfactory installation of the project;
  5. Upon completion of the construction, the contractor shall certify to the best of the contractor's knowledge and belief that such has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code, with any substantial deviation specifically noted.
- (f) The provisions of this section do not relieve the enforcing agency of any of the responsibilities required by the regulations.

## History

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### HISTORY:

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

Rewrote the section.

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

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## [N.J.A.C. 5:23-2.22](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.22 Premanufactured construction**

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(a) Premanufactured construction certified in accordance with [N.J.A.C. 5:23-4A](#) and 4D, as applicable, and carrying an appropriate label, shall be accepted as conforming to the requirements of the regulations to the extent provided for by the particular label for purposes of local construction inspection approval.

1. Prior to accepting the unit, the appropriate subcode official may require the performance of nondestructive tests.
2. In the case of visible signs of damage and/or any visible code violations, the construction official shall consider the seriousness of the nonconformance or damage and accordingly issue a Temporary Certificate of Occupancy or Certificate of Occupancy or deny such Certificate. If a Temporary Certificate is issued or a Certificate is denied, the construction official shall request that the label-issuing agency reaffirm in writing that the assembly still conforms to the regulations and notify the Department in writing.
3. No inspection requiring disassembly, damage to, or destruction of certified premanufactured construction shall be conducted.

(b) The appropriate subcode officials shall inspect the installation of any premanufactured unit or assembly other than the initial installation of manufactured homes to determine compliance with the regulations and the approved plans. Installation includes all utility connections and all work installed or completed on site.

### **History**

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#### **HISTORY:**

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.2008 d.213, effective August 4, 2008.

See: [39 N.J.R. 2411\(a\)](#), [40 N.J.R. 4523\(b\)](#).

In the introductory paragraph of (a), substituted "through 4D, as applicable" for "or 4B".

Amended by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#), [51 N.J.R. 1269\(a\)](#).

In the introductory paragraph of (a), substituted "and 4D" for "through 4D"; and rewrote (b).

§ 5:23-2.22 Premanufactured construction

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## [N.J.A.C. 5:23-2.23](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-2.23 Certificate requirements**

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- (a) New buildings: A building or structure hereafter erected shall not be used or occupied in whole or part until a form of certificate of occupancy shall have been issued by the construction official.
1. The enforcing agency shall upon application by the owner issue a certificate of occupancy when all requirements of the regulations have been met.
- (b) Buildings hereafter renovated or altered: A building or structure hereafter renovated or altered shall not be occupied or used until the certificate of approval shall have been issued by the construction official, certifying that the work has been completed in accordance with the provisions of the code, except as is otherwise provided in the regulations. Any use or occupancy which was not discontinued during the work of renovation or alteration shall be discontinued within 30 calendar days after the completion of the alteration, unless the certificate of approval is secured from the enforcing agency.
- (c) Building hereafter reconstructed: A building or structure, or portion thereof, hereafter reconstructed shall not be used until a certificate of occupancy shall have been issued for the entire building or structure or the portion being reconstructed, as the case may be, by the construction official, certifying that the work has been completed in accordance with the provisions of the code, except as otherwise provided in these rules.
- (d) Building hereafter extended: No addition which increases the height or area of an existing building or structure shall be used until a certificate of occupancy shall have been issued by the construction official certifying that the work has been completed in accordance with the provisions of the code, except as otherwise provided in these rules.
- (e) Existing buildings: Upon request of the owner of an existing building or structure, the construction official, with the approval of the subcode officials, shall issue a certificate of continued occupancy provided that there are not violations of law or orders of the construction official pending and it is established after inspection and investigation of available municipal records that the alleged use of the building or structure has lawfully existed. The certificate of continued occupancy shall evidence only that a general inspection of the visible parts of the building has been made, and that no violations of [N.J.A.C. 5:23-2.14](#) have been determined to have occurred and no unsafe conditions violative of [N.J.A.C. 5:23-2.32\(a\)](#) have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.
- (f) Change of use: It shall be unlawful to change the use of any structure, or portion thereof, without the prior application for, and issuance of, a certificate of occupancy. A certificate of occupancy shall be issued, provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode. After a change of use has been made in a building or structure, the reestablishment of a prior use is prohibited, unless the building complies with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode, for the prior use.
- (g) Temporary certificate of occupancy: Upon the written request for a temporary certificate of occupancy by the holder of a permit, the construction official shall issue, and may renew, a temporary certificate of

## § 5:23-2.23 Certificate requirements

occupancy for a building or structure or part thereof when the work covered by the permit shall have been substantially completed, provided that such portion or portions may be occupied safely prior to full completion of the building or structure without endangering health or safety.

1. The temporary certificate of occupancy and each subsequent renewal shall list the work to be completed and shall be valid for a reasonable period of time to complete the specified work. The municipal tax assessor shall be notified when the temporary certificate of occupancy is issued.
2. The request for a temporary certificate of occupancy may be denied when there are outstanding fees or penalties, when the required warranties, licenses or registrations are not in place, or the conditions of prior approvals affecting health and safety of the building occupants have not been met.
  - i. In the case of soil conservation, a temporary certificate of occupancy shall be denied if a Report of Compliance or Report of Compliance with Conditions is not issued by the soil conservation district pursuant to [N.J.A.C. 2:90](#).

**(h)** Certificates for individual tenant spaces in multi-tenant buildings shall be issued pursuant to [N.J.A.C. 5:23-2.23A](#).

**(i)** Application: A written application for a certificate of occupancy shall be filed with the enforcing agency by the owner or his agent. The application shall include the following:

1. The name and address of the owner or his agent;
2. The location of the building or structure;
3. If a change of use is contemplated, the current and proposed use groups;
4. The statement by the responsible person in charge of work, that to the best of his or her knowledge all work has been completed in accordance with the permit and the regulations;
5. A statement of the final cost of construction work, including the basic structure, all on-site improvements, built-in furnishings and fixtures and all integral equipment exclusive of process or manufacturing equipment;
6. A set of amended drawings, if required by the construction official and the appropriate subcode official(s), when the dimensions, lay out or appearance of the building or structure deviates substantially from the released plans and specifications filed with the construction permit application; and
7. A test and balance report for mechanically ventilated Class 1 and 2 buildings of Use Groups B and E submitted by a licensed professional engineer or by a test and balance professional certified by the Associated Air Balance Council, the National Environmental Balancing Bureau, or equivalent certification through a nationally recognized organization. The signed report shall include:
  - i. Minimum quantity of outdoor air required by code;
  - ii. Minimum quantity of outdoor air specified in the design;
  - iii. Actual measured outdoor cubic feet/minute (CFM) or a derived quantity, if actual measurement is not possible; and
  - iv. Actual measured total CFM.

**(j)** Contents of certificate: When a building or structure is entitled thereto, the construction official shall issue a certificate of occupancy within 10 business days after written application therefor.

1. The certificate shall certify the purpose for which the building or structure may be used in its several parts.
2. The certificate of occupancy shall specify: the use group(s), in accordance with the provisions of the building subcode; the maximum live load on all floors as prescribed in the building subcode; the

## § 5:23-2.23 Certificate requirements

occupancy load in the building and all parts thereof as defined in the building subcode; and any special stipulations and conditions of the construction permit.

**3.** The construction official shall affix his signature to the certificate and, by so doing, shall certify that the building or structure has been approved for occupancy by all applicable subcode officials in accordance with the provisions of N.J.A.C. 5:23-3.

**(k)** No temporary or final certificate of occupancy shall be granted until all required utilities, including but not limited to water, sewer, electric and gas are installed and in service.

**(l)** Equipment listed below, which has been determined by the Department to create a significant potential hazard to public health and safety, shall be granted a certificate of compliance by the construction official based upon the findings of the appropriate subcode official or approved agency for the time period specified. Such equipment shall periodically be reinspected or tested in accordance with the provisions of the regulations prior to the expiration of a certificate of compliance and any violation shall be corrected before a new certificate may be issued. No device shall continue in operation unless a valid certificate of compliance has been reissued.

1. High pressure boilers: 12 months;
2. Refrigeration systems: 12 months;
3. Pressure vessels: 12 months;
4. Backflow preventers that are designed to be tested and used to isolate sources of contamination as defined in the plumbing subcode: 12 months.

i. Exception: Testable backflow preventers not used to isolate a high hazard source of contamination that are installed on water supplies in one- and two-family dwellings.

5. Swimming pools, spas and hot tubs: 12 months.

**(m)** Certificate of Approval: A certificate of approval shall be issued for all work that requires a construction permit but does not require a certificate of occupancy. No application shall be required for a certificate of approval.

**(n)** Revocation: The enforcing agency may revoke a certificate of occupancy whenever a condition of a certificate has been violated.

**(o)** Time limit: The provisions of the regulations do not preclude periodic certification pursuant to other applicable laws and ordinances.

**(p)** Lead Abatement Clearance Certificate: Following a lead hazard abatement job performed by a business firm or by an employee or employees of the owner of a property, a written application for a lead abatement clearance certificate shall be filed with the enforcing agency by the owner or the owner's agent. The application shall include a certification by the firm or person performing the work that all applicable provisions of [N.J.A.C. 5:17](#) have been met, including the clearance requirements, and that the components or areas in the scope of work submitted in the permit application are lead safe.

1. When the lead hazard abatement work includes encapsulation or enclosure, the certification by the firm or person performing the work shall include any recommendations for on-going maintenance or precautions to be taken to maintain the integrity of the encapsulation or enclosure.
2. When all lead hazards identified in an evaluation report prepared by a firm licensed by the Department pursuant to [N.J.A.C. 5:17](#) have been totally and permanently abated, the certification shall so state.
3. When an owner-occupant of a single-family house is performing the work, a lead abatement clearance certificate may be requested by the owner. The application for a lead abatement clearance certificate shall include a statement signed by a lead evaluation contractor certified by the Department pursuant to [N.J.A.C. 5:17](#), or signed by an individual inspector/risk assessor certified by the New Jersey Department of Health pursuant to [N.J.A.C. 8:62](#) indicating that the clearance standards contained in

## § 5:23-2.23 Certificate requirements

[N.J.A.C. 5:17](#) have been met and that all components or areas in the scope of work submitted in the permit application have been rendered lead-safe.

i. When lead abatement work has been performed by an owner-occupant pursuant to an order issued by a local health department, a lead abatement clearance certificate shall be required.

4. When lead abatement work has been performed pursuant to an order issued by a local health department, no lead abatement clearance certificate shall be issued without the approval of the local health department.

5. When lead abatement work has been performed on a steel structure or other superstructure or in a commercial building, no lead abatement clearance certificate shall be required.

(q) The continued validity of a certificate of occupancy shall be contingent upon maintenance of the level of code compliance existing at the time of issuance of the certificate of occupancy and upon compliance with any orders issued by the construction official pursuant to [N.J.A.C. 5:23-2.35](#).

## History

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### HISTORY:

Amended by R.1984 d.120, effective April 16, 1984.

See: 16 N.J.R. 179(a), 16 N.J.R. 873(a).

(c): "[N.J.A.C. 5:23-2.14](#) have been determined . . . have been found,"; "lawful" added.

Amended by R.1987 d.91, effective February 2, 1987.

See: 18 N.J.R. 2348(a), 19 N.J.R. 289(c).

Added new (i)2; renumbered (i)2.-9. as (i)3.-10.

Amended by R.1988 d.167, effective April 18, 1988.

See: 20 N.J.R. 223(b), 20 N.J.R. 893(b).

Added text to (b) "after the completion of the alteration".

Amended by R.1991 d.180, effective April 1, 1991.

See: 23 N.J.R. 257(a), 23 N.J.R. 1028(b).

In (i), deleted inspections of sprinkler systems, hazardous uses and places of assembly.

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

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

Potentially hazardous equipment approvals time-limited at (i); elevator requirements added at (j).

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1993 d.421, effective September 7, 1993.

See: 25 N.J.R. 2161(a), 25 N.J.R. 4073(a).

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.1994 d.434, effective September 6, 1994 (operative January 1, 1995).



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See: 26 N.J.R. 1911(a), 26 N.J.R. 3706(b).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Rewrote (j).

Amended by R.1997 d.302, effective July 21, 1997 (operative September 24, 1997).

See: [29 N.J.R. 2202\(a\)](#), [29 N.J.R. 3242\(b\)](#).

Added (m)5.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Amended (b); added new (c) and (d); recodified existing (c) as (e); recodified existing (d) as (f) and amended it to include reference to N.J.A.C. 5:23-6; recodified existing (e) through (m) as (g) through ( o).

Amended by R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

In (k), inserted references to installations throughout, inserted "and no installation shall be opened for use or occupancy" following "operation" and substituted "issued" for "reissued" at the end of the last sentence of the introductory paragraph, and added 5.

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

Rewrote k(4).

Amended by R.2001 d.347, effective October 1, 2001.

See: [32 N.J.R. 3218\(a\)](#), [33 N.J.R. 3430\(a\)](#).

Rewrote (g).

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

In (h), neutralized the gender reference and deleted ", the approved plans" following "the permit" in 4 and rewrote 6; substituted "code" for "approved permit" throughout.

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

See: [35 N.J.R. 2423\(a\)](#), [35 N.J.R. 4713\(a\)](#).

Added (p).

Amended by R.2005 d.199, effective July 5, 2005.

See: [37 N.J.R. 565\(a\)](#), [37 N.J.R. 2474\(a\)](#).

In (g), inserted "list the work to be completed and shall" following "each subsequent renewal shall" and "specified" preceding "work" in the first sentence of 1, and added 2i.

## § 5:23-2.23 Certificate requirements

Amended by R.2007 d.125, effective May 7, 2007.

See: [38 N.J.R. 3707\(a\)](#), [39 N.J.R. 1671\(a\)](#).

Added new (h); and recodified former (h) through (p) as (i) through (q).

Administrative correction.

See: [40 N.J.R. 3991\(a\)](#).

Amended by R.2008 d.192, effective July 21, 2008.

See: [39 N.J.R. 4985\(a\)](#), [40 N.J.R. 4314\(b\)](#).

In (q), updated the N.J.A.C. reference.

Amended by R.2009 d.164, effective May 18, 2009.

See: [40 N.J.R. 6683\(a\)](#), [41 N.J.R. 2094\(b\)](#).

In (g)1, deleted ", but not less than 60 days" following "specified work".

Amended by R.2009 d.267, effective September 8, 2009.

See: [40 N.J.R. 6684\(a\)](#), [41 N.J.R. 3217\(a\)](#).

In the introductory paragraph of ( ), deleted a comma following "regulations" and following the second occurrence of "compliance"; in the introductory paragraph of ( )4, inserted "that are designed to be tested and", and deleted "high hazard" following "isolate"; and added ( )4i.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In (i)7, substituted "1" for "I", "2" for "II", and a comma for "or" following "Council", and inserted ", or equivalent certification through a nationally recognized organization".

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (f), inserted the first and second sentences, and inserted a comma following "prohibited".

## [N.J.A.C. 5:23-2.23A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### § 5:23-2.23A Permits and certificates for multi-tenant buildings

---

- (a) Construction permits for multi-tenant buildings shall be issued as follows:
1. A single construction permit shall be issued for the entire structure including all tenant spaces if:
    - i. The permit applicant is undertaking all the work;
    - ii. All the work is, or will be shown as, a single set of plans;
    - iii. All work is intended to be undertaken by the same team of contractors; and
    - iv. The certificate of occupancy or certificate of approval, as applicable, for all tenant spaces will be sought before or at the same time as that for the entire building. Plans for individual tenant spaces may be submitted as permit updates if all of the above conditions are met.
  2. A separate permit shall be required for any tenant space if any of the following conditions apply:
    - i. The tenant is undertaking the fit-up work within the tenant space;
    - ii. The plans for the tenant space work will be prepared by a design professional different from the one that prepared the plans for the base building;
    - iii. The work will be undertaken by one or more contractors who are different from the contractors for the base building; or
    - iv. The permit is being applied for after a temporary certificate of occupancy or certificate of occupancy has been issued for the base building.
  3. Fees for construction permits for multi-tenant buildings shall be applied pursuant to [N.J.A.C. 5:23-4.18\(c\)6](#).
- (b) Temporary certificates of occupancy for individual tenant spaces in multi-tenant buildings shall be issued as follows:
1. A temporary certificate of occupancy shall be issued for each tenant space provided that portion of the building may be occupied safely prior to full completion of the building, the common area(s) serving that tenant space has a temporary certificate of occupancy or a certificate of occupancy, and the unfinished portions of the building for which temporary certificates of occupancy or certificates of occupancy are not being sought do not present life safety hazards.
    - i. Temporary certificates of occupancy may be issued floor by floor or tenant space by tenant space.
- (c) Certificates of occupancy or certificates of approval, as applicable, shall be issued for individual tenant spaces in multi-tenant buildings as follows:

## § 5:23-2.23A Permits and certificates for multi-tenant buildings

1. A certificate of occupancy or certificate of approval shall be issued provided the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met.
  2. The construction official may issue a certificate of occupancy or certificate of approval for a portion(s) of the building provided all of the work authorized by the construction permit has been completed in accordance with the Uniform Construction Code and all conditions of prior approvals, if applicable, have been met and provided that the unfinished portions of the building do not present life safety hazards.
  3. Certificates of occupancy or certificates of approval, as applicable, may be issued floor by floor or tenant space by tenant space.
- (d) Construction permits, temporary certificates of occupancy, and certificates of occupancy shall be issued in accordance with the procedures set forth at [N.J.A.C. 5:23-2.15](#) and [2.23](#), respectively.

## History

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### HISTORY:

New Rule, R.2007 d.125, effective May 7, 2007.

See: [38 N.J.R. 3707\(a\)](#), [39 N.J.R. 1671\(a\)](#).

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## [N.J.A.C. 5:23-2.24](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### § 5:23-2.24 Conditions of certificate of occupancy

---

(a) Certificate of occupancy shall be conditioned upon the following:

1. That the completed project meets the conditions of the construction permit, and all prior approvals and has been done substantially in accordance with the code and with those portions of the plans and specifications controlled by the code;
2. That all required fees have been paid in full;
3. That all necessary inspections have been completed and that the completed project meets the requirements of the regulations;
4. That all violations have been corrected and that any assessed penalties have been paid;
5. That all protective devices and equipment required to be installed by the regulations will continue to be operational as required by the regulations.

(b) No certificate of occupancy shall be issued for any new home, built by a builder, as such terms are defined in [N.J.A.C. 5:25-1.3](#), except after filing by the builder with the construction official of proof that the new home has been enrolled in either the State New Home Warranty Security Plan or a private plan approved by the Department of Community Affairs. If the new home is enrolled in the State New Home Warranty Security Plan, proof shall be in the form of a validated copy of the Certificate of Participation, required pursuant to [N.J.A.C. 5:25-5.5](#), and proof of payment of the warranty premium.

(c) No certificate of occupancy shall be issued for any new home built by an owner or in which any design, construction, plumbing or electrical work has been done by the owner unless the owner shall file with the construction official an affidavit in which he certifies that all work has been done in conformity with applicable law, acknowledges that work done by him or by any subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act ([N.J.S.A. 46:3B-1](#) et seq.) and states that he will disclose this to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy. The affidavit shall be filed on a form prescribed by the Department of Community Affairs.

(d) No certificate of occupancy shall be issued for any building used or intended to be used as a rooming house or a boarding house, as such terms are defined in section 3 of the Rooming and Boarding House Act of 1979 (P.L. 1979, c.496; [N.J.S.A. 55:13B-1](#) et seq.), except after filing by the owner with the construction official of a photocopy of a license to own a rooming or boarding house issued to the owner by the Department of Community Affairs.

(e) No certificate of occupancy shall be issued for a hotel or multiple dwelling, as defined in the Hotel and Multiple Dwelling Law ([N.J.S.A. 55:13A-1](#) et seq.), except after filing by the owner with the construction official of a photocopy of a certificate of registration issued by the Bureau of Housing Inspection of the Department of Community Affairs.

## § 5:23-2.24 Conditions of certificate of occupancy

(f) No certificate of occupancy shall be issued for any building containing one or more elevators unless all of the elevators in the building have been registered with the Department in accordance with N.J.A.C. 5:23-12.

(g) Whenever a liquefied petroleum gas installation subject to the Department's jurisdiction pursuant to [N.J.A.C. 5:23-3.11\(j\)](#) is part of a project that requires a construction permit, no certificate of occupancy or certificate of approval shall be issued, except after filing by the owner with the construction official of a photocopy of a permit to operate and fill issued by the New Jersey Department of Community Affairs, Division of Codes and Standards, PO Box 821, Trenton, New Jersey 08625-0821.

(h) No certificate of occupancy shall be required in the case of minor work as provided for by [N.J.A.C. 5:23-2.17A](#).

## History

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### HISTORY:

Amended by R.1991 d.509, effective October 7, 1991.

See: 23 N.J.R. 2236(a), 23 N.J.R. 3001(a).

Text added at (f).

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Rewrote (f).

Amended by R.2001 d.141, effective May 7, 2001.

See: [32 N.J.R. 3917\(a\)](#), [33 N.J.R. 746\(a\)](#), [33 N.J.R. 1399\(d\)](#).

Added new (g); recodified former (g) as (h).

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

Rewrote (a)1.

Amended by R.2003 d.200, effective May 19, 2003.

See: [35 N.J.R. 7\(a\)](#), [35 N.J.R. 2187\(a\)](#).

In (g), amended the N.J.A.C. reference and substituted "Bureau of Code Services" for "Bureau of Boiler and Pressure Compliance".

Administrative correction.

See: [35 N.J.R. 3608\(a\)](#).

Amended by R.2007 d.231, effective August 6, 2007.

See: [39 N.J.R. 722\(a\)](#), [39 N.J.R. 3295\(a\)](#).

In (g), substituted "Whenever a liquefied petroleum gas installation subject to the Department's jurisdiction pursuant to [N.J.A.C. 5:23-3.11\(j\)](#) is part of a project that requires a construction permit, no" for "No" and "permit to operate and fill issued by" for "notice of LP gas installation filed, pursuant to [N.J.A.C. 5:18-6.4\(a\)](#), with" and deleted

§ 5:23-2.24 Conditions of certificate of occupancy

"for any building or project that includes a vapor delivery liquefied petroleum gas installation that is greater than 250 gallons, but not more than 2,000 gallons" following "shall be issued".

Administrative correction, effective May 2, 2022.

See: [54 N.J.R. 1017\(b\)](#).

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## [N.J.A.C. 5:23-2.25](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.25 Establishment of fees**

---

The municipality, in accordance with this chapter, shall establish by ordinance enforcing agency fees for the following activities: plan review; construction permits; certificate of occupancy; elevator device inspections and tests; demolition permit; moving of building permit; lead abatement clearance certificate; annual electrical inspection of swimming pools, spas and hot tubs; and sign permit. The fee shall be collected prior to the issuance of the permit or certificate. A schedule of such fees shall be posted in the office of the construction official and shall be accessible to the public.

### **History**

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#### **HISTORY:**

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

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

Elevator activities added.

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Administrative correction.

See: [29 N.J.R. 2267\(a\)](#).

Administrative correction.

See: [29 N.J.R. 3721\(a\)](#).

Deleted reference to certificate of compliance and certificate of approval.

Amended by R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

Inserted a reference to annual electrical inspection of swimming pools, spas and hot tubs in the first sentence.



## [N.J.A.C. 5:23-2.26](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.26 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

Section was "Plan Review Fees".

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## **N.J.A.C. 5:23-2.27**

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### **§ 5:23-2.27 Refunds**

---

In the case of discontinuance of a building project, the volume of the work actually completed shall be computed. Any excess for the uncompleted work shall be returned to the permit holder; except that all penalties that may have been imposed on the permit holder under the requirements of the regulations shall first be collected. Plan review fees are not refundable.

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## [N.J.A.C. 5:23-2.28](#)

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### **§ 5:23-2.28. Volume computation**

---

(a) General: For the determination of the permit fees, the volume of the structure shall be computed as provided in this section.

(b) Structures: The volume of the structure shall include all enclosed dormers, porches, penthouses and other enclosed portions of the structure measured from the top of the floor assembly of the first story above grade to the mean height of a pitched roof, or the average height of the top of the roof beams of a flat roof.

1. With a basement/cellar: When a basement/cellar is included in the design of a structure, the volume of the basement shall be measured from the basement/cellar floor to the top of the floor assembly of the first story above grade and added to the structure volume calculation from (b) above.
2. Without a basement/cellar: When a structure does not include a basement/cellar in the design, the volume of the space below the floor assembly of the first story above grade shall be measured by using the distance from the top of the floor assembly of the first story above grade to the bottom of the footings divided by five (one-fifth the total distance), but this distance is not to exceed 21/2 feet below the top of the floor assembly of the first story above grade, and then added to the structure volume calculation from (b) above.

(c) Open sheds: For open sheds and structures of a similar character, the volume shall be measured within the perimeter of the roof for a height from the grade line to the mean roof level.

(d) No fee shall be required for premanufactured construction, assembly or components transported to a construction site. A fee shall be required for work performed at the site, including, but not limited to, foundation systems, structural installations and external utility connections.

(e) No fee shall be required for commercial farm buildings, or portions of, constructed of pre-engineered systems specified in [N.J.A.C. 5:23-3.2\(d\)](#) 3. A fee shall be required, unless exempted, for commercial farm building work performed at the site.

## **History**

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### **HISTORY:**

As amended, R.1982 d.7, eff. February 1, 1982.

See: 13 N.J.R. 717(a), 14 N.J.R. 142(a).

(e) added.

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: [27 N.J.R. 2655\(a\)](#), [27 N.J.R. 4699\(a\)](#).

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

§ 5:23-2.28. Volume computation

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

Deleted former (b) and (c); added new (b); recodified former (d)-(f) as (c)-(e).

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## [N.J.A.C. 5:23-2.29](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.29 Entry**

---

- (a) The owner of any premises upon which a building or structure is to be constructed shall be deemed to have consented to inspection, by the enforcing agency, of the entire premises and of any and all construction being performed on it until a certificate of occupancy has been issued.
- (b) An inspector, or team of inspectors, on presentation of proper credentials, shall have the right to enter and inspect such premises, and any and all construction thereon, for purposes of insuring compliance with the provisions of the applicable construction permit, and the regulations. All inspection pursuant to the act and the regulations shall be between the hours of 9:00 A.M. and 5:00 P.M. on business days, or when construction is actually being undertaken; provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, or his agent, architect, engineer or builder. No person shall accompany an inspector or team of inspectors on any inspection pursuant to the regulations, unless his presence is necessary for the enforcement of the regulations, or unless consent is given by an owner or his agent, architect, engineer or builder.
- (c) Any construction official, subcode official or any inspector, presenting themselves for inspection of any occupied building shall present to the owner the owner's agent or occupant their personal identification as provided by the municipality.
- (d) After the certificate of occupancy shall have been granted, the construction official shall not enter upon such premises for purpose of inspection, unless upon reasonable grounds to believe that a condition of the certificate of occupancy has been violated, or in the case of equipment granted approvals of limited duration pursuant to this subchapter, or in the case of emergencies, or unsafe buildings, or upon reasonable cause to believe construction work is underway without a permit having been issued.
- (e) If the owner or occupant improperly denies entry to the construction official, the construction official, or his or her authorized representative, shall obtain an administrative warrant or other legal remedy to secure entry issued by a court of competent jurisdiction.
- (f) Nothing herein is intended to limit the right of a municipality to adopt property maintenance regulations and provide for inspection, pursuant to any other law, ordinance or judicial decision of this State. However, no such regulation shall conflict with any provision of the regulations.

### **History**

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#### **HISTORY:**

Administrative Correction to (b): Changed "than" to "that".

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

Amended by R.2020 d.132, effective December 7, 2020.

§ 5:23-2.29 Entry

See: [52 N.J.R. 95\(a\)](#), [52 N.J.R. 2100\(a\)](#).

Added (e) and recodified former (e) as (f).

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## [N.J.A.C. 5:23-2.30](#)

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### § 5:23-2.30 Violation, notice and orders

---

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

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

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

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

### History

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#### **HISTORY:**

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

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

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

Amended by R.2007 d.124, effective May 7, 2007.

See: [38 N.J.R. 3708\(a\)](#), [39 N.J.R. 1669\(a\)](#).

§ 5:23-2.30 Violation, notice and orders

In (a), substituted "appropriate subcode" for "construction" preceding "official shall issue"; in (b)1, substituted "or" for "and" following "subcode official"; and in (b)2, inserted "official or appropriate subcode".

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

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## [N.J.A.C. 5:23-2.31](#)

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### **§ 5:23-2.31 Compliance**

---

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

(b) Penalties:

1. Any person or corporation, including an officer, director or employee of a corporation, shall be subject to a penalty if that person:
  - i. Violates any of the provisions of the act or the regulations;
  - ii. Constructs a structure or building in violation of a condition of a building permit;
  - iii. Fails to comply with any order issued by an enforcing agency or the department;
  - iv. Makes a false or misleading written statement, or omits any required information or statement in any application or request for approval to an enforcing agency or the department.
2. Anyone who knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to the act or the regulations, or who unreasonably interferes with such an inspection, shall be subject to a fine of not more than \$ 250.00.
3. With respect to (b)1iii above, a person shall be guilty of a separate offense for each day that he fails to comply with a stop construction order validly issued by an enforcing agency or the department and for each week that he fails to comply with any other order validly issued by an enforcing agency or the department. With respect to (b)1i and iv above, a person shall be guilty of a separate offense for each violation of any provision of the act or the regulations and for each false or misleading written statement or omission of required information or statement made in any application or request for approval to an enforcing agency or the department. With respect to (b)1ii above, a person shall be guilty of a separate offense for each violation of conditions of a construction permit.
4. No such penalty shall be assessed except upon notice of violation and orders to terminate and upon the expiration of the time period delineated in the notice; except that in the case of a false or misleading statement pursuant to (b)1iv above, the failure to obtain a construction permit or request required inspections, or allowance of occupancy prior to receipt of a certificate of occupancy, an order to pay a penalty shall be issued immediately upon the discovery of the violation.
5. The construction official may separately serve a notice of penalty assessment and order to pay a penalty.
6. The penalties pursuant to this section may be collected pursuant to the "Penalty Enforcement Law of 1999" ([N.J.S.A. 2A:58-10](#) et seq.). Jurisdiction to enforce such penalties is conferred upon judges of

## § 5:23-2.31 Compliance

the municipal court and of the Superior Court. Suit may be brought by a municipality or the State of New Jersey. Payment of a money judgment pursuant hereto shall be remitted in the case of a suit brought by a municipality to the municipal treasurer and in the case of a suit brought by the State of New Jersey to the State Treasurer.

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

**(d)** Stop construction order:

1. If the construction of a structure or building is being undertaken contrary to the provisions of the regulations, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order in writing which shall state the reasons for such order and the conditions under which construction may be resumed and which shall be given to the owner or the holder of the construction permit or to the person performing the construction. If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction.

2. If, at the time of inspections requested pursuant to [N.J.A.C. 5:23-2.18\(c\)](#), a pattern or practice is identified and documented in writing of the same code violation(s) occurring in most or all of the dwelling units inspected within a housing development, affecting framing, fire safety or structural safety, the construction official may issue a stop construction order for all buildings within the development. A copy of the supporting documentation, including the violations, citations, and blocks and lots, shall be given to the owner or responsible person in charge of the project. A copy of the stop construction order shall be forwarded to the Department as per [N.J.A.C. 5:23-4.5\(h\)](#)<sup>1xi</sup>. Relief from any such stop construction order may be conditioned upon submission to the enforcing agency of an acceptable supervision and management plan. This plan shall include the institution of quality controls to ensure that the pattern of violations does not continue and the identification of qualified personnel to implement the plan. If the plan is not submitted within five business days of the issue date of the stop construction order, the order shall take effect.

3. No person shall continue, or cause to allow to be continued, the construction of a building or structure in violation of a stop construction order, except with the permission of the enforcing agency to abate a dangerous condition or remove a violation, or except by court order.

4. If an order to stop construction is not obeyed, the enforcing agency may apply to the appropriate court as otherwise established by law for an order enjoining the violation of the stop construction order. The remedy for violation of such an order provided in this subsection shall be in addition to, and not in limitation of, any other remedies provided by law.

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

1. Up to \$ 1,000 per violation for failure or refusal to comply with any lawful order, unless the failure or refusal to comply is done with the knowledge that it will endanger the life or safety of any person, in which case the penalty shall be up to \$ 2,000 per violation;

2. Up to \$ 2,000 per violation for failure to obtain a required permit prior to commencing construction or for allowing a building to be occupied without a certificate of occupancy;

3. Up to \$ 2,000 per violation for failure to comply with a stop construction order;

4. Up to \$ 2,000 per violation for willfully making a false or misleading written statement, or willfully omitting any required information or statement in any application or request for approval;

5. Up to \$ 500.00 per violation for any violation not covered under (e)<sup>1</sup> through 4 above;

6. For purposes of this subsection, in an occupied building, a code violation involving fire safety, structural soundness or the malfunctioning of mechanical equipment that would pose a life safety hazard shall be deemed to endanger the life or safety of a person. In an unoccupied building, a code

## § 5:23-2.31 Compliance

violation of a requirement intended to protect members of the public who are walking by the property shall be deemed to endanger the life or safety of a person.

## History

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### HISTORY:

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

See: [36 N.J.R. 2605\(a\)](#), [36 N.J.R. 4441\(a\)](#).

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

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

See: [38 N.J.R. 872\(a\)](#), [39 N.J.R. 370\(b\)](#).

Rewrote (d).

Amended by R.2007 d.124, effective May 7, 2007.

See: [38 N.J.R. 3708\(a\)](#), [39 N.J.R. 1669\(a\)](#).

In the introductory paragraph of (b), substituted a colon for a semicolon at the end; and in (b)5, deleted ", whenever he shall not have done so in the original notice and orders" following "pay a penalty".

Administrative correction.

See: [40 N.J.R. 113\(a\)](#).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-2.32](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.32 Unsafe structures**

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(a) All buildings or structures that shall become unsafe, or unsanitary, or that contain deficient or blocked exitway facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that by reason of illegal or improper use or occupancy shall be deemed unsafe buildings or structures, shall be taken down and removed or made safe and secure. A vacant building that is unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this chapter.

1. Examination and record of damaged structure: The appropriate subcode official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.
2. Notice of unsafe structure: If an unsafe or unsanitary condition is found in a building or structure, the construction official shall serve a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be vacated or demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the construction official his or her acceptance or rejection of the terms of the order. Such person may seek review before the Construction Board of Appeals within 15 days of receipt of the notice.
3. Restoration of unsafe structure: A building or structure condemned by the construction official may be restored to a safe condition in accordance with N.J.A.C. 5:23-6, Rehabilitation Subcode. A certificate of approval or certificate of occupancy, as appropriate, shall be obtained prior to reoccupancy of the building or structure.
4. Posting notice of unsafe structure: If the person addressed with a notice of unsafe structure cannot be found within the municipality after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the tax collector, and a copy of the notice of unsafe structure shall be posted in a conspicuous place on the premises; and such procedures shall be deemed the equivalent of personal notice.
5. Upon refusal or neglect of the person served with a notice of unsafe structure to comply with the requirements of the order to abate the unsafe condition, the construction official shall, in addition to any other remedies herein provided, forward the matter to the legal counsel of the jurisdiction for an action to compel compliance.

(b) Emergency measures:

1. When, in the opinion of the construction official and appropriate subcode officials, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the construction official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The construction official shall cause to

## § 5:23-2.32 Unsafe structures

be posted at each entrance to such building a notice reading as follows: This structure is unsafe and its use or occupancy has been prohibited by the construction official, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same. The order of the construction official shall be effective immediately.

**2. Temporary safeguards:** When, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the construction official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein has been instituted. Such work may include such demolition as may be necessary in order to eliminate any actual and immediate danger to human life; provided, however, that any demolition work shall not commence until at least 24 hours following service of notice of the pending demolition upon the owner, unless such service is not possible because the identity or the address of the owner cannot be determined from public records. Upon expiration of the 24-hour period, demolition may proceed unless stayed by order of the Superior Court.

**3. Closing streets:** When necessary for the public safety, the construction official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

**4. Emergency repairs or demolition:** For the purpose of this section, the construction official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**5. Costs of emergency repairs:** Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the construction official; and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises for the recovery of such costs.

**6. Appeals:** An emergency order issued by a municipal construction official pursuant to this subsection shall be appealable only to a court of competent jurisdiction.

## History

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### HISTORY:

Amended by R.1991 d.509, effective October 7, 1991.

See: [23 N.J.R. 2236\(a\)](#), [23 N.J.R. 3001\(a\)](#).

C.O. required prior to reoccupancy.

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Rewrote (a)3.

Amended by R.2003 d.201, effective May 19, 2003.

See: [35 N.J.R. 303\(a\)](#), [35 N.J.R. 2207\(a\)](#).

Rewrote (b).

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End of Document

## [N.J.A.C. 5:23-2.33](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.33 Service of notice**

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Except as is specifically provided for by the act with respect to stop construction orders, service of notices and orders pursuant to this section shall be upon the owner or the person specified as agent for receipt of same in the application for a permit or the person responsible for the work or in the case of unsafe structures upon any agent or person in control of the building. Service may be made by personal delivery or by leaving a copy at the dwelling house or usual place of abode of such person, with a competent member of his household of the age of 14 years or older than residing therein, or by any other method or upon any other person approved pursuant to *Rules 4:4-4* and *4:4-5* of the New Jersey Supreme Court, or which is otherwise consistent with due process.

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## [N.J.A.C. 5:23-2.34](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS***

### **§ 5:23-2.34 Protection of adjoining properties and public rights of way**

- (a) Owners who undertake construction, rehabilitation, or demolition work at their properties shall protect adjoining properties and public rights of way from damage or hazardous conditions caused by the work.
1. In instances where it may be necessary to access the adjoining property to provide such protection, the owner intending to undertake the construction, rehabilitation, or demolition work that could potentially damage adjoining properties shall deliver written notice of such intent to the owners of the affected properties. The notice shall request written permission to enter the adjoining properties to determine the measures that must be taken to safeguard the properties from damage.
    - i. Written consent from the owners of the adjoining properties must be obtained prior to entering the properties.
    - ii. In those cases where owners of adjoining properties refuse access, work shall not proceed unless access to the properties is granted by the courts.
  2. Upon approval of measures to safeguard adjoining properties, the owner intending to undertake the construction, rehabilitation, or demolition work shall provide a copy of the measures to the owners of adjoining properties and shall request and obtain written permission from the owners of the adjoining properties to implement the measures prior to the commencement of work.
- (b) The measures to be taken to safeguard adjoining properties or public rights of way shall be submitted with the permit application for review and approval by the construction official. For projects undertaken using partial filing or partial releases, such measures shall be submitted for review and shall have been approved prior to the issuance of a construction permit for the portion of the work requiring the safeguarding of adjoining properties or public rights of way. Effective March 18, 2018:
1. Sections 3302, 3303, 3304, 3306, 3307, and 3308 of the building subcode shall be used as the minimum safeguards for all buildings and structures regulated by the one- and two-family dwelling subcode.
  2. Where necessary to protect the public right of way, sidewalk, or street bridging, designed in accordance with the applicable requirements of the building subcode, shall be installed over public rights of way to protect persons and vehicles. Construction documents prepared by a design professional shall be submitted and released prior to the installation of sidewalk or street bridging. The sidewalk or street bridging shall be inspected and certified by the licensed design professional prior to the start of construction work that may threaten the public right of way. The released drawings shall be available, upon request, at the site while the sidewalk or street bridging is in place.
- (c) Effective March 18, 2018, for cranes of more than 160 feet in height, including jibs and any other extensions to the boom, located on a construction site or for cranes of more than 50 feet in height with a maximum rated capacity of greater than 20 tons located in a public right of way, measures shall be taken to protect adjoining property and public rights of way from any hazard to life or property that may be caused by the siting or use of the crane. Such measures may be omitted where the crane placement is such that



## § 5:23-2.34 Protection of adjoining properties and public rights of way

failure would impact only the construction site itself and would not imperil any adjoining property, public right of way, or any building(s) or area(s) on the same property as the construction site occupied by other than construction workers.

1. An owner intending to use a crane that is sited on or lifts over a public way shall obtain approval from the local police or traffic safety department or the appropriate county or State authority. Approval to close the street and sidewalk while the crane is in operation shall be accepted as adequately protecting the public right of way.
2. Documentation for operation of a crane shall include a site plan indicating crane placement, support, or foundation, as appropriate, reach and lift limits, crane operating procedures to be followed under various wind or other environmental conditions, and any plans in place to control operation of the crane to minimize risk to adjoining property or public rights of way.
3. For erection of a tower crane, the required documentation shall include a signed and sealed plan for the footing layout and design, including a soils report, and a certification by the design professional of record that installation was performed in accordance with this plan and the manufacturer's specifications for the crane.
  - i. The tower and base shall have elevations shot to confirm that no movement has occurred after jumps. Additionally, the entity owning or operating the crane(s) shall maintain weekly reports of maintenance and connections to superstructure, as inspected and certified by the design professional.

## History

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### HISTORY:

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

Section was "Construction board of appeals".

New Rule, R.2008 d.39, effective March 3, 2008.

See: [39 N.J.R. 2175\(a\)](#), [40 N.J.R. 1084\(a\)](#).

Section was "Reserved".

Amended by R.2017 d.234, effective December 18, 2017.

See: [49 N.J.R. 1275\(a\)](#), [49 N.J.R. 3819\(a\)](#).

Section was "Protection of adjoining properties". Rewrote the section.

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## [N.J.A.C. 5:23-2.35](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### § 5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

(a) Subsequent to the issuance of a certificate of occupancy, the construction official shall issue a notice of violation for any violation of the provisions of the Code in effect at the time of permit application that comes to his or her attention. Pursuant to [N.J.S.A. 2A:14-1.1](#), no notice of violation may be issued to the developer or to any contractor more than 10 years after issuance of the certificate of occupancy.

1. If violations of any of the following provisions of the Code in effect at the time of permit application are found in a residential structure in a development, other than Group R-1, subsequent to the issuance of a certificate of occupancy, the construction official shall issue such notices and orders as may be necessary to ensure that all units within the development that might have similar violations are inspected for such violations and that any such violations found are cited and abated:

- i. [N.J.A.C. 5:23-2.32](#), Unsafe structures;
- ii. The following provisions of the building subcode:
  - (1) Chapter 4, Special Detailed Requirements Based on Use and Occupancy, except for Sections 401, 402.3, 409, and 412;
  - (2) Chapter 7, Fire and Smoke Protection Features;
  - (3) Section 803, Wall and Ceiling Finishes;
  - (4) Chapter 9, Fire Protection and Life Safety Systems; and
  - (5) Chapter 10, Means of Egress, except for Sections 1011.5.4, 1011.5.5, 1011.11, 1011.12, 1030.14, 1030.16, and 1030.17;
- iii. The following provisions of the one- and two-family dwelling subcode:
  - (1) Section R302.1, Exterior walls (Fire-Resistant Construction);
  - (2) Section R302.2, Townhouses (Fire-Resistant Construction);
  - (3) Section R302.3, Two-family dwellings (Fire-Resistant Construction); and
  - (4) Section R314, Smoke Alarms.
- iv. The following provisions of the electrical subcode:
  - (1) Section 240.3, Other Articles;
  - (2) Section 240.4, Protection of Conductors;
  - (3) Section 250.4, General Requirements for Grounding and Bonding;
- v. Chapter 11, Accessibility, of the building subcode; and

## § 5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

vi. Any structural deficiency, which is present or likely to occur that has the potential for injury or significant damage to the livability of a home. This shall include any structural member that exceeds the permitted deflection established at [N.J.A.C. 5:23-6.5\(c\)](#)1i through iii.

2. The municipality may retain the services of a professional engineer or registered architect, to be paid at an hourly rate and to work subject to the supervision and control of the construction official, for inspections, review of plans and supporting documents and preparation of reports and documents, in connection with enforcement of (a)1 above provided that the professional retained is independent of both the builder and the homeowner and has no actual or apparent conflict of interest that would call into question his or her ability to carry out these duties impartially. Any person carrying out inspections under such a contract shall be, at a minimum, a licensed engineer or a registered architect or shall have a bachelor's degree from an accredited institution of higher education in engineering or in architecture, or in engineering or architectural technology and shall have not less than five years of experience in the design, construction or rehabilitation of woodframe structures.

## History

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### HISTORY:

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

Section was "Applicant's right of appeal; procedure".

New Rule, R.2006 d.355, effective October 2, 2006.

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

Amended by R.2008 d.192, effective July 21, 2008.

See: [39 N.J.R. 4985\(a\)](#), [40 N.J.R. 4314\(b\)](#).

Section was "Enforcement actions in residential developments after issuance of certificate(s) of occupancy". In (a)1ii(1), substituted "403.14" for "403.12, 406.1, 406.2, 406.3.1, 406.3.2, 406.3.3, 406.3.4, 406.3.5, 406.3.6, 406.3.7, 406.4, 406.5"; in (a)1ii(5), substituted "1009.3.2, 1009.3.3, 1009.10, 1009.11, 1025.11, 1025.13 and 1025.14" for "1003.3.3.3.1, 1003.3.3.3.2, 1003.3.3.11, 1003.3.12, 1008.9, 1009.11, and 1008.12"; in (a)1iii(1), substituted "Section" for "Sections" and "Exterior walls" for "R-302.2 and R-302.3, Required Fire Resistance Ratings"; in (a)1iii(2), substituted "R-313" for "R-317"; and in (a)1iii(3), substituted "R-317.1" for "R-321.1" and "R-317.2" for "R-321.2"; and in (a)1vi, inserted a comma following "deficiency" and inserted "through iii".

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (a)1ii(1), substituted "403.2.2" for "403.14"; and rewrote (a)1ii(5), (a)1iii(1), (a)1iii(2) and (a)1iii(3).

Administrative correction.

See: [43 N.J.R. 174\(a\)](#).

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

Rewrote (a)1i through (a)1iv.

Amended by R.2021 d.015, effective February 16, 2021.

§ 5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (a)1ii(5), substituted "1029.14" for "1029.13, 1029.15, and" and inserted ", and 1029.17".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (a)1ii(1), updated the section numbers; in (a)1ii(4), inserted "and Life Safety"; in (a)1ii(5), updated the section numbers; in (a)1iii(3), substituted "R302.3" for "R-302.3"; and rewrote (a)1v.

Administrative correction, effective October 17, 2023.

See: [55 N.J.R. 2322\(a\)](#).

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## [N.J.A.C. 5:23-2.36](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.36 Electric vehicle supply equipment and make-ready parking spaces**

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**(a)** Buildings containing five or more dwelling units of Groups R-2 or R-3 shall provide electrical vehicle supply equipment or make-ready parking spaces, as follows:

1. A minimum of 15 percent of the off-street parking approved by a municipality shall be electrical vehicle make-ready parking spaces. One-third of the required electrical vehicle make-ready spaces shall be provided with electrical vehicle supply equipment;
2. Non-accessible make-ready parking spaces or non-accessible parking spaces provided with electrical vehicle supply equipment shall be a minimum of 108 inches in width and 18 feet in length;
3. Accessible make-ready parking spaces or accessible spaces provided with electrical vehicle supply equipment shall comply with the requirements for a van accessible parking space that is 132 inches minimum in width with an adjoining access aisle that is 60 inches minimum in width and 18 feet in length; and
4. At least five percent of vehicle spaces served by electrical vehicle supply equipment, but not fewer than one for each type of electric vehicle charging system, shall be accessible. The types of electrical vehicle charging systems are defined within the Office of Local Planning Services, Department of Community Affairs, in its Model Statewide Municipal EV Ordinance.

**(b)** Buildings of other than Group R-2, R-3, and R-5 provided with off-street parking shall provide "electrical service" supply equipment or make-ready parking spaces, as follows:

1. A minimum of one make-ready parking space shall be provided where more than 25 parking spaces and 50 or fewer parking spaces are provided;
2. A minimum of two make-ready parking spaces shall be provided where more than 50 parking spaces and 75 or fewer parking spaces are provided;
3. A minimum of three make-ready parking spaces shall be provided where more than 75 parking spaces and 100 or fewer parking spaces are provided;
4. A minimum of four make-ready parking spaces shall be provided where more than 100 parking spaces and 150 or fewer parking spaces are provided.
  - i. One of the required make-ready spaces shall be accessible;
5. A minimum of four percent make-ready parking spaces shall be provided where more than 150 parking spaces are provided.
  - i. Five percent of the required make-ready spaces shall be accessible;
6. Electrical vehicle supply equipment is permitted to be installed in a required make-ready parking space;

## § 5:23-2.36 Electric vehicle supply equipment and make-ready parking spaces

7. Non-accessible make-ready parking spaces or non-accessible spaces provided with electrical vehicle supply equipment shall be a minimum of nine feet in width and 18 feet in length; and
8. Accessible make-ready parking spaces or accessible spaces provided with electrical vehicle supply equipment shall comply with the requirements for a van accessible parking space that is 132 inches minimum in width with an adjoining access aisle that is 60 inches minimum in width and 18 feet in length.

## History

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### HISTORY:

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

Section was "Procedure of the board".

New Rule, R.2023 d.112, effective September 18, 2023.

See: [54 N.J.R. 1763\(a\)](#), [55 N.J.R. 1999\(a\)](#).

Section was "Reserved".

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## [N.J.A.C. 5:23-2.37](#)

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### § 5:23-2.37 Elevation of an existing building

(a) Service connections: Before a building can be elevated, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer, and other connections. A permit to elevate shall not be issued until releases are obtained from all utilities that provide service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

1. Exception: No release from the utility shall be required for the disconnection of water or sewer service outside of the utility right-of-way.

(b) Method of elevation: The permit application shall include the proposed method of elevation or equipment to be used, including an estimate of the lifting load and identification of the locations for the principal lift beams, lateral support beams, and cribbing, if any. All supports, including, but not limited to, jacks, beams, cribbing, and strapping, shall be of sufficient size and strength to support the estimated lifting load.

(c) Equipment: The elevation shall employ a synchronized hydraulic jacking system or a method or equipment deemed to be equivalent. For purposes of evaluating the equivalency of any proposed method or equipment, the construction official or building subcode official may request additional supporting documentation pursuant to [N.J.A.C. 5:23-2.19](#) and [3.7](#).

(d) Protection of adjoining property: In cases where the lot size or the location of the building on the lot is such that there is a need to protect adjoining property or public rights of way, a plan for providing such protection shall be included as part of the permit application. The construction official may require that the plans be prepared by a New Jersey licensed design professional.

### History

#### **HISTORY:**

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

Section was "Decision of the board".

Special New Rule, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: [46 N.J.R. 2186\(a\)](#).

Section was "Reserved".

Adopted concurrent new rule, R.2015 d.077, effective April 15, 2015.

§ 5:23-2.37 Elevation of an existing building

See: [46 N.J.R. 2186\(a\)](#), [47 N.J.R. 989\(b\)](#).

Provisions of R.2014 d.161 adopted without change.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

Added (a)1.

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## [N.J.A.C. 5:23-2.38](#)

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### **§ 5:23-2.38 Departmental appeal**

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(a) Whenever the Department shall act as the enforcing agency under the State Uniform Construction Code Act ([N.J.S.A. 52:27D-128](#)), an appeal in lieu of the appeal to the county, municipal or joint construction board of appeals may be made to the Hearing Coordinator, Division of Codes and Standards, Department of Community Affairs, PO Box 802, Trenton, NJ 08625.

1. The case shall be adjudicated before the Office of Administrative Law and the final decision shall be issued by the Commissioner.
2. Such hearings shall be governed by the provisions of the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*, and the time provisions applicable to construction boards of appeal.

(b) Any party in interest aggrieved by any decision made by a facility manager or owner or administering agency with respect to compliance with either the Barrier Free Recreation Standards ([N.J.A.C. 5:23-7.16](#) through [7.32](#)) or the Playground Safety Subcode (*N.J.A.C. 5:23-11*) shall have the right to appeal the decision to the Department.

1. The owner or administering agency of a recreation facility shall forward such case to the Department. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act ([N.J.S.A. 52:14B-1](#) et seq., and [52:14F-1](#) et seq.) and the Uniform Administrative Procedure Rules (*N.J.A.C. 1:1*) and the final decision shall be issued by the Commissioner.
2. A "party in interest" may be either the owner, or authorized representative of the owner, of the premises that is the subject of the decision or an occupant, user or prospective occupant or user, of the premises, or a group representative of such occupants, users or prospective occupants or users; provided, however, that an occupant, user or representative group shall only be deemed to be a party in interest if notice of such interest has been given to the Department by the party prior to the issuance of the Department's determination.

### **History**

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#### **HISTORY:**

Amended by R.1982 d.436, effective December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Added appeals to be made to the Division of Housing, cases to be heard by the OAL with final decision by the Commissioner. Also added APA cite.

Amended by R.1988 d.352, effective August 1, 1988.

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

## § 5:23-2.38 Departmental appeal

Added (b).

Amended by R.1991 d.428, effective August 19, 1991.

See: [23 N.J.R. 1730\(a\)](#), [23 N.J.R. 2500\(d\)](#).

In (b), added codification 1 through 5. In (b)3, added "what corrective measures shall be required by owner or agency".

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

In (a), inserted N.J.S.A. reference, amended Division name, and designated second and third sentences as (a)1 and 2; in (a)2, amended N.J.S.A. references and substituted "construction boards of appeal" for "county or municipal boards".

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

In (a), amended where to appeal.

Amended by R.1999 d.351, effective October 18, 1999.

See: [31 N.J.R. 1838\(a\)](#), [31 N.J.R. 3082\(a\)](#).

In (b), inserted a reference to owners and administering agencies, and changed N.J.A.C. reference in the introductory paragraph.

Amended by R.2021 d.082, effective August 16, 2021.

See: [52 N.J.R. 1883\(a\)](#), [53 N.J.R. 1375\(a\)](#).

Deleted former (b)1 through (b)3; recodified former (b)4 and (b)5 as (b)1 and (b)2; and rewrote (b)1.

Administrative correction, effective August 16, 2023.

See: [55 N.J.R. 2002\(a\)](#).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-2.39](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS**

### **§ 5:23-2.39 Automatic fire suppression systems**

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(a) Applications for tax exemption pursuant to P.L. 1983, c.309 shall be made on a form prepared by the Department of Treasury, Division of Taxation, and made available to the public at the office of the enforcing agency.

(b) Construction official's responsibilities:

1. The construction official shall have responsibility for determining the eligibility of any proposed automatic fire suppression systems.
2. The construction official shall consult with the appropriate subcode officials in determining conformity with the building and fire protection subcodes and their referenced standards, as well as, where applicable, the most recently published editions of NFPA 13D, NFPA 20, NFPA 22 and NFPA 24. A system shall only be eligible for tax exemption if it conforms to such of these standards as are applicable to that type of automatic fire suppression system and appurtenant installations.
  - i. A system shall not be deemed ineligible because it is in a new building or because it only provides coverage to part of a building.
3. The construction official shall, in addition, review the cost estimates provided by the applicant.
4. The construction official may require documentation in the form of signed contracts, contractor estimates and the like if he deems it necessary.
5. The construction official shall grant or deny certification of the system prior to issuance of the construction permit and shall notify the applicant of his decision at that time.
6. The construction official shall forward a copy of the approved application for exemption to the municipal assessor for his action upon issuance of the certificate of occupancy or certification of completion.

(c) The enforcing agency, after giving written notice to the owner, may revoke such certification whenever any of the following appears:

1. The exemption was obtained by fraud or misrepresentation;
2. The claimant for tax exemption has failed substantially to proceed with the construction, reconstruction, installation or acquisition of an automatic fire suppression system;
3. The mechanical system to which the certificate relates has ceased to be used for the primary purpose of providing automatic fire suppression and is being used for a different primary purpose;
4. The claimant for tax exemption hereunder has so departed from the equipment, design and construction previously certified by the enforcing agency that, in the opinion of said enforcing agency, the automatic fire suppression system is not suitable and reasonably adequate for the purpose of providing automatic fire suppression.

## § 5:23-2.39 Automatic fire suppression systems

(d) The construction official shall notify the assessor in writing of the revocation of the certification.

(e) Appeals may be made regarding the decision of the construction official to the Construction Board of Appeals having jurisdiction, in accordance with [N.J.A.C. 5:23A](#).

## History

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### HISTORY:

New Rule, R.1984 d.121, effective April 16, 1984.

See: 16 N.J.R. 180(a), 16 N.J.R. 874(a).

This section replaces 5:23-6.2, Construction Official's Responsibilities, which was recodified as [N.J.A.C. 5:23-6.1\(b\)](#).

Recodified from 5:23-6.2 by R.1987 d.387, effective October 5, 1987.

See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Recodified from 5:23-6.4 and amended by R.1997 d.409, effective October 6, 1997.

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

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

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## [N.J.A.C. 5:23-3.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.1 Title; scope; intent**

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(a) This section of the regulations, adopted pursuant to authority of the State Uniform Construction Code Act and entitled "Subcodes," shall be known and may be cited throughout the regulations as "N.J.A.C. 5:23-3," and when referred to in this subchapter may be cited as "this subchapter."

(b) When used alone, the term "subchapter," "section," and so forth, refers to that portion of the regulations. When used in conjunction with the term "building subcode," "plumbing subcode" or "electrical subcode," and so forth, the term "article" or "section," and so forth, refers to that subcode.

(c) This subchapter shall control matters relating to:

1. The adoption of subcodes of the Uniform Construction Code.
2. Modifications to the subcodes adopted.
3. The organization of enforcement responsibilities.
4. The use of standards of accepted practice.
5. Approvals and interrelations.
6. The division of plan review responsibilities and State reserved activities; and
7. Procedures for adoption of future subcode amendments.

(d) This subchapter provides a uniform system of construction standards throughout the State through the adoption of model codes applicable throughout the State. Modifications made to the subcodes are for the purpose of providing a uniform, harmonious system of construction code interface and administration, and to resolve conflicts with preempting Federal and State legislation.

(e) Provisions concerning underground storage tanks, jointly enforced by the Department of Environmental Protection (DEP), are in [N.J.A.C. 5:23-3.11B](#) and in the DEP's rules at [N.J.A.C. 7:14B](#).

### **History**

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#### **HISTORY:**

Amended by R.1990 d.562, effective November 19, 1990.

See: 22 New Jersey Register 2629(c), 22 New Jersey Register 3482(d).

Added reference to [N.J.A.C. 7:14B](#).

§ 5:23-3.1 Title; scope; intent

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## [N.J.A.C. 5:23-3.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.2 Matters covered; exceptions**

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- (a) Except as is otherwise provided in (b), (c) and (d) below, the provisions of this subchapter shall apply uniformly throughout the State. Any standards other than those provided herein are void and of no effect.
- (b) Rules concerning exceptions in health care facilities are as follows:
1. Construction or rehabilitation of health care facilities shall be in accordance with this code and with the "Guidelines for Design and Construction of Health Care Facilities" (Facilities Guidelines Institute), current edition. All health care facilities shall comply with National Fire Protection Association (NFPA) 101, the Life Safety Code, as referenced in the rules promulgated by the Centers for Medicare and Medicaid Services. In the event of any conflict, the more restrictive code provision shall govern.
  2. The Department of Health may adopt licensing standards for the physical plant and environment of health care facilities that supplement this code and the "Guidelines for Design and Construction of Health Care Facilities," although these standards may not be in conflict with these codes.
  3. The publication "Guidelines for Design and Construction of Health Care Facilities" is available from the American Society for Healthcare Engineering (ASHE) of the American Hospital Association, 155 Wacker Dr., Chicago, IL 60606 and can be ordered through the Facilities Guidelines Institute at [www.fgiguilines.org](http://www.fgiguilines.org).
- (c) Individual on-site water supply and sewage disposal systems shall be in accordance with [N.J.S.A. 58:11-23](#) et seq., and [N.J.A.C. 7:10-3.1](#) et seq. and N.J.A.C. 7:9-2.1 et seq.
- (d) Rules concerning commercial farm buildings are as follows:
1. A commercial farm building means any building located on a commercial farm which produces not less than \$ 2,500 worth of agricultural or horticultural products annually which building's main use or intended use is related to the production of agricultural or horticultural products produced on that farm.
  2. Buildings constructed in accordance with the provisions of this section and meeting the requirements of (d)1 above shall be classified as commercial farm buildings. For those provisions not covered by this section, commercial farm buildings shall comply with the construction code provisions applicable to Group S-2. Commercial farm buildings shall include, but not be limited to, the following: stall barns, milking parlors, poultry houses, horse arenas, packing houses for agricultural or horticultural commodities, farrowing houses, greenhouses, and buildings used for the storage of agricultural or horticultural products, farm machinery and farm equipment, or farm materials and supplies that are produced or used on the farm.
  3. Pre-engineered grain bins, manure handling equipment and impoundments used on a farm for the storage of agricultural commodities or by-products which are produced by or used on the farm shall not require a construction permit. However, all on-site construction work such as foundations and plumbing and electrical connections shall be subject to all requirements and inspections of any applicable subcode(s).

## § 5:23-3.2 Matters covered; exceptions

4. A temporary greenhouse, also called a "hoophouse" or "polyhouse," used exclusively for the production and storage of live plants, shall be exempt from the permit requirements of the Uniform Construction Code if it meets all the criteria of (d)4i through iii below:
- i. There is no permanent anchoring system or foundation;
  - ii. There is no storage, temporary or otherwise, of solvents, fertilizers, gases, or other chemical or flammable materials;
  - iii. The structure is no wider than 31 feet and there is an unobstructed path of no greater length than 150 feet from any point to a door or fully accessible wall area, the covering of which is a material no greater than six mils (152.4 micrometers) in thickness that yields approximately four pounds of maximum impact resistance to provide egress through the wall; and
  - iv. If a temporary greenhouse contains any device subject to the electrical subcode or any mechanical equipment subject to the mechanical subcode, a permit shall be required for the device, system or fixture only. If the temporary greenhouse is connected to a potable water system, a permit shall be required for the backflow prevention devices only.
5. A three-sided turn-out shed used to shelter livestock shall be exempt from the permit requirements of the Uniform Construction Code provided there is no permanent foundation or floor and provided the structure is 250 square feet or less in area and 14 feet or less in height and has no utility (water, gas, oil, sewer or electric) connections.
- i. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete shall not be required for anchoring.
6. Garden-type utility sheds and similar structures shall be exempt from the permit requirements of the Uniform Construction Code provided the structure is 200 square feet or less in area, 10 feet or less in height, has no utility (water, gas, oil, sewer or electric) connections and the shed is dimensionally stable without the foundation system. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit.
- i. The structure shall be of sufficient weight to remain in place or shall be anchored to the ground. Concrete shall not be required for anchoring.
7. The type and amount of materials or supplies stored in a commercial farm building, including hay, straw, and livestock bedding materials, shall not be subject to limitation. However, other hazardous materials within spaces of commercial farm buildings occupied by more than 10 persons shall not exceed the allowable exempt amounts shown in Tables 307.1(1) and 307.1(2) of the building subcode unless separated from the occupied area by appropriate fire resistance rated construction as prescribed in the building subcode.
8. A commercial farm building may be used as a place of public assembly for not more than 15 days in a calendar year. For the purposes of enforcing this requirement, a public assembly shall be a gathering of 50 or more people. A permit shall be obtained from the local fire official pursuant to the Uniform Fire Safety Act, [N.J.S.A. 52:27D-192](#) et seq., and the fee for issuing the permit shall not exceed \$ 75.00 per event.
- i. A commercial farm building that is used as a place of public assembly for not more than 15 days in a calendar year and that is provided with electricity shall comply with Section 1008 of the building subcode.
  - ii. The use of a commercial farm building as a "special amusement building," as defined in the building subcode, shall be permitted only if a permit specific to special amusement buildings is issued by the local fire official pursuant to the Uniform Fire Safety Act, [N.J.S.A. 52:27D-192](#) et seq. or if the building or portion thereof complies with [N.J.A.C. 5:23-6.31\(a\)5vii](#).
9. Buildings containing any of the following uses are not included in the definition of a commercial farm building:



## § 5:23-3.2 Matters covered; exceptions

- i. Residential structures;
  - ii. High hazard facilities, such as grain elevators or grain storage silos used to store products which are neither used nor produced on the farm itself;
  - iii. Processing facilities that include specialized machinery to perform functions other than the washing, cleaning, hydrocooling, vacuum cooling, grading, sizing and packing of agricultural or horticultural products, unless the exempted functions are only the first step in a sequence of processing to be performed on the farm;
  - iv. Mercantile structures, such as farm retail markets or nursery greenhouse retail sales areas;
  - v. Offices with either 11 or more occupants, or floor area of greater than 1,200 square feet; and
  - vi. Buildings that contain any use not included in the definition of commercial farm building, except incidental offices as provided in (d)12vii below.
- 10.** A commercial farm building may include a use that does not meet the definition of a "commercial farm building," provided that the space that does not meet the commercial farm building definition is separate from the remainder of the building with the required fire separation assemblies and meets all applicable requirements of the building subcode.
- 11.** Construction type, height, and allowable area requirements for commercial farm buildings and structures shall be as specified in the building subcode and shall not exceed the area or height limitations of Tables 504.3, 504.4, and 506.2 for the type of construction used, except as follows:
- i. The height and area of a one-story commercial farm building of any type of construction shall not be limited if the building has a fire separation distance of 50 feet. In that case, a sprinkler system shall not be required.
  - ii. The height and area of a two-story commercial farm building of any type of construction shall not be limited if the building is provided with an approved automatic fire suppression system throughout, conforming to the Uniform Construction Code and has a fire separation distance of 50 feet.
  - iii. Two or more commercial farm buildings excepted under (d)11i and ii above may be constructed on the same lot, or on an owner's contiguous lots without meeting the fire separation distance of 50 feet. However, the fire separation distance specified in Table 602 of the building subcode must be maintained between a commercial farm building and any building not eligible for the commercial farm building exemption.
- 12.** Commercial farm buildings exempted under (d)11i above shall meet the following requirements in lieu of those requirements specified in the subsections of Chapter 10, Means of Egress, of the building subcode:
- i. In lieu of the requirements of Section 1017, the maximum distance of travel from any point in the building to an exit shall not exceed 150 feet;
  - ii. In lieu of the requirements of Sections 1006 and 1007, one exit is required for each 15,000 square feet of floor area and fraction thereof;
  - iii. In lieu of the requirements of Section 1013, exit signs must be posted. Exit signs are not required to be illuminated;
  - iv. The provisions of Section 1008 shall apply in commercial farm buildings where the owner has determined to provide electricity. Where electricity is provided, any electric light provided in the commercial farm building shall be deemed to meet the means of egress lighting requirements and a back up power source shall not be required unless the commercial farm building will be used as a place of public assembly in accordance with (d)8 above.
  - v. In lieu of the requirements of Section 1004, occupancy is limited to 30 people;

## § 5:23-3.2 Matters covered; exceptions

- vi. Fire extinguishers and "no smoking" signs shall be provided;
  - vii. Offices with 10 or fewer occupants and a floor area not in excess of 1,200 square feet shall be considered incidental to the structure, if direct exit to the exterior is provided.
13. Site plans signed and sealed by a registered architect or a licensed engineer, pursuant to [N.J.A.C. 5:23-2.15\(f\)](#)ix, shall not be required, provided that a sketch plan of the site is submitted to the construction official.
14. A commercial farm building shall meet the fixture requirements of the plumbing subcode, except as follows:
- i. A building within 500 feet of a structure with a restroom facility available for use shall not be required to have plumbing fixtures; or
  - ii. A building operated on a seasonal basis, in use for no longer than six months within a 12-month period, may be served by a portable restroom.

## History

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### HISTORY:

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1986 d.448, effective November 3, 1986.

See: 18 N.J.R. 757(a), 18 N.J.R. 2194(a).

Deleted (b)1 and 4; recodified (b)2 and 3 to (b)1 and 2.

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

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

(b)1: model subcode revisions.

Amended by R.1988 d.144, effective April 4, 1988.

See: 19 N.J.R. 1778(a), 20 N.J.R. 783(a).

Changed (b)2 to (c) and (d).

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.603, effective November 20, 1995 (operative March 20, 1996).

See: [27 N.J.R. 2655\(a\)](#), [27 N.J.R. 4699\(a\)](#).

Amended by R.1997 d.269, effective July 7, 1997.

See: [29 N.J.R. 968\(a\)](#), [29 N.J.R. 2817\(a\)](#).

Inserted (d)5i; in (d)6vi, amended N.J.A.C. reference; in (d)8, inserted reference to construction type and inserted ", except as follows:"; deleted (d)8i; recodified former (d)8i(1) through (3) as (d)8i through iii; inserted new (d)9iv; recodified former (d)9iv through vi as (d)9v through vii; and recodified former (e) as (d)10.

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

## § 5:23-3.2 Matters covered; exceptions

Substantially amended (b)1.

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (a)1, substituted a reference to rehabilitation for a reference to alteration, and changed guideline reference.

Administrative correction.

See: [33 N.J.R. 3735\(a\)](#).

Amended by R.2003 d.157, effective April 21, 2003.

See: [34 N.J.R. 4247\(a\)](#), [35 N.J.R. 1663\(b\)](#).

In (d)5, added ii.

Administrative correction.

See: [35 N.J.R. 5062\(a\)](#).

Amended by R.2003 d.425, effective November 3, 2003.

See: [35 N.J.R. 2424\(a\)](#), [35 N.J.R. 5062\(b\)](#).

Rewrote (d).

Amended by R.2004 d.131, effective April 5, 2004.

See: [35 N.J.R. 5336\(a\)](#), [36 N.J.R. 1755\(a\)](#).

In(d)3, inserted the first sentence.

Amended by R.2004 d.423, effective November 15, 2004.

See: [36 N.J.R. 3004\(a\)](#), [36 N.J.R. 5090\(a\)](#).

In (d)5, rewrote ii.

Amended by R.2006 d.157, effective May 1, 2006.

See: [37 N.J.R. 3108\(a\)](#), [38 N.J.R. 1824\(a\)](#).

In (d)(3), deleted "A temporary greenhouse shall not require a construction permit if it meets the criteria stated in [N.J.A.C. 5:23-3.14](#), the building subcode"; added new (d)(4); recodified (d)(4) through (d)(10) as (d)(5) through (d)(11); in (d)7.iv, substituted "10vii" for "9vii".

Administrative correction.

See: [39 N.J.R. 3509\(a\)](#).

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

Amended by R.2009 d.51, effective February 2, 2009.

See: [40 N.J.R. 5325\(a\)](#), [41 N.J.R. 738\(a\)](#).

In the introductory paragraph of (d)4, substituted "(d)4i" for "(d)3i"; in (d)5, substituted "307.1(1) and 307.1(2)" for "307.7(1) and 307.7(2)"; in (d)6i, substituted "1006" for "1003.2.11"; in (d)6ii, updated the N.J.A.C. reference; in (d)9i, substituted "one-story" for "one story"; in (d)9i and (d)9ii, deleted "meets the exterior wall fire resistance rating

## § 5:23-3.2 Matters covered; exceptions

as specified in section 507.2 of the building subcode," following "if the building"; in (d)9ii, substituted "two-story" for "two story"; in (d)10i, substituted "1016" for "1004.2.4"; in (d)10ii, substituted "1019.1 and 1019.2" for "1005.2.1 and 1005.2.2"; in (d)10iii, substituted "1011" for "1003.2.10"; in (d)10iv, substituted "1006" for "1003.2.11" and "(d)6" for "(d)5"; and in (d)10v, substituted "1004" for "1003.2".

Amended by R.2009 d.126, effective April 20, 2009.

See: [41 N.J.R. 16\(a\)](#), [41 N.J.R. 1725\(a\)](#).

Added new (d)5 and (d)6; recodified former (d)5 through (d)11 as (d)7 through (d)13; in (d)9vi, substituted "(d)12vii" for "(d)10vii"; in (d)11iii, substituted "(d)11i and ii" for "(d)9i and ii"; in the introductory paragraph of (d)12, substituted "(d)11i" for "(d)9i"; and in (d)12iv, substituted "(d)7" for "(d)5".

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (d)12ii, substituted "1021.1 and 1021.2" for "1019.1 and 1019.2".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (b)1 and (b)2, substituted "Design and Construction of Health Care" for "Construction and Equipment of Hospital and Medical"; in (b)1, substituted "Facilities Guidelines Institute" for "American Institute of Architects Committee on Architecture for Health" and deleted "1996-1997 edition or" preceding "current"; in (b)2, inserted "and Senior Services"; and rewrote (b)3.

Amended by R.2015 d.078, effective May 18, 2015.

See: [46 N.J.R. 1768\(a\)](#), [47 N.J.R. 990\(a\)](#).

In the introductory paragraph of (d)4, substituted "iii" for "iv"; deleted former (d)4iv; and recodified (d)4v as (d)4iv.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (d)12i, substituted "1017" for "1016"; in (d)12ii, substituted "1006" for "1021.1" and "1007" for "1021.2"; in (d)12iii, substituted "1013" for "1011"; and in (d)12iv, substituted "1008" for "1003.2.11" and "(d)8" for "(d)7".

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In (b)1, inserted the second sentence; in (b)2, deleted "and Senior Services" following the first occurrence of "Health"; in (d)12vi, substituted "Fire" for "Lightning protection of the type required for the structure by NFPA 780, fire"; and added (d)14.

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the introductory paragraph of (d)11, inserted a comma following "height" and substituted "Tables 504.3 and 506.2" for "Table 503".

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

In (d)11, inserted ", 504.4,".

Amended by R.2023 d.030, effective March 6, 2023.

§ 5:23-3.2 Matters covered; exceptions

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (d)8i, substituted "Section 1008" for "section 1006"; and in (d)11, inserted ", 504.4,".

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## [N.J.A.C. 5:23-3.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.3 Enforcement**

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(a) In accordance with the delineation of responsibility for enforcement specified herein, subject to specific reservations by the Department to itself, the appropriate official(s) shall enforce the subcode and shall act on any question relative to the mode or manner of construction, and the materials to be used in the erection, addition to, repair, renovation, alteration, reconstruction, removal, demolition, installation of service equipment, and the location, use and occupancy of all buildings and structures, except as may be otherwise specifically provided for in the regulations, including, but not limited to:

1. Applications, certificates and permits: Such official(s) shall review applications for permits for the erection, repair (other than ordinary maintenance), renovation, alteration and reconstruction of buildings and structures; indicate approval or denial to the construction official; and inspect the premises for which such permits have been issued and enforce compliance with the provisions of the regulations.
2. Notices and orders: Such official(s) shall issue all necessary notices or orders to remove illegal or unsafe conditions; to require the necessary safeguards during construction; and to insure compliance with all requirements for the safety, health and general welfare of the public.
3. Inspections: Such official(s) shall make all the required inspections, and all reports of such inspections shall be in writing and certified by them or they may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the construction official and appointing authority.
4. Enforcing agency records: Such official(s) shall assist in the keeping of official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued as may be required by the construction official.

### **History**

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#### **HISTORY:**

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 New Jersey Register 3603\(a\)](#), [30 New Jersey Register 129\(a\)](#).

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

See: [31 New Jersey Register 2428\(a\)](#), [31 New Jersey Register 4001\(c\)](#).

In (a), deleted a reference to other State agencies in the introductory paragraph, and substituted a reference to ordinary maintenance for a reference to ordinary repairs in 1.

§ 5:23-3.3 Enforcement

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## [N.J.A.C. 5:23-3.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

## **§ 5:23-3.4 Responsibilities**

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(a) The enforcement responsibilities of the adopted subcodes are as follows:

1. Building Subcode:

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
Ch. 3	Use and Occupancy  Classification	Building/Fire	Building
Ch. 4	Special Detailed  Requirements Based on Use  and Occupancy		
	401.1-402.4	Building/Fire	Building
	402.5	Fire	Fire
	402.6.1	Building/Fire	Building
	402.6.2 #1	Building/Fire	Building
	402.6.2 #2	Fire	Fire
	402.6.2 #3-#4	Building	Building
	402.6.3	Building	Building
	402.6.4	Building/Fire	Building
	402.7.1-402.7.2	Fire	Fire
	402.7.3	Fire/Electrical	Electrical
	402.7.4	Fire/Electrical	Fire
	402.7.5	Building/Fire	Fire
	402.8	Building/Fire	Building
	403.1-403.2.1.2	Building/Fire	Building
	403.2.2-403.2.3	Building	Building



## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	403.3	Fire	Fire
	403.4.1-403.4.7	Fire	Fire
	403.4.8	Electrical/Fire	Fire
	403.4.8.1	Building/Fire	Building (except system supervision location, which is Fire)
	403.4.8.2	Building/Fire	Building
	403.4.8.3-403.4.8.4	Electrical/Fire	Electrical
	403.5-403.5.2	Building/Fire	Building
	403.5.3	Building/Fire	Fire
	403.5.4-403.5.5	Building/Fire	Building
	403.6	Building/Eleva tor/Fire	Elevator
	403.6.1-403.6.2	Building/Eleva tor/Fire	Elevator
	404.1-404.2	Building/Fire	Building
	404.3-404.5	Fire	Fire
	404.6	Building/Fire	Building
	404.7	Fire/Electrical	Electrical
	404.8-404.11	Building/Fire	Building
	405.1-405.2	Building/Fire	Building
	405.3	Fire	Fire
	405.4	Building/Fire	Building
	405.5-405.6	Fire	Fire
	405.7	Building/Fire	Building
	405.8	Electrical	Electrical
	405.9	Fire	Fire
	406.1-406.2.6	Building/Fire	Building
	406.2.7	Building/Electr ical	Electrical
	406.2.8	Building/Fire	Building
	406.2.9	Fire	Fire
	406.3-406.3.5	Building/Fire	Building
	406.4-406.4.3	Building	Building

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	406.5.1	Building/Fire	Building
	406.5.2	Building	Building
	406.5.3-406.5.7	Building/Fire	Building
	406.5.8	Fire	Fire
	406.5.9	Building/Fire	Building
	406.5.10	Building	Building
	406.5.11-406.6.1	Building/Fire	Building
	406.6.2	Building	Building
	406.6.3-406.6.4	Fire	Fire
	406.6.4.1	Building/Fire	Building
	406.6.4.2-406.7	Fire	Fire
	406.7.1	Electrical	Electrical
	406.7.2-406.8	Building/Fire	Building
	406.8.1	Building	Building
	406.8.2-406.8.3	Fire	Fire
	407.1-407.2.5	Building/Fire	Building
	407.2.6-407.2.7	Fire	Fire
	407.3-407.4.4.5#1 and #2	Building/Fire	Building
	407.4.4.5#3	Building/Fire	Fire
	407.4.4.5.1-407.6	Building/Fire	Building
	407.7-407.9	Fire	Fire
	407.10	Building/Fire	Building
	407.11	Electrical	Electrical
	408.1-408.8.4	Building/Fire	Building
	408.9-408.11	Fire	Fire
	409-410.5.3.5	Building/Fire	Building
	410.6-410.7	Fire	Fire
	411.1	Building/Fire	Building
	411.2-411.4	Fire	Fire
	411.5-412.2.2.3.2	Building/Fire	Building
	412.2.3-412.2.4	Fire	Fire

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	412.2.4.1	Building/Fire	Building
	412.2.5	Building/Electrical	Building
	412.2.6	Building	Building
	412.3-412.3.5	Building/Fire	Building
	412.3.6-412.3.6.1	Fire	Fire
	412.3.6.2-412.4.2	Building/Fire	Building
	412.4.3	Fire	Fire
	412.4.4	As appropriate	As appropriate
	412.4.5-412.5.5	Building/Fire	Building
	412.5.6	Fire	Fire
	412.5.7	Building/Fire	Building
	412.5.8	Electrical	Electrical
	412.6-412.7.3	Building/Fire	Building
	412.7.4	Building/Fire	Fire
	412.7.5	Fire	Fire
	413.1	Fire	Fire
	413.2	Building/Fire	Building
	414.1-414.2	Building/Fire	Fire
	414.2.1	Building/Fire	Building
	414.2.2-414.2.3	Building/Fire	Fire
	414.2.4	Building/Fire	Building
	414.2.5-414.5.1	Building/Fire	Fire
	414.5.2	Electrical	Electrical
	414.5.3	Building/Fire	Fire
	414.6	Building/Fire	Building
	415.1-415.2	Building/Fire	Building
	415.3-415.5	Fire	Fire
	415.6-415.8.1	Building/Fire	Building
	415.8.2	Fire	Fire
	415.8.3-415.8.5	Building/Fire	Building
	415.9.1	Building/Fire	Fire

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	415.9.1.1-415.9.1.2	Building/Fire	Building
	415.9.1.3-415.9.1.6	Fire	Fire
	415.9.1.7	Building/Fire	Building
	415.9.1.8-415.9.2	Fire	Fire
	415.9.3-415.10.1	Building/Fire	Fire
	415.10.2-415.10.4	Building/Fire	Building
	415.11.1-415.11.1.1.2	Building/Fire	Fire
	415.11.1.2-415.11.1.7	Building/Fire	Building
	415.11.1.8	Electrical/Fire	Electrical
	415.11.1.8.1-415.11.3.4	Building/Fire	Building
	415.11.4-415.11.5	Fire	Fire
	415.11.6-415.11.6.4	Building/Fire	Building/Fire
	415.11.6.5	Fire	Fire
	415.11.6.6-415.11.6.8	Building/Fire	Building
	415.11.6.9	Fire	Fire
	415.11.7-415.11.7.2	Building/Fire	Building
	415.11.7.3	Building/Fire	Fire
	415.11.7.4	Building/Fire	Building
	415.11.7.5-415.11.10.3	Fire	Fire
	415.11.11-415.11.11.2	Electrical/Fire	Electrical
	415.11.12-415.11.12.3	Fire	Fire
	416.1-416.3.1	Building/Fire	Building
	416.4-416.5	Fire	Fire
	417.1-417.3	Building	Building
	417.4	Fire	Fire
	418	Building/Fire	Building
	420.1-420.3	Building/Fire	Building
	420.4-420.5	Fire	Fire
	420.6-420.7	Building/Fire	Building
	420.8-420.10	Fire	Fire
	420.11-421.4	Building/Fire	Fire
	421.5-421.6	Fire	Fire

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	421.7	Fire/Electrical	Electrical
	422.1-422.3.3	Building/Fire	Building
	422.4-422.5	Fire	Fire
	422.6	Electrical	Electrical
	422.7	Fire	Fire
	424.1-424.2	Building/Fire	Building
	424.3	Fire	Fire
	424.4-424.5	Building/Fire	Building
	425.1	As applicable	As applicable
	426.1	Fire	Fire
	426.1.1-426.1.3	Building/Fire	Building
	426.1.4	Fire	Fire
	426.1.5-426.1.7	Building/Fire	Building
	427.1-427.2.2	Building/Fire	Building
	427.2.3	Building/Fire	Fire
	428.1-428.3.5	Building/Fire	Building
	428.3.6	Electrical/Fire	Electrical
	428.3.7-428.3.8	Building/Fire	Building
	428.3.9-428.4	Building/Fire	Fire
Ch. 5	General Building	Building/Fire,	Building, except as below
	Heights and Areas	except as below:	
	508.5.7	Fire	Fire
	508.5.8-508.5.10	Building	Building
	508.5.11	Plumbing	Plumbing
Ch. 6	Types of Construction	Building/Fire	Building
Ch. 7	Fire and Smoke	Building/Fire	Building
	Protection Systems		(Except penetrations in existing membranes for electrical outlets or

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	devices pursuant to Section 714.4.2 which shall be Electrical)
Ch. 8	Interior Finishes	Building/Fire	Building
Ch. 9	Fire Protection Systems		
	901.1-903.3.1.2.3#3.1	Fire	Fire
	903.3.1.2.3#3.2-#3.4	Building/Fire	Building
	903.3.1.2.3#4-#4.2	Fire	Fire
	903.3.1.2.3#4.3-#4.5	Building/Fire	Building
	903.3.1.3-904.3	Fire	Fire
	904.3.1	Electrical	Electrical
	904.3.2-907.2.11.4	Fire	Fire
	907.11.5-907.2.11.6	Electrical/Fire	Electrical
	907.2.11.7-907.3.2	Fire	Fire
	907.3.3	Elevator/Fire	Fire
	907.3.4	Electrical/Fire	Electrical
	907.4-907.5.2.2.4	Fire	Fire
	907.5.2.2.5	Electrical/Fire	Electrical
	907.5.2.3-907.6	Fire	Fire
	907.6.1-907.6.2	Electrical/Fire	Electrical
	907.6.3-909.10.5	Fire	Fire
	909.11	Electrical/Fire	Electrical
	909.11.1	Fire/Building	Building
	909.11.2	Electrical/Fire	Electrical
	909.12-909.12.1	Fire	Fire
	909.12.2	Electrical/Fire	Electrical
	909.12.3-909.19	Fire	Fire
	909.20-909.20.7.1	Building/Fire	Building
	909.20.7.2	Electrical/Fire	Electrical
	909.20.7.3-910.4.5	Fire	Fire

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Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	910.4.6	Electrical/Fire	Electrical
	910.4.7-911.1.1	Fire	Fire
	911.1.2	Building/Fire	Building
	911.1.3-913.2	Fire	Fire
	913.2.1	Building/Fire	Building
	913.3-915.4	Fire	Fire
	915.4.1	Electrical/Fire	Electrical
	915.4.2-916.3	Fire	Fire
	916.4-916.5	Electrical/Fire	Electrical
	916.6-918	Fire	Fire
Ch. 10	Means of Egress		
	1001-1007	Building/Fire	Building
	1008	Building/Electrical/Fire	Electrical for wiring and function/Building for placement
	1009-1009.4	Building/Fire	Building
	1009.4.1	Electrical/Elevator	Electrical/Elevator
	1009.4.2-1010.2.9.1	Building/Fire	Building
	1010.2.9.2	Building/Electrical	Building
	1010.2.9.3-1012	Building/Fire	Building
	1013	Electrical/Fire	Electrical for wiring and function/Fire for placement
	1014-1031	Building/Fire	Building
Ch. 11	Accessibility, except that 1110.15, which deals with controls, shall be the responsibility of the person responsible for the control in the	Building	Building

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
	general sections of the code		
A11 7.1	301.1-308.3.2	Building	Building
	309	As applicable	As applicable
	401.1-406.14	Building	Building
	407-410	Elevator	Elevator
	501.1-506.1	Building	Building
	602.1-602.2	Building/Plum bing	Plumbing
	602.2.1	Building/Plum bing	Building
	602.2.3- 602.4	Building/Plum bing	Plumbing
	602.4.1	Building/Plum bing	Building
	602.4.2	Building/Plum bing	Plumbing
	603.1-603.6	Building	Building
	604.1	Building/Plum bing	Building
	604.2	Building/Plum bing	Plumbing
	604.3	Building/Plum bing	Building
	604.4	Building/Plum bing	Plumbing
	604.5	Building/Plum bing	Building
	604.6	Building/Plum bing	Plumbing
	604.7-604.11.1	Building/Plum bing	Building
	604.11.2	Building/Plum bing	Plumbing
	604.11.3	Building/Plum bing	Building
	604.11.4	Building/Plum bing	Plumbing



## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	604.11.5	Building/Plum bing	Building
	604.11.6	Building/Plum bing	Plumbing
	604.11.7-605.1	Building/Plum bing	Building
	605.2	Building/Plum bing	Plumbing
	605.3	Building/Plum bing	Building
	605.4	Building/Plum bing	Plumbing
	606.1-606.2	Building/Plum bing	Building for clear floor  space/Plumbing for fixture mounting heights
	606.3-606.6	Building/Plum bing	Plumbing
	607.1-607.4.2.3	Building/Plum bing	Building
	607.5-607.6	Building/Plum bing	Plumbing
	607.7	Building/Plum bing	Building
	607.8	Building/Plum bing	Plumbing
	608.1-608.2	Building/Plum bing	Building for clear floor  space/Plumbing for fixture mounting heights
	608.2.1.1	Building/Plum bing	Plumbing
	608.2.1.2-608.2.2	Building/Plum bing	Building
	608.2.2.1	Building/Plum bing	Plumbing
	608.2.2.2-608.2.3	Building/Plum bing	Building
	608.2.3.1	Building/Plum bing	Plumbing

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	608.2.3.2-608.3.3	Building/Plum bing	Building
	608.4-608.5	Building/Plum bing	Plumbing
	608.6-608.7	Building/Plum bing	Building
	608.8	Building/Plum bing	Plumbing
	609-701.1	Building	Building
	702.1	Electrical/Fire	Electrical
	703.1-907.1	Building	Building
	1009	Building	Building
	1101.1-1102.6	Building	Building
	1102.7-1102.9	As applicable	As applicable
	1102.10	Building	Building
	1102.11	As applicable	As applicable
	1102.12-1103.6	Building	Building
	1103.9	As applicable	As applicable
	1103.10	Building	Building
	1103.11-1103.11.2.1	Building/Plum bing	Building
	1103.11.2.2	As applicable	As applicable
	1103.11.2.3-1103.11.2.4	Building/Plum bing	Building
	1103.11.2.4.1	Building/Plum bing	Plumbing
	1103.11.2.4.2- 1103.11.2.4.4	Building/Plum bing	Building
	1103.11.2.4.5- 1103.11.2.4.6	Building/Plum bing	Plumbing
	1103.11.2.5.1- 1103.11.2.5.2	As applicable	As applicable
	1103.12-1103.12.3.3	Building	Building
	1103.12.4-1103.12.4.2	Building/Plum bing	Building
	1103.12.4.3-1103.12.4.4	Building/Plum bing	Plumbing
	1103.12.5.2-1103.14	Building	Building

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	1106	Building	Building
Ch. 12	Interior Environment	Building	Building
Ch. 14	Exterior Walls	Building	Building
Ch. 15	Roof Assemblies and Rooftop Structures	Building	Building
Ch. 16	Structural Design, except 1612.4	Building	Building
	1612.4	Building, except as applicable based on equipment	Building, except as applicable based on equipment
Ch. 17	Structural Tests and Special Inspections		
	1701.1-1705.18.2	Building	Building
	1705.19	Fire	Fire
	1705.20	Building	Building
	1706.1-1709.7	Building	Building
Ch. 18	Soil and Foundations	Building	Building
Ch. 19	Concrete	Building	Building
Ch. 20	Aluminum	Building	Building
Ch. 21	Masonry		
	2101-2110	Building	Building
	2111-2113	Building/Fire	Building
	2114	Building	Building
Ch. 22	Steel	Building	Building
Ch. 23	Wood	Building	Building

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
Ch. 24	Glass and Glazing	Building	Building
Ch. 25	Gypsum Board, Gypsum Panel Products, and Plaster	Building	Building
Ch. 26	Plastic		
	2601-2602	Building	Building
	2603-2607	Building/Fire	Building
	2608-2611	Building	Building
	2612-2614	Building/Fire	Building
Ch. 27	Electrical		
	2702.1.1	Fire/Electrical	Electrical
	2702.1.2	Building/Fire	Fire
	2702.1.3-2702.1.6	Electrical	Electrical
	2702.1.7-2702.1.8	Building/Electr ical	Electrical
	2702.2	As applicable	As applicable
	2702.3	Electrical	Electrical
Ch. 30	Elevators and Conveying Systems		
	3001.1	Building/Eleva tor	Elevator
	3001.3	Building for devices not under the scope of the elevator subcode/Elev ator for devices under the elevator subcode	Building for devices not under the scope of the elevator subcode/Elevator for devices under the elevator subcode

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	3001.4	Building/Elevator	Elevator
	3001.5	Building/Elevator	Elevator
	3002.1	Building/Elevator/Fire	Building
	3002.2	Building/Elevator/Fire	Elevator
	3002.3	Building/Elevator	Elevator
	3002.4-3002.8	Building/Elevator/Fire	Elevator
	3002.9	Plumbing/Elevator	Plumbing for the piping and discharge from the pit/Elevator for the presence of the drain
	3003.1	Building/Electrical/ Elevator	Elevator
	3003.2	Building/Elevator/Fire	Elevator
	3003.3	Elevator	Elevator
	3004.1	Building/Fire for devices not under the scope of the elevator subcode/Elevator for devices under the elevator subcode	Building for devices not under the scope of the elevator subcode/Elevator for devices under the elevator subcode
	3004.2	Building/Elevator/Fire	Elevator
	3004.2.1	Building/Elevator/Fire	Building

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	3004.2.2	Elevator	Elevator
	3004.3-3004.4	Building/Fire	Building
	3005.1	Building/Eleva tor/Fire	Building
	3005.2	Building/Eleva tor	Elevator
	3005.3	Elevator/Fire	Fire
	3005.4	Building/Eleva tor	Building
	3005.5	Fire/Electrical/ Elevator	Elevator
	3005.6	Elevator/Plum bing	Elevator
	3006.1-3006.4	Building/Fire	Building
	3007.1	Elevator/Fire	Elevator
	3007.2	Fire	Fire
	3007.3	Building/Eleva tor	Building
	3007.4	Elevator/Fire	Elevator
	3007.5-3007.5.1	Building/Fire	Building
	3007.5.2	Building/Electr ical/  Elevator/Fire	Electrical for wiring and  function/Elevator for placement
	3007.6-3007.6.4	Building/Fire	Building
	3007.6.5	Elevator/Fire	Elevator
	3007.7	Elevator/Fire	Fire
	3007.8	Electrical	Electrical
	3007.8.1	Building/Electr ical	Electrical
	3007.9	Fire	Fire
	3008.1-3008.1.2	Building/Fire	Building
	3008.1.3	Fire	Fire
	3008.1.4	Elevator/Fire	Elevator
	3008.2-3008.2.2	Fire	Fire
	3008.3	Building/Eleva	Building

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	3008.4	Elevator/Fire	Elevator
	3008.5-3008.6.5	Building/Fire	Building
	3008.6.6	Fire	Fire
	3008.7	Elevator/Fire	Fire
	3008.8	Electrical	Electrical
	3008.8.1-3008.8.2	Building/Electrical	Electrical
	3008.9	Fire	Fire
	3008.10	Building/Fire	Building
Ch. 31	Special Construction		
	3101-3102.3.1	Building	Building
	3102.4-3102.6.1.1	Building/Fire	Building
	3102.7-3102.8.1.2	Building	Building
	3102.8.2	Building/Electrical	Electrical
	3102.8.3-3103.2	Building	Building
	3103.3-3104.10	Building/Fire	Building
	3105.1- 3108.2	Building	Building
	3109	See below for ISPSC	See below for ISPSC
	ISPSC, Section 305	Building	Building (Except safety covers pursuant to Section 305.1, which shall be Electrical)
	ISPSC, Section 310 (APSP/ICC 7)	Plumbing	Plumbing
	ISPSC, Section 311.9	Plumbing	Plumbing
	ISPSC, Section 324, except as below	Building/Fire	Building
	ISPSC, Section 324.2	Building/Fire (except for the hose bibb and backflow	Building (except for the hose bibb and backflow preventer, which shall be plumbing)

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b> preventer, which shall be plumbing)	
	ISPSC, Section 324.4	Electrical	Electrical
	3110	Electrical	Electrical
	3111.1	Building	Building
	3111.2	Building/Fire/ Plumbing	Plumbing
	3111.3.1	Electrical	Electrical
	3111.3.2	Building	Building
	3111.3.3	Building	Building
	3111.3.4	Fire	Fire
	3111.3.5	Building/Fire	Building
	3112	Building	Building
	3115	Building	Building
Ch. 32	Encroachments into the Public-Right-of-Way	Building	Building
Ch. 33	Safeguards during Construction		
	3301	Building	Building
	3302.1	As applicable	As applicable
	3302.2	Building	Building
	3302.3	Fire	Fire
	3303.1-3303.5	Building	Building
	3303.6	As applicable	As applicable
	3303.7	Fire	Fire
	3304-3308	Building	Building
	3309	Fire	Fire
	3310	Building/Fire	Building
	3311-3313	Fire	Fire
App x H	Signs	Building	Building except for H106



## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibilit y</b>	<b>Inspection</b>
		<b>Plan Review</b>	
		except for H106	
	H106	Electrical	Electrical
<b>2. Plumbing Subcode:</b>			
<b>C h a p t er</b>	<b>Section/Title</b>	<b>Respo nsibili ty</b>	<b>Inspection</b>
		<b>Plan Revie w</b>	
C h. 1	Definitions	Plumbi ng	Plumbing
C h. 2	General Regulations	Plumbi ng	Plumbing
C h. 3	Materials	Plumbi ng	Plumbing
C h. 4	Joints and Connections	Plumbi ng	Plumbing
C h. 5	Traps, Cleanouts and Backwater Valves	Plumbi ng	Plumbing
C h. 6	Liquid Waste Treatment Equipment	Plumbi ng	Plumbing
C h. 7	Plumbing Fixtures, Fixture Fittings	Plumbi ng	Plumbing
	and Plumbing Appliances		
C h. 8	Hangers and Supports	Plumbi ng	Plumbing
C h. 9	Indirect Waste Piping and Special	Plumbi ng	Plumbing
	Wastes		
C h.	Water Supply and Distribution	Plumbi ng	Plumbing

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
10	10.5.9	Plan Review (except 10.5.9)	Plumbing  (except dedicated fire service supply) Fire (dedicated fire service supply)
Chapter 11	Sanitary Drainage Systems	Plumbing	Plumbing
Chapter 12	Vents and Venting	Plumbing	Plumbing
Chapter 13	Storm Water Drainage	Plumbing	Plumbing
Chapter 14	Special Requirements for Health Care Facilities	Plumbing	Plumbing
Chapter 15	Tests and Maintenance	Plumbing	Plumbing
Chapter 16	Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewage Systems Are Not Available.	Plumbing	Plumbing
Appendix B	Sizing the Building Water Supply and	Plumbing	Plumbing

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
	Distribution Piping System		
A p. C	Conversions: Metric to U.S. Customary	Plumbing	Plumbing
	Units		
A p. D	Determining the Minimum Number of	Plumbing	Plumbing
	Required Plumbing Fixtures		
A p. E	Special Design Plumbing Systems	Plumbing	Plumbing
A p. F	Requirements of the Adopting Agency	Plumbing	Plumbing
A p. H	Combined Building Drain and Building	Plumbing	Plumbing
	Sewers		
A p. I	Flow in Horizontal Sanitary Drain	Plumbing	Plumbing
	Piping		
A p. J	An Acceptable Brazing Procedure for	Plumbing	Plumbing
	General Plumbing		
A p. K	Converting Water Supply Fixture Units	Plumbing	Plumbing
	(WSFU) to Gallons Per Minute Flow (GPM)		
A p. L	Tiny Houses	Plumbing	Plumbing
	N.J.A.C. 5:23-3.15(c)Automatic Rain	Electrical/Plumbing <1>	Electrical/Plumbing <1>
	Sensor Device		

## § 5:23-3.4 Responsibilities

Note 1: Where the device is wireless and plugged into an existing receptacle, plan review and inspection shall be plumbing; otherwise, electrical.

## 3. Electrical Subcode:

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
Article 90	Introduction	Electrical	Electrical
Ch. 1	General	Electrical	Electrical
Ch. 2	Wiring and Protection		
	200.1-250.50	Electrical	Electrical
	250.52(A)1-2	Electrical	Electrical
	250.52(A)3	Electrical/Building	Building
	250.52(A)4-250.102(E)	Electrical	Electrical
	250.104(A)(1)	Electrical	Electrical (except gas water heater replacements) Plumbing (gas water heater replacements only)
	250.104(A)(2)-285	Electrical	Electrical
Ch. 3	Wiring Methods and Materials		
	300.1 to 300.20	Electrical	Electrical
	300.21	Electrical/Fire	Electrical
	300.22-399	Electrical	Electrical
Ch. 4	Equipment for General Use		
	400-450.28	Electrical	Electrical
	450.41-450.48	Electrical/Fire	Electrical
	455-490	Electrical	Electrical
Ch. 5	Special Occupancies	Electrical/Fire	Electrical
Ch. 6	Special Equipment		
	600-610	Electrical	Electrical
	620.1-620.12	Electrical/Elevator	Elevator/Electrical

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	620.13	Electrical/Elevator<1>	Electrical<2>  (on the line side of the disconnect)  Elevator<2 >(on the load side of the disconnect)  Electrical<3>
	620.14-620.21	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.22	Electrical/Elevator<1>	Electrical<2>  (on the line side of the disconnect)  Elevator<2 >(on the load side of the disconnect)  Electrical<3>
	620.23-620.24	Electrical/Elevator<1>	Electrical
	620.25-620.37	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.38	Electrical/Elevator<1>	Electrical
	620.41-620.44	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.51-620.51(A)	Electrical/Elevator<1>	Electrical
	620.51(B)-(D)	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.52	Electrical/Elevator<1>	Elevator/Electrical<3>

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	620.53-620.55	Electrical/Elevator<1>	Electrical<2> >(on the line side of the disconnect) Elevator<2 >(on the load side of the disconnect) Electrical<3>
	620.61(A)-(B)	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.61(C)-(D)	Electrical/Elevator<1>	Electrical<2> (on the line side of the disconnect) Elevator<2 >(on the load side of the disconnect) Electrical<3>
	620.62-620.84	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.85 (except for cartop receptacle(s))	Electrical/Elevator<1>	Elevator/Electrical<2> >(car top receptacle only)
	620.91(A) & (C)	Electrical/Elevator<1>	Elevator/Electrical<3>
	620.91(B)	Electrical/Elevator<1>	Electrical
	625-694	Electrical	Electrical
	695	Electrical/Fire	Electrical
Ch. 7	Special Conditions		
	700-727	Electrical	Electrical
	728	Fire/Electrical	Electrical

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	750	Electrical	Electrical
	760	Electrical/Fire	Electrical
	770	Electrical	Electrical
Ch. 8	Communication Systems	Electrical	Electrical
Ch. 9	Tables	Electrical	Electrical

Note 1: Joint with Elevator Subcode Official for N.J.A.C. 5:23-12 devices not installed in Group R-3, R-4 or R-5 or in structures of Group R-2 in which the elevator devices are wholly within dwelling units and are not accessible to the general public.

Note 2: The following sections are enforced by the Electrical inspector when devices covered by N.J.A.C. 5:23-12 are installed in any building excluding installations in Group R-3, R-4 or R-5 or in structures of Group R-2 where the elevator devices are located wholly within the dwelling units and are not accessible to the general public.

Note 3: Inspection responsibility for this section shall be the electrical inspector when devices are installed in buildings of Group R-3, R-4 or R-5 or in buildings of Group R-2 where the elevator devices are located wholly within dwelling units and not accessible to the general public.

#### 4. Energy Subcode:

##### International Energy Conservation Code--Residential

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
Ch. 1 (R E)	Scope and Administration	As applicable	As applicable
Ch. 3 (R E)	General Requirements	Building	Building
Ch. 4 (R E)	Residential Energy Efficiency		
	R401	Building	Building
	R402 (except R402.4.5-R402.4.6)	Building	Building

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	R402.4.5-R402.4.6	Electrical	Electrical
	R403.1	Electrical	Electrical
	R403.2	Plumbing	Plumbing
	R403.3	Building	Building
	R403.4	Plumbing	Plumbing
	R403.5.1.1 -- Pump with integrated switch	Plumbing	Plumbing
	R403.5.1.1 -- Pump with non-integrated switch	Electrical	Electrical
	R403.5.1.2	Electrical	Electrical
	R403.5.2- R403.5.3	Plumbing	Plumbing
	R403.6	Building	Building
	R403.7	Plumbing	Plumbing
	R403.8	As applicable	As applicable
	R403.9	Electrical	Electrical
	R403.10.1 - Switch	Electrical	Electrical
	R403.10.1 - Gas Heater, Pilot	Plumbing	Plumbing
	R403.10.2-R403.12	Electrical	Electrical
	R404.1-R404.1.1	Electrical	Electrical
	R404.1.2	Plumbing	Plumbing
	R404.2-R404.3	Electrical	Electrical
	R405-R406	As applicable	As applicable
	R408	Building/Plumbing, as applicable	Building/Plumbing, as applicable
A pp x.	Solar-Ready	As applicable	As applicable
R B	Provisions--Detached One- and Two-Family Dwellings		
A pp x.	Zero Energy Residential	As applicable	As applicable



## § 5:23-3.4 Responsibilities

<b>C h a p t e r</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
R C	Building Provisions		

International Energy Conservation Code--Commercial, adopted via ASHRAE Standard 90.1

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
Ch. 4	Administration and Enforcement	As applicable	As applicable
Ch. 5	Building Envelope	Building	Building
Ch. 6	Heating, Ventilating, and Air Conditioning	As applicable except as below:	As applicable except as below:
	6.4.4.1.1-6.4.4.1.2	Building	Building
	6.4.4.1.3	Plumbing	Plumbing
	6.4.4.1.4-6.4.4.1.5	Building	Building
	6.4.4.2	Building	Building
Ch. 7	Service Water Heating	As applicable	As applicable
Ch. 8	Power	Electrical	Electrical
Ch. 9	Lighting	Electrical	Electrical
Ch. 10	Other Equipment		
	10.4.1	Electrical	Electrical
	10.4.2	Plumbing	Plumbing
	10.4.3-10.4.4	Elevator	Elevator
	10.4.5	Building	Building
	10.4.7	Plumbing	Plumbing
Ch.	Energy Cost Budget	As applicable	As applicable

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
11	Method		
App x.	Solar-Ready	As applicable	As applicable
CB	Zone--Commercial		
App x.C C	Zero Energy	As applicable	As applicable
	Commercial Building Provisions		

## 5. Mechanical Subcode:

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
Ch. 3	General Regulations		
	301.2	Building	Building
	301.3-301.5	Plumbing	Plumbing
	301.6	Fire/Plumbing for fuel gas piping	Fire/Plumbing for fuel gas piping
	301.7-301.9	Fire	Fire
	301.10	Electrical	Electrical
	301.11	Plumbing	Plumbing
	301.12	Fire	Fire
	301.13-301.18	Building	Building
	301.19	Electrical (switch)/Plumbing (valve)	Electrical (switch)/Plumbing (valve)
	302	Building	Building
	303-304.10	Fire	Fire
	304.11	Building/Fire	Building
	304.12	Fire	Fire
	305	Plumbing	Plumbing
	306.1-306.3	Building	Building

## § 5:23-3.4 Responsibilities

Ch apt er	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	306.3.1	Electrical	Electrical
	306.4	Building	Building
	306.4.1	Electrical	Electrical
	306.5-306.5.1	Building	Building
	306.5.2	Electrical	Electrical
	307	Plumbing	Plumbing
	308	Building/Fire	Fire
	309	Building	Building
	310-311	Building/Fire	Fire
	312	Plumbing	Plumbing
Ch. 4	Ventilation	Building	Building
Ch. 5	Exhaust Systems		
	501	Building	Building
	502	Building/Fire	Building
	503	Building/Fire	Fire
	504	Building/Fire	Building
	505-510	Building/Fire	Fire
	511	Building/Fire	Fire
	512	Building	Building
	513.1- 513.10.5	Fire	Fire
	513.11-513.11.1	Building/Electrical/Fir e	Electrical (except  rated enclosures, which are Building)
	513.11.2	Electrical/Fire	Electrical
	513.12-513.12.1	Fire	Fire
	513.12.2	Fire/Electrical	Electrical
	513.12.3-513.19	Fire	Fire
	514	Building	Building
Ch. 6	Duct Systems		
	601-602.2.1.6	Building/Fire	Building

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	602.2.1.7	Building/Fire/Plumbing	Plumbing
	602.2.1.8-603.1	Building/Fire	Building
	603.2	Building	Building
	603.3-605	Building/Fire	Building
	606	Building/Fire	Fire
	607	Building/Fire	Building
	608	Building	Building
Ch. 7	Combustion Air	Fire	Fire
Ch. 8	Chimneys and Vents	Building/Fire	Fire (except 801.3 and 801.13)
	801.3 and 801.13	Building/Fire	Building
Ch. 9	Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment		
	901.1-908.4	Building/Fire	Building
	908.5-908.6	Plumbing	Plumbing
	908.7	Plumbing/Fire	Plumbing
	908.8	Building/Plumbing	Plumbing
	909-910	Building/Fire	Fire
	911-914	Building/Fire	Building
	915	Fire	Fire
	916	Electrical/Plumbing	Electrical if electric/Plumbing if oil fired
	917	Fire	Fire
	918	Building/Fire	Building
	919	Plumbing	Plumbing
	920-923	Building/Fire	Building
	924	Fire	Fire
	925	Building/Fire	Building

## § 5:23-3.4 Responsibilities

Ch apt er	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	926	See Chapter 7 of the International Fuel Gas Code	See Chapter 7 of the International Fuel Gas Code
	927	Electrical	Electrical
	928	Building/Plumbing	Plumbing
	929	Building/Fire	Building
	930	Electrical/Fire	Electrical
Ch. 10	Boilers, Water Heaters  and Pressure Vessels	Plumbing	Plumbing
Ch. 11	Refrigeration		
	1101.1-1101.1.2	Fire/Plumbing	Plumbing
	1101.2	Plumbing	Plumbing
	1101.3	Building	Building
	1101.4-1101.5	Plumbing	Plumbing
	1101.7	Plumbing	Plumbing
	1101.8	Fire	Fire
	1101.9	Plumbing	Plumbing
	1102-1103	Plumbing	Plumbing
	1104.1	Plumbing	Plumbing
	1104.2-1104.4	Building/Fire	Fire
	1105.1-1105.2	Building	Building
	1105.3-1105.5	Fire	Fire
	1105.6	Building	Building
	1105.7	Plumbing	Plumbing
	1105.8-1105.9	Building/Fire	Building
	1106	Fire	Fire
	1107-1111	Plumbing	Plumbing
Ch. 12	Hydronic Piping	Plumbing	Plumbing
Ch. 13	Fuel Oil Piping and  Storage		

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	1301.1-1301.2	Fire/Plumbing	Fire (storage systems) Plumbing (Piping systems)
	1301.3	Fire	Fire
	1301.4	Fire/Plumbing	Fire (storage systems) Plumbing (Piping systems)
	1301.5	Fire	Fire
	1302-1305	Plumbing	Plumbing
	1306	Fire	Fire
	1307-1308	Plumbing	Plumbing
Ch. 14	Solar Thermal Systems		
	1401.2-1401.4	Plumbing	Plumbing
	1402.1-1402.2	Building	Building
	1402.3-1402.5	Plumbing	Plumbing
	1402.6-1402.8.2	Building	Building
	1402.8.3-1402.8.7	Plumbing	Plumbing
	1403	Plumbing/Fire	Plumbing
	1404	Plumbing	Plumbing

## 6. One-and Two-Family Dwelling Subcode:

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
Ch. 3	Building Planning		
	R300	Building/Fire	Building
	R301	Building	Building
	R302	Building/Fire	Building  (Except penetrations in existing membranes for electrical outlets or devices pursuant to Section 302.4 through 302.4.2 which shall be Electrical)
	R303-R306	Building	Building
	R307.1	Plumbing	Plumbing
	R307.2-R309.3	Building	Building
	R309.4	Electrical	Electrical
	R309.5	Fire	Fire
	R310-R311	Building/Fire	Building
	R312	Building/Fire	Building
<	R313	Fire< 2>	Fire< 2>
>	R314-R314.5	Fire	Fire
	R314.6	Electrical/Fire	Electrical
	R314.7-R315.5	Fire	Fire
	R315.6	Electrical/Fire	Electrical

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	R315.7	Fire	Fire
	R316	Building/Fire	Building
	R317-R318	Building	Building
	R319	Fire	Fire
	R321.1-R321.2	Elevator	Elevator
	R321.3	Building	Building
	R322, except	Building	Building
	R322.1.6		
	R322.1.6	As applicable based on equipment	As applicable based on equipment
	R324.2	Building/Fire/Plumbing	Plumbing
	R324.3	Electrical	Electrical
	R324.4-R324.5	Building	Building
	R324.6	Fire	Fire
	R324.7	Building/Fire	Building
	R324.7.1	Building/Fire	Building
	R325	Building/Fire	Building
	R327	See below for ISPSC	See below for ISPSC
	ISPSC, Section 305	Building	Building (except for safety covers pursuant to Section 305.1, Exception 1, which shall be Electrical)
	ISPSC, Section	Plumbing	Plumbing



## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	310 (APSP/ICC 7)		
	ISPSC, Section 311.9	Plumbing	Plumbing
	ISPSC, Section 324, except as below	Building/Fire	Building
	ISPSC, Section 324.2	Building/Fire (except for the hose bibb and backflow preventer, which shall be plumbing)	Building (except for the hose bibb and backflow preventer, which shall be plumbing)
	ISPC, Section 324.4	Electrical	Electrical
	R328.1-R328.6	Electrical	Electrical
	R328.7-R328.8	Fire	Fire
	R328.9	Electrical/Fire	Fire
	R328.10-R328.11	Electrical	Electrical
	R329	Electrical	Electrical
	R330	Electrical/Fire	Fire
Ch. 4	Foundations	Building	Building
Ch. 5	Floors	Building	Building
Ch.	Wall	Building	Building

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
6	Construction		
Ch.	Wall Covering	Building	Building
7			
Ch.	Roof-Ceiling	Building	Building
8	Construction		
Ch.	Roof	Building	Building
9	Assemblies, except R905.16-R905.17 and R907.1		
	R905.16-R905.17	Building/Electrical	Building
	R907.1	As applicable	As applicable
Ch.	Chimneys and	Building/Fire	Building
10	Fireplaces		
Ch.	Energy		
11	Efficiency		
	N1101.1-N1101.5.1	As applicable	As applicable
	N1101.7-N1101.12	Building	Building
	N1101.13-N1101.14	Building	Building
	N1102.1-N1102.4.4	Building	Building
	N1102.4.5-N1102.4.6	Electrical	Electrical
	N1102.5	Building	Building
	N1103.1	Electrical	Electrical
	N1103.2	Plumbing	Plumbing

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	N1103.3	Building	Building
	N1103.4	Plumbing	Plumbing
	N1103.5.1.1 - pump with integrated switch	Plumbing	Plumbing
	N1103.5.1.1 - pump with non-integrated switch	Electrical	Electrical
	N1103.5.1.2	Electrical	Electrical
	N1103.5.2-N1103.5.3	Plumbing	Plumbing
	N1103.6	Building	Building
	N1103.7	Plumbing	Plumbing
	N1103.8	As applicable	As applicable
	N1103.9	Electrical	Electrical
	N1103.10.1 - Switch	Electrical	Electrical
	N1103.10.1 - Gas Heater, Pilot	Plumbing	Plumbing
	N1103.10.2 - N1103.12	Electrical	Electrical
	N1104.1-N1104.1.1	Electrical	Electrical
	N1104.1.2	Plumbing	Plumbing
	N1104.2-N1104.3	Electrical	Electrical

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	N1105-N1106	As applicable	As applicable
	N1108	Building/Plumbing, as applicable	Building/Plumbing, as applicable
Ch. 13	General Mechanical System Requirements		
	M1301	Plumbing	Plumbing
	M1302	Fire/Plumbing	Plumbing
	M1303	Electrical/Plumbing	Plumbing
	M1304	Fire/Plumbing	Plumbing
	M1305-M1305.1.2	Building	Building
	M1305.1.2.1	Electrical	Electrical
	M1305.1.3		
		Plan Review and Field Inspection for access, passageways, and service clearances for appliances shall be the responsibility of the subcode with plan review and inspection responsibility for the appliance	
	M1306.1	Fire	Fire
	M1306.2-M1306.2.3	Building/Fire	Fire
	M1307.1	Fire	Fire
	M1307.2	Building	Building
	M1307.3-M1307.4.3	Fire	Fire
	M1307.5	Electrical	Electrical
	M1307.6	Plumbing	Plumbing
	M1307.7	Responsibility of the	Responsibility of the

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
		subcode with plan review and inspection responsibility for the appliance	subcode with plan review and inspection responsibility for the appliance
	M1307.8	Electrical (switch)/Plumbing (valve)	Electrical (switch)/Plumbing (valve)
Ch. 14	Heating and Cooling Equipment		
	M1401.1-M1401.3	Plumbing	Plumbing
	M1401.4	Building/Plumbing	Plumbing, except for proper support of the equipment, which is Building
	M1401.5	Building/Plumbing	Plumbing
	M1402.1-M1402.3	Electrical for electric appliances/Plumbing for oil-fired appliances	Electrical for electric appliances/Plumbing for oil-fired appliances
	M1403.1	Electrical	Electrical
	M1404.1	Plumbing	Plumbing
	M1405-M1406.5	Electrical	Electrical
	M1407.1-M1407.4	Building/Fire	Building
	M1407.5	Electrical	Electrical

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	M1408-M1410	Building/Fire	Fire
	M1411-M1413	Plumbing	Plumbing
	M1414	Building/Fire	Fire
	M1415	Building/Fire	Building
Ch. 15	Exhaust Systems		
	M1501-M1502	Building/Fire	Building
	M1503	Building/Fire	Fire
	M1504	Building	Building
	M1505	Building	Building
Ch. 16	Duct Systems		
	M1601.1	Building	Building
	M1601.1.1-M1601.6	Building/Fire	Building
	M1602	Building/Fire	Building
Ch. 17	Combustion Air	Fire	Fire
Ch. 18	Chimneys and Vents		
	M1801-M1804	Building/Fire	Fire for labeled vents and factory-built chimneys/Building for masonry chimneys
	M1805	Building/Fire (Masonry)	Building (Masonry)

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
		Chimneys) Building/Fire (Factory-built chimneys)	Chimneys) Fire (Factory-Built chimneys)
Ch. 19	Special Fuel-Burning Equipment		
	M1901	Building/Fire	Fire
	M1902.1-M1902.2	Building	Building
	M1902.3	Fire	Fire
	M1902.4	Building	Building
	M1903-M1904	Building/Fire	Fire
Ch. 20	Boilers/Water Heaters	Plumbing	Plumbing
Ch. 21	Hydronic Piping, except	Plumbing	Plumbing
	M2101.6		
	M2101.6	Building/Plumbing	Building
Ch. 22	Special Piping and Storage Systems		
	M2201	Fire	Fire
	M2201.3	Building/Fire/Plumbing	Building
	M2202-M2204	Plumbing	Plumbing
Ch.	Solar Systems		

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
23	M2301.2.1-M2301.2.2	Building	Building
	M2301.2.3-M2301.5	Plumbing	Plumbing
	M2301.6	Building	Building
	M2301.7-M2301.7.2	Plumbing	Plumbing
Ch. 24	Fuel Gas		
	G2404.2-G2404.3	Fire	Fire
	G2404.4-2404.9	Building	Building
	G2404.10-G2404.11	Plumbing	Plumbing
	G2405	Building	Building
	G2406	Plumbing	Plumbing
	G2407-G2409	Fire	Fire
	G2410	Electrical	Electrical
	G2411	Plumbing/Electrical	Plumbing-except when bonded to electrical service equipment, then Electrical
	G2412-G2424	Plumbing	Plumbing
	G2425.1-G2425.2	Building/Fire	Fire
	G2425.3	Building/Fire	Building
	G2425.4-G2425.6	Building/Fire	Fire
	G2425.7	Building/Fire	Building
	G2425.8-G2425.10	Building/Fire	Fire



## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	G2425.11	Building/Fire	Building
	G2425.12-G2425.15.1	Building/Fire	Fire
	G2425.15.2	Fire	Fire
	G2425.15.3	Building/Fire	Building
	G2425.15.4-G2427.5.1	Building/Fire	Fire
	G2427.5.2	Building/Fire	Building
	G2427.5.3-G2427.5.6.4	Building/Fire	Fire
	G2427.5.7	Building	Building
	G2427.5.9	Building/Fire	Fire
	G2427.5.10	Building/Fire	Fire
	G2427.6-G2427.8	Building/Fire	Fire
	G2427.9	Plumbing	Plumbing
	G2427.10.1-G2430.1	Building/Fire	Fire
	G2430.2	Building/Fire	Building
	G2432-G2434	Plumbing/Fire	Plumbing
	G2435	Plumbing/Fire	Fire
	G2436-G2440.3	Building/Fire	Building
	G2440.4-2440.5	Building/Fire	Fire
	G2440.6-2440.7	Building/Fire	Building
	G2441	Plumbing	Plumbing
	G2442	Building/Fire	Building
	G2443	Plumbing	Plumbing
	G2444-G2446	Building/Fire	Building
	G2447	Fire	Fire

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	G2448-G2449.3	Plumbing	Plumbing
	G2449.4-2450.3	Building/Fire	Building
	G2450.4	Plumbing	Plumbing
	G2451	Building/Fire	Building
	G2452-G2453	Fire/Plumbing	Plumbing
Ch. 29	Water Supply and Distribution<2>		
	P2904.1	Plumbing/Fire	Plumbing
	P2904.1.1-P2904.2.2	Fire	Fire
	P2904.2.3	Plumbing	Plumbing
	P2904.2.4-P2904.2.6	Fire	Fire
	P2904.3-P2904.3.3	Plumbing	Plumbing
	P2904.3.4	Fire/Plumbing	Plumbing
	P2904.4	Fire/Plumbing	Fire
	P2904.5-P2904.6	Fire/Plumbing	Plumbing
	P2904.7	Fire/Plumbing	Fire
	P2904.8.1 #1	Fire	Fire
	P2904.8.1 #2	Fire	Fire
	P2904.8.1 #3	Fire	Fire
	P2904.8.1 #4 - #6	Fire/Plumbing	Plumbing
	P2904.8.1 #7 and #8	Plumbing	Plumbing
	P2904.8.2 #1	Fire	Fire

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	P2904.8.2 #2 - #4	Fire/Plumbing	Fire
App x	Patio Covers	Building	Building
AH			
App x	Sound	Building	Building
AK	Transmission		
App x	Tiny Homes	Building/Fire (except that	Building (except that
AQ		for AQ106, responsibility shall be as applicable)	for AQ106, responsibility shall be as applicable)
App x	Strawbale	Building	Building
AS	Construction		
App x	Solar-Ready	As applicable	As applicable
AT	Provisions--Detached One- and Two-Family Dwellings and Townhouses		
App x	Cob	Building	Building
AU	Construction		

## § 5:23-3.4 Responsibilities

<b>Chapter</b>	<b>Section/Title</b>	<b>Responsibility</b>	<b>Inspection</b>
		<b>Plan Review</b>	
	(Monolithic Adobe)		
App x	3D-Printed	Building	Building
AW	Building Construction		

## § 5:23-3.4 Responsibilities

Note 1: Penetrations in existing buildings shall be the responsibility of the subcode with plan review and inspection responsibility for the item doing the penetration.

Note 2: For multi-purpose systems installed in accordance with NFPA 13D, the assignment of enforcement responsibilities shall be the same as the assignment of enforcement responsibilities for systems installed in accordance with P2904.

## 7. Fuel Gas Subcode:

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Respo nsibili ty</b>	<b>Inspection</b>
Ch. 3	General		
	Regulations		
	301.1	Fire	Fire
	301.2	Buildin g	Building
	301.3-301.5	Fire	Fire
	301.6-301.7	Plumbi ng	Plumbing
	301.8-301.12	Buildin g	Building
	301.13	Buildin g/Fire	Building
	301.14-301.15	Buildin g	Building
	302	Buildin g	Building
	303	Plumbi ng	Plumbing
	304-305	Fire	Fire
	306-306.3	Buildin g	Building
	306.3.1	Electri cal	Electrical
	306.4	Buildin g	Building
	306.4.1	Electri cal	Electrical
	306.5-306.5.1	Buildin g	Building
	306.5.2	Electri cal	Electrical

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
		<b>Plan Review</b>	
	306.6	Building/Fire	Building
	307	Plumbing	Plumbing
	308	Fire	Fire
	309	Electrical	Electrical
	310	Plumbing/ Electrical	Plumbing-except when bonded to electrical service equipment, then Electrical
Ch. 4	Gas Piping Installation	Plumbing	Plumbing
Ch. 5	Chimneys and Vents	Building/Fire	Fire (except 501.3, 501.11, 501.15.3, 503.5.3, 503.5.8-503.5.10, 503.5.11)
	501.3	Building/Fire	Building
	501.11	Building/Fire	Building
	501.15.3	Building/Fire	Building
	503.5.3	Building/Fire	Building
	503.5.8-503.5.10	Building	Building
	503.5.11	Building/Fire	Fire
Ch. 6	Specific Appliances		
	602-603	Plumbing/Fire	Plumbing
	604	Building/Fire	Building

## § 5:23-3.4 Responsibilities

<b>Ch apt er</b>	<b>Section/Title</b>	<b>Respo nsibili ty</b>	<b>Inspection</b>
		<b>Plan Revie w</b>	
	605	Fire/Pl umbin g	Fire
	606-607	Buildin g/Fire	Fire
	608-615	Buildin g/Fire	Building
	616	Fire	Fire
	617	Electri cal/  Plumbi ng	Electrical if electric/Plumbing if  oil fired
	618	Buildin g/Fire	Building
	619	Plumbi ng	Plumbing
	620-622	Buildin g/Fire	Building
	623	Fire	Fire
	624	Plumbi ng	Plumbing
	625	Buildin g/Fire	Building
	626	Plumbi ng	Plumbing
	627.1-627.3	Plumbi ng	Plumbing
	627.4-627.7	Buildin g/Fire	Building
	627.8-627.9	Plumbi ng	Plumbing
	627.10	Electri cal	Electrical
	628.1-628.3	Buildin g/Fire	Building
	628.4	Plumbi ng	Plumbing
	629-630	Buildin g/Fire	Building

## § 5:23-3.4 Responsibilities

Chapter	Section/Title	Responsibility	Inspection
	631-632	Plumbing	Plumbing
	633	Fire	Fire
	634	See Chapter 7	See Chapter 7
	635	Fire/Plumbing	Plumbing
Ch. 7	Gaseous Hydrogen Systems		
	703.1	Building	Building
	703.2	Building/Fire	Fire
	703.3-703.5	Fire	Fire
	703.6	Electrical	Electrical
	704.1	Fire	Fire
	704.1.1	Fire	Fire
	704.1.2	Plumbing	Plumbing
	704.2-704.4	Fire	Fire
	705	Plumbing	Plumbing
	706.1	Building	Building
	706.2	Building/Fire	Fire
	706.3	Fire	Fire
	707-708	Fire	Fire

8. Elevator Subcode: All (except as provided for in N.J.A.C. 5:23-12 )

9. Radon Hazard Subcode: Plan review and inspection with regard to compliance with [N.J.A.C. 5:23-10.4\(b\)](#) and (c) shall be the responsibility of the building subcode official, except that [N.J.A.C. 5:23-10.4\(b\)](#) 13 and (c)14 shall be the responsibility of the electrical subcode official.



## § 5:23-3.4 Responsibilities

(b) Where responsibility for enforcement of a section is joint between two officials and there are conflicting opinions regarding enforcement, the construction official shall rule as to which interpretation or application shall be followed.

(c) Responsibility for enforcement of the Radon Hazard Subcode shall be in accordance with [N.J.A.C. 5:23-10.3](#).

(d) Any mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have the responsibility for enforcement of the provisions of the code, except work involving the installation or replacement of backflow preventers or electrical work, for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in existing buildings of Group R-3 or R-5. For a new installation, the mechanical inspector shall have this enforcement responsibility provided that the installation does not penetrate a fire-rated assembly.

1. When no mechanical inspector is assigned, the construction official shall assign the plumbing subcode official or a plumbing inspector, who shall have the responsibility for the enforcement of provisions of the code, except electrical, for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, in existing buildings of Group R-3 or R-5. A plumbing subcode official or plumbing inspector need not be a mechanical inspector to perform these inspections.

## History

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### HISTORY:

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a) , 13 N.J.R. 258(d) .

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

See: 18 N.J.R. 1235(a) , 18 N.J.R. 1931(a) , 18 N.J.R. 2063(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) .

(f)4 added; old (f)4-6 renumbered (f)5-7.

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

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

(a)1 through 4: model subcode revisions.

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

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

Provisions for enforcement of radon subcode added at (g).

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

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

Text conformed to BOCA National Code/1990.

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

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

## § 5:23-3.4 Responsibilities

Other elevator devices covered; enforcement responsibilities clarified.

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a) , 24 N.J.R. 1397(a) .

Elevators wholly within R-2 residences exempt.

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

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

Enforcement of indoor air quality subcode assigned to building subcode official.

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

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

Added subsection (j); deleted "Allocation of enforcement" from heading.

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.143, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4872(a) , 27 N.J.R. 1179(b) .

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

See: [29 N.J.R. 2736\(a\)](#) , [29 N.J.R. 4281\(a\)](#) .

In (g), deleted reference to exception to exclusive authority provided in [N.J.A.C. 5:23-3.11\(h\)](#) .

Amended by R.1997 d.418, effective October 6, 1997.

See: [29 N.J.R. 3402\(a\)](#) , [29 N.J.R. 4286\(a\)](#) .

In (f), inserted reference to (j); and added (j)1.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#) , [30 N.J.R. 129\(a\)](#) .

Inserted (k) stating responsibility for the enforcement of the rehabilitation subcode.

Repeal and New Rule, R.1998 d.332, effective July 6, 1998.

See: [30 N.J.R. 1377\(a\)](#) , [30 N.J.R. 2421\(b\)](#) .

Section was "Responsibility".

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

See: [31 N.J.R. 825\(a\)](#) , [31 N.J.R. 2330\(a\)](#) .

In (d)1 and (d)2, under "MECHANICAL SUBCODE", added references to [N.J.A.C. 5:23-3.20\(c\)](#) .

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

See: [31 N.J.R. 4151\(a\)](#) , [32 N.J.R. 1376\(a\)](#) .

In (b)2, changed Chapter 21 and Chapter 31 through 33 references in the Building Subcode, and inserted Chapter 12 reference in the Mechanical Subcode; and in (d)2, deleted a former Chapter 21 reference in the Building Subcode, and changed Chapter 12 reference in the Mechanical Subcode.

## § 5:23-3.4 Responsibilities

Amended by R.2001 d.141, effective May 7, 2001.

See: [32 N.J.R. 3917\(a\)](#), [33 N.J.R. 746\(a\)](#), [33 N.J.R. 1399\(d\)](#).

In (b)1 and (b)2, deleted "as follows: (All except M-801.2)" following "Chapter 8" in the Mechanical Code; in (d)1, deleted "Chapter 8 as follows: M-801.2" in the Mechanical Code; in (d)2, deleted "3007.3" following "413.5.2", inserted "3305.0" following "414.5", and deleted "408.3.1", "3305.0" and "414.5" at the end of the Building Subcode, and deleted "Chapter 8 as follows: M-801.2" in the Mechanical Subcode.

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

See: [33 N.J.R. 6\(a\)](#), [33 N.J.R. 2090\(a\)](#).

In (a)1, (a)2, (b)1, (b)2, (d)1 and (d)2, rewrote Mechanical Subcode and inserted Fuel Gas Subcode.

Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).

See: [33 N.J.R. 1241\(a\)](#), [33 N.J.R. 2471\(a\)](#).

In "ENERGY SUBCODE" categories of (a) through (c), listed specific sections of Chapters 5 and 6, relating to building subcode official responsibility.

Administrative correction.

See: [33 N.J.R. 3308\(a\)](#).

Amended by R.2002 d.6, effective January 7, 2002.

See: [33 N.J.R. 2570\(a\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 268\(a\)](#).

In (a), inserted "ELECTRICAL SUBCODE" in categories 1 and 2, and updated references to officials in "ENERGY SUBCODE" category 1; in (c)1 and 2, updated "ELECTRICAL SUBCODE" chapter references.

Amended by R.2003 d.240, effective June 16, 2003.

See: [34 N.J.R. 3045\(a\)](#), [35 N.J.R. 2637\(c\)](#).

In (c)2, added " [N.J.A.C. 5:23-3.16\(c\)](#) Automatic rain sensor device".

Amended by R.2003 d.418, effective November 3, 2003.

See: [35 N.J.R. 21\(a\)](#), [35 N.J.R. 5064\(a\)](#).

Rewrote the section.

Amended by R.2004 d.131, effective April 5, 2004.

See: [35 N.J.R. 5336\(a\)](#), [36 N.J.R. 1755\(a\)](#).

In (a), (b), and (c), inserted "CABO Model Energy Code" following "ENERGY SUBCODE" and added ASHRAE Standard 90.1 tables throughout.

Amended by R.2004 d.312, effective August 16, 2004.

See: [35 N.J.R. 4947\(a\)](#), [36 N.J.R. 3894\(d\)](#).

Rewrote the section.

Administrative correction.

See: [37 N.J.R. 269\(a\)](#).

Amended by R.2005 d.364, effective November 7, 2005.

## § 5:23-3.4 Responsibilities

See: [37 N.J.R. 2112\(a\)](#), [37 N.J.R. 4216\(a\)](#).

Rewrote the section.

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

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

Rewrote (a)3.

Administrative correction.

See: [38 N.J.R. 926\(a\)](#).

Administrative correction.

See: [38 N.J.R. 1827\(b\)](#).

In (a)3, Note 1 of the table, inserted "in" following "not installed".

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

Added (a)9.

Amended by R.2008 d.112, effective May 5, 2008.

See: [39 N.J.R. 4366\(a\)](#), [40 N.J.R. 2229\(a\)](#).

In the table at (a)1, rewrote entries in "Ch. 4", "Ch. 16", "Ch. 30" and "Ch. 31", and in entries "Ch. 5" and "Ch. 6", inserted "/Fire" in the third column; in the table at (a)2, deleted entry "Ch. 17" and added entries "Ap. J", "Ap. K" and "Ap. L"; rewrote tables at (a)4, (a)5 and (a)6; and in the table at (a)7, under "Ch. 6", inserted entry "635" and rewrote entry "Ch.7".

Amended by R.2009 d.51, effective February 2, 2009.

See: [40 N.J.R. 5325\(a\)](#), [41 N.J.R. 738\(a\)](#).

In the table in (a)1, in the entry for "Ch. 9", inserted "909.12.1 and 910.4.4" in column "Section/Title" and, under the sub-headings "Plan Review" and "Inspection" under column "Responsibility", inserted "(except 909.12.1 and 910.4.4)" following "Fire" and inserted "Fire/Electric"; and in (c), updated the first N.J.A.C. reference.

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

Rewrote the tables in (a)1 through (a)7.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In the table in (a)6, for the "Appx G" entry, substituted "105.1-105.4" for "105" and inserted "105.5" under the "Section/Title" heading, and under the sub-headings "Plan Review" and "Inspection" under column "Responsibility", inserted "Electrical".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

In the introductory paragraph of (d), inserted ", or stand-by power generators"; and rewrote (d)1.

Amended by R.2016 d.031, effective April 4, 2016.

## § 5:23-3.4 Responsibilities

See: [47 N.J.R. 2323\(a\)](#), [48 N.J.R. 581\(a\)](#).

Rewrote the section.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (a)2 table row 10.5.9, updated the "Inspection Responsibility"; in (a)4, International Energy Conservation Code table, deleted the row for "R403.2"; in (a)6 table, deleted the row for "N1103.2"; and rewrote (d).

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In the table in (a)1, rewrote entries in "Ch. 7" and "Ch. 31"; and in the table in (a)6, rewrote entries at "R302" and "R326".

Amended by R.2020 d.119, effective November 2, 2020.

See: [52 N.J.R. 371\(a\)](#), [52 N.J.R. 1999\(a\)](#).

Rewrote the tables in (a)1, (a)2, and (a)4 through (a)7.

Administrative correction, effective February 23, 2021.

See: [53 N.J.R. 512\(a\)](#).

Administrative correction, effective March 2, 2021.

See: [53 N.J.R. 512\(b\)](#).

Administrative correction, effective April 12, 2021.

See: [53 N.J.R. 775\(a\)](#).

Administrative correction, effective April 26, 2021.

See: [53 N.J.R. 999\(a\)](#).

Amended by R.2022 d.022, effective February 7, 2022.

See: [53 N.J.R. 1133\(a\)](#), [54 N.J.R. 263\(a\)](#).

In (a)1 and (a)6, table rows ISPSC, Section 305, deleted "Exception 1" preceding "which"; in (a)5 table, inserted the row for "301.19"; and in (a)6 table, inserted the row for "M1307.7".

Amended by R.2022 d.053, effective April 18, 2022.

See: [53 N.J.R. 105\(a\)](#), [53 N.J.R. 1553\(a\)](#), [54 N.J.R. 713\(a\)](#).

Rewrote (a)1 table, Ch. 31, in (a)6 table, Ch. 3, substituted row "R324.2--Building/Fire/Plumbing" for "R324.2-R324.3--Electrical", inserted row for "R324.3"; and in row R324.7, substituted "Electrical/Fire" for "Building/Fire".

Amended by R.2023 d.029, effective March 6, 2023.

See: [54 N.J.R. 1230\(a\)](#), [55 N.J.R. 354\(a\)](#).

Rewrote the section.

Administrative correction, effective September 25, 2023.

See: [55 N.J.R. 2256\(a\)](#).

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Administrative correction, effective December 13, 2023.

See: [56 N.J.R. 139\(b\)](#).

NEW JERSEY ADMINISTRATIVE CODE

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End of Document

## [N.J.A.C. 5:23-3.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.5 Posting structures**

---

**(a)** Posted use and occupancy: Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use, (use groups B, F, H, M and S) as defined in chapter 3 of the building subcode shall be posted on all floors by the owner with a suitably designed placard in a form designated by the building subcode official, which shall be securely fastened to the structure in a readily visible place, stating the use group and the live load and occupancy load.

**(b)** Posted occupancy load: Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment (use groups A, E and I) shall be posted with an approved placard designating the maximum occupancy load.

**(c)** Replacement of posted signs: All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed, or defaced and, if lost, removed or defaced, shall be immediately replaced.

**(d)** Posted hydraulic system data plate: In lieu of the nameplate of the referenced NFPA standard(s), fire sprinkler system contractors are required to identify hydraulically designed fire sprinkler systems by affixing a permanently marked weatherproof metal or rigid plastic sign at the alarm valve. The nameplate shall contain information relative to the design parameters of the system as indicated on Form No. F380. The plate shall be secured at the alarm valve with corrosion resistant wire, chain, or other approved means.

**(e)** Identifying emblems for structures with truss construction: Identifying emblems shall be permanently affixed to the front of structures with truss construction as required by [N.J.A.C. 5:70-2.20](#).

1. The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by six inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem:

- i. "F" to signify a floor with truss construction;
- ii. "R" to signify a roof with truss construction; or
- iii. "F/R" to signify both a floor and roof with truss construction.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

3. Detached one and two-family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (e) above, unless required by municipal ordinance.

4. Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

## § 5:23-3.5 Posting structures

(f) Swimming pools, spas and hot tubs: A valid electrical certificate of compliance and a bonding and grounding certificate shall be posted by the owner in a conspicuous place in or around the pool pump house or equipment control room.

## History

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### HISTORY:

Amended by R.1989 d.555, effective November 6, 1989.

See: 21 N.J.R. 2783(a), 21 N.J.R. 3460(a).

Added reference to E Use Group (educational facilities) at (b).

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

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

Text conformed to BOCA National Code/1990.

Amended by R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

Added (f).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

Rewrote (d) and (e).

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

In (a), substituted "chapter 3" for "article 2".

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## [N.J.A.C. 5:23-3.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.6 Standards; accepted practice**

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(a) This chapter, together with the subcodes, national standards and appendices it adopts by reference, shall be the primary guide to accepted engineering practice in respect to any material, equipment, system or method of construction therein specified.

(b) When this chapter and the subcodes, national standards and appendices it adopts by reference are silent, a manufacturer's recommendations for the installation of any material or assembly may be considered to be accepted engineering practice; provided, however, that a manufacturer's recommendations shall not be read to overrule this chapter or any subcode, national standard or appendix which it adopts by reference.

1. Exception: Where enforcement of a code provision would violate the condition(s) of the listing of the equipment or appliance, the more restrictive condition(s) shall apply.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.283, effective June 20, 1988.

See: 20 N.J.R. 699(a), 20 N.J.R. 1343(c).

Old text repealed and new text substituted.

Amended by R.1998 d.28, effective January 5, 1998.

See: [29 N.J.R. 3603\(a\)](#), [30 N.J.R. 129\(a\)](#).

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Added (b)1.

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## [N.J.A.C. 5:23-3.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.7 Municipal approvals of alternative materials, equipment, or methods of construction**

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(a) Approvals: Alternative materials, equipment, or methods of construction shall be approved by the appropriate subcode official provided the proposed design is satisfactory and that the materials, equipment, or methods of construction are suitable for the intended use and are at least the equivalent in quality, strength, effectiveness, fire resistance, durability and safety of those conforming with the requirements of the regulations.

1. A field evaluation label and report or letter issued by a nationally recognized testing laboratory verifying that the specific material, equipment, or method of construction meets the identified standards or has been tested and found to be suitable for the intended use, shall be accepted by the appropriate subcode official as meeting the requirements of (a) above.
2. Reports of engineering findings issued by nationally recognized evaluation service programs, such as, but not limited to, the Building Officials and Code Administrators (BOCA), the International Conference of Building Officials (ICBO), the Southern Building Code Congress International (SBCCI), the International Code Council (ICC), and the National Evaluation Service, Inc., shall be accepted by the appropriate subcode official as meeting the requirements of (a) above. The materials, equipment, or assembly shall be installed in accordance with the conditions specified in the report.

(b) Research and investigations: The appropriate subcode official shall require that sufficient technical data be submitted to substantiate the proposed use of any material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of the regulations. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

(c) Research reports: The appropriate subcode official may accept, as supporting data to assist in this determination, duly authenticated research reports from approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in the regulations.

### **History**

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#### **HISTORY:**

Amended by R.1992 d.390, effective October 5, 1992.

See: 24 New Jersey Register 1844(a), 24 New Jersey Register 3515(b).

Reference to exception in 3.8 added.

Amended by R.2003 d.384, effective October 6, 2003.

See: [35 New Jersey Register 2422\(a\)](#), [35 New Jersey Register 4712\(a\)](#).

§ 5:23-3.7 Municipal approvals of alternative materials, equipment, or methods of construction

Rewrote (a).

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## [N.J.A.C. 5:23-3.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

#### **§ 5:23-3.8 Products violating the Code**

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- (a)** The Department shall, after public hearing and in accordance with the Administrative Procedure Act (P.L. 1968, c.410, as amended), establish and distribute to all enforcing agencies a list of items, devices and materials the regular and intended use of which would violate any provision of the State Uniform Construction Code. A list of such items is set forth in (d) below.
- (b)** Upon determining that any manufacturer or distributor in the State is selling or offering for retail sale any product on the list which does not have a regular and intended use that does not violate the Code, or any product which may have one or more such non-violative regular and intended use but which is being advertised or promoted for a use that does violate the Code, the Department or any enforcing agency having jurisdiction shall give written notice of the violation of N.J.S.A. 52:27D-138a(5) to such seller. Such notice shall forbid the further sale or offering for retail sale of such product within the State and shall specify a date and time by which such product shall be removed from display to customers.
- (c)** Any person who, having received a notice of violation pursuant to this section, continues to sell or offer for retail sale products specified in such notice, shall be deemed to be knowingly selling or offering the product for sale in violation of the Code and shall be subject to penalty as provided by statute, in accordance with the procedures set forth in [N.J.A.C. 5:23-2.31](#).
- (d)** The Commissioner has determined that the following materials and supplies are not in conformance with the State Uniform Construction Code:
1. Building materials and supplies:
    - i. Wood paneling being used as an interior finish not in conformance with Section 803.1 of the building subcode. This section specifies that finish shall be classified in accordance with ASTM E84 or other equivalent standards;
    - ii. Carpeting used as an interior floor finish material not in conformance with Section 804 of the building subcode. This section specifies that interior floor finish shall be classified in accordance with ASTM E648, or other equivalent standards; and
  2. Electrical materials/supplies:
    - i. As stated in the National Electrical Code (sections 90.7, 110.2, and 110.3 and Article 100), only products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM), or Canadian Standards Association (CSA), etc. Markings applied to products by such testing laboratories shall indicate the approval is based on applicable US standards.
  3. Plumbing materials/supplies:
    - i. All purpose solvent cement, except transition glues permitted in the plumbing subcode;
    - ii. Clear PB piping;
    - iii. Flexible traps and tailpieces;

## § 5:23-3.8 Products violating the Code

- iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B & S 17 gauge (.045 in.);
  - v. Water closets requiring in excess of an average of 1.6 gallons per flush, that either have a manufacturer's date stamp of July 1, 1991 or later or were not purchased by the distributor prior to July 1, 1991;
  - vi. Plumbing fixtures that do not meet the standards listed in the plumbing subcode.
4. Miscellaneous materials and supplies:
- i. Portable unvented natural gas, liquified petroleum gas and kerosene heaters when offered for sale for use in buildings for human occupancy, unless they are tested, listed, labeled and certified by a nationally recognized testing laboratory such as the American Gas Association Laboratories (AGA), Underwriters Laboratories. Inc. (UL) or Factory Mutual (FM);
  - ii. Urea formaldehyde foam insulation, unless offered for sale for use elsewhere than in buildings.

## History

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### HISTORY:

R.1983 d.296, effective August 1, 1983.

See: 15 N.J.R. 587(a), 15 N.J.R. 1247(a).

Amended by R.1985 d.38, effective February 19, 1985.

See: 16 N.J.R. 3074(a), 17 N.J.R. 421(a).

(d) added.

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

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

(d)1i and ii: 904.2 was 1404.2; 904.3 was 1404.3.

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.1992 d.47, effective February 3, 1992.

See: 23 N.J.R. 3602(a), 24 N.J.R. 405(a).

Low volume water closet exception added at (d)4iii.

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

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

Amended by R.1997 d.508, effective December 1, 1997.

See: [29 N.J.R. 3762\(a\)](#), [29 N.J.R. 5062\(a\)](#).

In (d)2i, added reference to CSA/NRTL standards; in (d)3i, added the exception for transition glues; and inserted (d)3vi.

Recodified from N.J.A.C. 5:23-3.8A by R.2003 d.384, effective October 6, 2003.

See: [35 N.J.R. 2422\(a\)](#), [35 N.J.R. 4712\(a\)](#).

## § 5:23-3.8 Products violating the Code

Former [N.J.A.C. 5:23-3.8](#), Department approval of nonconforming materials, repealed.

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

In (d)2i, updated the National Electrical Code references, deleted "/Nationally Recognized Testing Laboratory" following "Canadian Standards Association" and "/NRTL" following "CSA", and inserted the last sentence.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (d)1i, substituted "803.1" for "803.2"; and in (d)1ii, substituted "804" for "805.2".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (d)1i and (d)1ii, substituted "Section" for "section"; in (d)1i, inserted "or other equivalent standards"; and (d)1ii, inserted ", or other equivalent standards".

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## [N.J.A.C. 5:23-3.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.9 Interpretations and opinions**

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(a) Whenever the Commissioner shall, in accordance with applicable provisions of the Administrative Procedure Act, make any rule constituting an interpretation of any provision of the regulations, such shall be binding provided, however, that such interpretations shall be prospective in nature. Such interpretations shall not alter the ruling of a subcode official already rendered in a specific instance relating to a specific permit or structure. Requests for interpretations shall be in the form, and submitted in accordance with the procedure, set forth in N.J.A.C. 5:2-2.

(b) In response to a written inquiry or request setting forth a specific factual situation, or upon its own initiative, the Construction Code Element may issue a formal technical opinion to clarify provisions of the adopted subcodes. Such formal technical opinion shall be signed by the Assistant Director of the Element and shall be binding upon the Element and upon other code enforcement agencies and licensed officials. Formal technical opinions shall be prospective in nature, shall be based upon adopted subcodes or upon authoritative test results or standards incorporated by reference into an adopted subcode and shall not alter the ruling of a licensed official already rendered in a specific instance relating to a specific permit or structure, except that any such formal technical opinion may be considered in the context of an appeal from any such ruling.

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

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

### **History**

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#### **HISTORY:**

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

See: 13 New Jersey Register 561(a), 13 New Jersey Register 886(a).

Section substantially amended.

Administrative Correction: Name change.

See: 22 New Jersey Register 2503(b).

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

§ 5:23-3.9 Interpretations and opinions

See: 27 New Jersey Register 1512(a), 27 New Jersey Register 2388(a).

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

Administrative correction.

See: [31 New Jersey Register 4259\(a\)](#).

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## [N.J.A.C. 5:23-3.10](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.10 (Reserved)**

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### **History**

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#### **HISTORY:**

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 22 New Jersey Register 2208(a), 22 New Jersey Register 3214(a).

Text conformed to BOCA National Code/1990.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Section was "Enforcing agency classification".

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## [N.J.A.C. 5:23-3.11](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.11 Enforcement activities reserved to the Department**

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(a) Except as otherwise provided at [N.J.A.C. 5:23-3.11A\(b\)](#), the Department of Community Affairs shall be the sole plan review agency for the following structures, plans, and equipment:

1. Electrical generating stations, including nuclear;
2. Incineration plants;
3. Solid waste disposal plants;
4. Class 1 and Class 2 structures where required in accordance with [N.J.A.C. 5:23-4.3A](#) and [4.24\(b\)2](#);
5. Casino hotels;
6. Public mausoleums, vaults, crypts and other structures intended to hold or contain human remains;
7. All premanufactured systems for Class 1 and Class 2 structures, other than those authorized to be approved by an inplant inspection agency licensed to perform Class 1 and Class 2 plan review as provided in [N.J.A.C. 5:23-4A.7](#), and all on-site installation of Class 1 and Class 2 premanufactured construction within the jurisdiction of a local enforcing agency that is not a Class 1 or Class 2 agency, as the case may be.
8. Health care facilities, as defined at [N.J.A.C. 5:23-1.4](#);
9. Public school facilities, as defined in [N.J.A.C. 5:23-1.4](#);
10. Prototype plans intended for use in more than one municipality;
11. High level alarm systems in terminals, as defined in [N.J.S.A. 52:27D-214](#); and
12. Stadiums, arenas and theaters with an occupant load of 5,000 or greater.

(b) The Department of Community Affairs shall be the sole plan review agency for elevators, escalators, and moving walks in structures of Groups other than R-2, R-3, R-4, or R-5 in which the elevator devices are wholly within dwelling units and not accessible to the general public, in all buildings and structures other than those that:

1. Are in a municipality that has an elevator subcode official; and
2. Are otherwise within the plan review jurisdiction of the local enforcing agency.

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

1. Exception: In the case of a permit application based upon prototype plans released by the Department, it shall be the responsibility of the applicant to submit the items listed at [N.J.A.C. 5:23-2.15\(f\)2ii](#), including a reference set of plans, the prototype file identification number, the plan number and date of the released prototype plan, to the municipal enforcing agency.

## § 5:23-3.11 Enforcement activities reserved to the Department

- (d)** The department may perform field inspections for any of the above projects when it deems such activity appropriate. However, such action shall not relieve the municipality of the obligation to perform field inspections for any project for which the municipality has granted a permit.
- (e)** Whenever the department shall determine that there exists a violation of these regulations, it shall take appropriate action and shall provide the municipality with copies of all notices, orders, and other applicable information. The department and any municipality may consolidate or take other steps to expedite any matter of which they jointly complain, but in no event shall the owner of any building subject to the act be sanctioned twice for the same violations.
- (f)** In any case where the department shall notify a municipality that a violation exists, no certificate of occupancy may issue until the department notifies the municipality that the violation has been abated.
- (g)** The Department of Community Affairs shall be the sole agency for the enforcement of the Barrier Free Recreation Standards ([N.J.A.C. 5:23-7.16](#) through [7.32](#)). Any complaint of noncompliance with these rules shall be forwarded to the Department.
- (h)** The Department of Community Affairs shall be the sole agency having authority to grant variations from the requirements of the Asbestos Hazard Abatement Subcode, pursuant to [N.J.A.C. 5:23-8.4](#).
- (i)** The Department of Community Affairs shall be the sole agency for the enforcement of the Playground Safety Subcode (N.J.A.C. 5:23-11) with regard to all matters not within the scope of a construction permit issued by a local enforcing agency; provided, however, that this subsection shall not be construed as prohibiting the Department of Education from including review of compliance with applicable playground requirements in its ongoing district monitoring process.
- (j)** The Department shall be the sole enforcing agency for the following work:
1. Amusement rides and any portable generator and associated portable distribution wiring that serves portable amusement rides, portable concessions, portable ticket booths, and other portable structures that are ancillary in nature at carnivals and fairs;
  2. Ski lifts;
  3. Billboards located on land owned or controlled by any State, county or local department, agency, board, commission, authority, or instrumentality; and
  4. Liquefied petroleum gas installations, except vapor delivery installations utilizing containers with an aggregate water capacity of 2,000 gallons or less, which jurisdiction is retained by the municipal enforcing agency.
- (k)** The Department shall be the sole enforcing agency for Cooperative Sober Living Residences licensed as Class F rooming houses pursuant to [N.J.A.C. 5:27](#).

## History

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### HISTORY:

Amended by R.1981 d.455, effective December 7, 1981.

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

Correction: Codification error and (a)6 was missing.

See: 16 N.J.R. 1621(a).

Administrative Change: This section has been divided into 3.11 and 3.11A administratively.

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

Amended by R.1988 d.352, effective August 1, 1988.

## § 5:23-3.11 Enforcement activities reserved to the Department

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

Added (f).

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Industrialized/modular buildings requirements added to (a)7.

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

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

Text conformed to BOCA National Code/1990.

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

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

Enforcement of elevator, moving walk and escalator requirements for other than R-3 and R-4 reserved to Department.

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

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

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

Enforcement of public employees' indoor air quality subcode assigned to DCA.

Amended by R.1994 d.28, effective January 18, 1994.

See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).

Amended by R.1994 d.96, effective February 22, 1994.

See: 26 N.J.R. 1073(a).

Amended by R.1997 d.377, effective September 15, 1997.

See: [29 N.J.R. 2741\(b\)](#), [29 N.J.R. 4102\(b\)](#).

In (g), amended N.J.A.C. references; deleted (g)1; and substantially amended (h).

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

In (a), inserted "Except as otherwise provided ... and (d),"; added (a)8 and 9; and in (g), amended N.J.A.C. references.

Amended by R.1999 d.351, effective October 18, 1999.

See: [31 N.J.R. 1838\(a\)](#), [31 N.J.R. 3082\(a\)](#).

Added (i).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (a), changed N.J.A.C. reference; and added (j).

Amended by R.2001 d.127, effective April 16, 2001.

## § 5:23-3.11 Enforcement activities reserved to the Department

See: [33 N.J.R. 392\(a\)](#), [33 N.J.R. 1195\(a\)](#).

In (g), amended the N.J.A.C. reference.

Amended by R.2001 d.141, effective May 7, 2001.

See: [32 N.J.R. 3917\(a\)](#), [33 N.J.R. 746\(a\)](#), [33 N.J.R. 1399\(d\)](#).

In (j)6, inserted "or vapor delivery installations utilizing containers with an aggregate water capacity of 2,000 gallons or less," following "(building subcode Use Group R-3/R-4)".

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (b), substituted "moving walks in structures of Groups other than R-2, R-3, R-4, or R-5" for "moving walks in Use Groups R-3, R-4, or R-2 structures" preceding "in which the elevator devices are wholly within dwelling units".

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

Added (a)10; in (c), substituted "released" for "approved" following "enforcing agency receives a copy of the" and added 1.

Administrative correction.

See: [36 N.J.R. 1757\(a\)](#).

Amended by R.2004 d.260, effective July 6, 2004.

See: [35 N.J.R. 3474\(b\)](#), [36 N.J.R. 3274\(a\)](#).

In (j), rewrote 3, deleted former 4 and 5, and recodified former 6 as 4.

Amended by R.2004 d.291, effective August 2, 2004.

See: [36 N.J.R. 1858\(a\)](#), [36 N.J.R. 3525\(b\)](#).

In j(4), deleted, "one- and two-family residential (building subcode Use Groups R-3 and R-5) or" preceding "vapor delivery".

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

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

In (a), added ", plans and equipment" to the introductory paragraph and added (a)11.

Administrative correction.

See: [38 N.J.R. 3024\(a\)](#).

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (a)10, deleted "and" from the end; in (a)11, substituted "; and" for a period at the end; and added (a)12.

Amended by R.2012 d.179, effective November 5, 2012.

## § 5:23-3.11 Enforcement activities reserved to the Department

See: [44 N.J.R. 1679\(a\)](#), [44 N.J.R. 2557\(a\)](#).

Rewrote (j)1.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In (a)4 and (a)7, substituted "Class 1" for "Class I" and "Class 2" for "Class II" throughout; and in (a)4, deleted "[N.J.A.C. 5:23](#)-" preceding "4.24(b)2".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

In (a)8, inserted ", and residential health care facilities licensed pursuant to [N.J.A.C. 5:27A](#)".

Amended by R.2018 d.060, effective January 16, 2018.

See: [49 N.J.R. 1276\(a\)](#), [50 N.J.R. 310\(a\)](#).

Added (k).

Administrative correction, effective October 5, 2020.

See: [52 N.J.R. 1822\(a\)](#).

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

In the introductory paragraph of (a) and (a)8, substituted "at" for "in"; in (a)1, deleted "and substations" following "stations"; and in (a)8, deleted ", and residential health care facilities licensed pursuant to [N.J.A.C. 5:27A](#);" from the end.

Amended by R.2023 d.138, effective December 4, 2023.

See: [55 N.J.R. 1056\(a\)](#), [55 N.J.R. 2403\(a\)](#).

In (g), updated the N.J.A.C. reference.

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## [N.J.A.C. 5:23-3.11A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

## **§ 5:23-3.11A Public school facility plan review and inspections; Uniform Construction Code enhancements in public school facilities**

---

**(a)** Plan review shall be performed by the Department of Community Affairs. A Department of Education approval shall be submitted prior to the release of plans for projects subject to the Department of Education review pursuant to N.J.A.C. 6A:26-3.

1. Plan review for the construction of a new school shall always be the responsibility of the Department. For projects other than the construction of a new school, the local enforcing agency may review the plans in accordance with (b) below.

**(b)** In lieu of obtaining construction code plan review and release from the Department of Community Affairs, a school district may secure construction code plan review and release from a municipal code enforcing agency, pursuant to P.L. 1990, c.23.

1. The municipal code enforcing agency providing construction code plan approval must agree to perform the review and must be appropriately classified for the proposed project in accordance with this chapter.

i. The municipal code enforcing agency in the municipality where the proposed project is to take place shall be given the right of first refusal to review the plans provided that the agency is appropriately classified for the proposed project in accordance with this chapter.

2. The municipal code enforcing agency performing the construction code plan review may require the payment of any municipal plan review fees.

3. No construction permit shall be issued for a public school facility unless and until the final plans and specifications have been released by the Department or an appropriately classified municipal code enforcing agency.

4. The municipal code enforcing agency within the jurisdiction in which the facility is located shall be responsible for construction permit issuance, construction inspection and certificate of occupancy issuance.

5. Amendments to released plans and specifications for reasons other than educational adequacy shall be submitted for review and release to the Department or the municipal code enforcing agency, whichever originally released the plans.

6. Release of the plans by the Department or the municipal code enforcing agency, as the case may be, shall not preclude the enforcing agency doing the inspection from issuing a stop work order in the event of a violation of the code. The enforcing agency doing the inspection shall not, however, issue a stop work order based on its disagreement with the released plans unless the agency that released the plans, be it the Department or another local enforcing agency, agrees that the issuance of such an order is appropriate. In the event that the enforcing agency doing the inspection believes there to be an error in the plans, that enforcing agency shall give prompt notice of the error that is believed to exist to the Department or the municipal agency that reviewed the plans, as the case may be.

§ 5:23-3.11A Public school facility plan review and inspections; Uniform Construction Code enhancements in public school facilities

(c) The Department or the municipal code enforcing agency providing construction code plan release or inspection shall be responsible for enforcing the following Uniform Construction Code enhancements in public school facilities:

1. Each instructional space and room of assembly which is illuminated with the use of high intensity discharge (HID) sources, such as mercury vapor, high pressure sodium and metal halide lamps, shall also be provided with a second source of illumination to provide illumination instantly upon activation of the circuit. All high intensity discharge (HID) lamps shall be of the fail-safe type which will permanently extinguish within 15 minutes after the outer glass of the bulb is broken. All lamps shall be provided with a glass or plastic lens to protect the bulb.
2. All school buildings shall be equipped with a mechanical air supply and exhaust ventilation system which will provide, during periods of occupancy, standard tempered outdoor air supply and mechanical exhaust at the minimum rates set forth in the mechanical subcode.

(d) Pursuant to Reorganization Plan No. 114-1996, the Department or the municipal code enforcing agency shall have authority to enforce and cite violations of [N.J.A.C. 6A:26-6.3](#), [6.4](#), and [8.1](#).

## History

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### HISTORY:

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

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

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

Administrative Change: This section was originally part of [N.J.A.C. 5:23-3.11](#).

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

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

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

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

Administrative Correction to (c).

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

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

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

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

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

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

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

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

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

Amended by R.1997 d.417, effective October 6, 1997.



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See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

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

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

See: [30 N.J.R. 1377\(a\)](#), [30 N.J.R. 2421\(b\)](#).

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

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

Rewrote the section.

Amended by R.2001 d.127, effective April 16, 2001.

See: [33 N.J.R. 392\(a\)](#), [33 N.J.R. 1195\(a\)](#).

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

Administrative change.

See: [33 N.J.R. 4101\(a\)](#).

Amended by R.2004 d.68, effective February 17, 2004.

See: [35 N.J.R. 4630\(a\)](#), [36 N.J.R. 952\(a\)](#).

In (b), inserted "and approval by" following "upon notice to" and substituted "a" for "any" preceding "municipal code" in the introductory paragraph and added 1i; in (c), rewrote the introductory paragraph of 1, substituted a reference to the building subcode for a reference to BOCA/96 section 918.5 in 2 and substituted a reference to the mechanical subcode for a reference to the BOCA National Mechanical Code in 4.

Administrative correction.

See: [41 N.J.R. 2648\(a\)](#).

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Rewrote the introductory paragraph of (a); deleted (a)1 through (a)5; deleted (c)1 through (c)2; recodified former (c)3 and (c)4 as (c)1 and (c)2; and in (d), substituted "6.3, 6.4, and 8.1" for "6.2".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

Added (a)1; and in the introductory paragraph of (b), deleted ", upon notice to and approval by the Department," following "district".

§ 5:23-3.11A Public school facility plan review and inspections; Uniform Construction Code enhancements in public school facilities

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End of Document

## [N.J.A.C. 5:23-3.11B](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

### **§ 5:23-3.11B Underground storage tank systems**

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- (a) The installation, repair (other than "minor repair," as defined in [N.J.A.C. 7:14B-10.5](#)), and closure (or "demolition") of underground storage tank systems, as defined in [N.J.A.C. 7:14B-10.1](#), shall be controlled by the State Uniform Construction Code and by N.J.A.C. 7:14B-1 through 15.
- (b) A DEP permit for the installation, repair or closure of an underground storage tank system that requires a DEP approval, or any part thereof, or an emergency permit granted pursuant to [N.J.A.C. 7:14B](#), shall be a prior approval for any permit application submitted pursuant to the State Uniform Construction Code Act and these rules. Applicants installing secondarily contained systems for which no prior DEP approval is necessary shall be required to submit engineering drawings of the secondarily contained systems and to certify that the underground storage tank system meets all requirements of [N.J.A.C. 7:14B](#).
- (c) Construction code officials shall retain all penalty powers, as set forth in these rules, with respect to the installation, usage or closure (demolition) of underground storage tank systems and parts thereof in violation of the State Uniform Construction Code Act or these rules.
- (d) The following types of underground storage tank systems requiring a construction permit are exempt from the requirements of [N.J.A.C. 7:14B](#):
1. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
  2. Tanks with a capacity of 2,000 gallons or less used to store heating oil for onsite consumption in a nonresidential building;
  3. Tanks used to store heating oil for onsite consumption in a residential building;
  4. Septic tanks installed in compliance with rules adopted by DEP pursuant to P.L. 1954, c.199 ([N.J.S.A. 58:11-23](#) et seq.);
  5. Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor;
  6. Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is equipped with secondary containment and is uncovered so as to allow visual inspection of the exterior of the tank;
  7. Wastewater treatment tanks;
  8. Electrical equipment;
  9. Hydraulic lift tanks; and
  10. Any pipes, lines, fixtures, or other equipment connected to any tank exempted from the provisions of [N.J.A.C. 7:14B](#) as set forth in (b)1 to 9 above.

### **History**

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## § 5:23-3.11B Underground storage tank systems

**HISTORY:**

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

See: 22 New Jersey Register 2629(c), 22 New Jersey Register 3482(d).

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

See: [29 New Jersey Register 2736\(a\)](#), [29 New Jersey Register 4281\(a\)](#).

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

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

See: [30 New Jersey Register 1377\(a\)](#), [30 New Jersey Register 2421\(b\)](#).

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

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## [N.J.A.C. 5:23-3.12](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.12 Amended rules**

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

### **History**

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#### **HISTORY:**

Amended by R.1995 d.544, effective October 16, 1995.

See: [27 New Jersey Register 2827\(a\)](#), [27 New Jersey Register 3933\(a\)](#).

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

See: [32 New Jersey Register 2278\(a\)](#), [32 New Jersey Register 3783\(a\)](#).

Rewrote the section.

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## [N.J.A.C. 5:23-3.13](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.13 Code change proposals**

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(a) The following apply to State-sponsored model code change proposals:

1. Any private party, municipality, other political subdivision, or agency of the State seeking to submit a State-sponsored model code change proposal shall do so not less than 240 days prior to the code change meeting of the model code adoption agency for which the amendment is being proposed.
2. Such proposal shall be on a form provided by the model code organization where one is available. If none is available, such proposal shall state the name and address of the party or official proposing the model code change, the company, agency, or political subdivision represented, if applicable, the text of the amendment suggested and an explanation of the amendment together with any technical justification deemed necessary by the proponents.
3. A hearing shall thereafter be held in accordance with *N.J.S.A. 52:27D-124* of the Act.
4. Copies of the submitted applications for model code change proposals, transcripts of hearings on such applications, and State-sponsored model code change proposals, as adopted, shall be available from the Department at a fee of \$.50 per page.
5. Whenever a model code change hearing is scheduled so as not to allow adequate time to meet the procedures set forth in this section and in *N.J.S.A. 52:27D-124* of the Act, the Commissioner may hold a hearing and require the advice of the Code Advisory Board within a lesser time period, as the situation dictates.

(b) The following apply to rehabilitation subcode code change proposals:

1. Proposals for code changes to the rehabilitation subcode (N.J.A.C. 5:23-6) may be submitted to the Department at any time. Those rehabilitation subcode code change proposals submitted by January 31 shall be considered with the changes received during the previous calendar year.
2. A rehabilitation subcode code change proposal shall include the following information:
  - i. The name, organization, mailing address, telephone number, facsimile number, and e-mail address of the proponent of the proposed code change;
  - ii. The primary section of the rehabilitation subcode proposed for change and any other section(s) where corresponding changes are required. Language proposed for deletion shall be presented in brackets and language proposed for addition shall be underlined; and
  - iii. A description and supporting statement for the proposed code change.
3. Rehabilitation subcode code change proposals may be submitted on the form provided in subchapter Appendix 3-A, incorporated herein by reference.
4. Rehabilitation subcode code change proposals shall be submitted to the Code Development Unit, Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625. Code change proposals may be faxed to the Code Development Unit at (609) 633-6729.

## § 5:23-3.13 Code change proposals

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

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

1. Proposals for code changes to other State-developed subcodes may be submitted to the Department at any time and shall include the information outlined in (b)2 above.
2. Code change proposals to other State-developed subcodes shall be submitted to the Code Development Unit in accordance with (b)4 above.

## History

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### HISTORY:

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

See: [36 N.J.R. 1267\(a\)](#), [36 N.J.R. 3275\(a\)](#).

Rewrote the section.

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

See: [37 N.J.R. 2325\(a\)](#), [37 N.J.R. 3974\(a\)](#).

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

Administrative correction, effective October 3, 2023.

See: [55 N.J.R. 2257\(a\)](#).

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## [N.J.A.C. 5:23-3.14](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.14 Building subcode**

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

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the International Code Council, 2021 International Building Code, known as the "IBC/2021." This code is hereby adopted by reference as the building subcode for New Jersey subject to the modifications stated at (b) below.
  - i. Copies of this code may be obtained from the International Code Council at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.
  - ii. The IBC/2021, as amended, may be known and cited as the "building subcode."
2. Any references to the International Plumbing Code or the International Existing Building Code listed in Chapter 35 shall be considered a reference to the plumbing subcode, [N.J.A.C. 5:23-3.15](#), or to the rehabilitation subcode, N.J.A.C. 5:23-6, as appropriate.

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

1. Chapter 1, Scope and Administration, shall be deleted in its entirety. In addition, any referenced section of Chapter 1 shall be deleted throughout the code and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted.
2. Chapter 2, Definitions, shall be amended as follows:
  - i. The definition of "addition," shall be deleted.
  - ii. In the definition of agricultural buildings, "A structure qualifying under the Uniform Construction Code definition of a Commercial Farm Building may be built according to the regulations at [N.J.A.C. 5:23-3.2\(d\)](#)" shall be inserted after the last sentence.
  - iii. The definition of "alteration" shall be deleted.
  - iv. The definition of "ambulatory care facility" shall be amended as follows: the phrase, "who are rendered incapable of self-preservation by the services provided or staff has accepted the responsibility for care recipients already incapable" shall be deleted and "where evacuation is impractical" shall be inserted.
  - v. The definition of "approved" is modified to add the words "or other appropriate subcode official" after the words "building official."
  - vi. The definition of "building" shall be deleted and the following shall be inserted: "BUILDING. A structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing shelter, enclosure and support of individuals, animals or property of any kind. When used herein, building and structure shall be interchangeable except where the context clearly indicates otherwise."
  - vii. The definition of "building line" shall be deleted.



## § 5:23-3.14 Building subcode

- viii.** The definition of “building official” shall be deleted and the following shall be inserted: “BUILDING SUBCODE OFFICIAL. A qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce the provisions of the building subcode within the jurisdiction of the enforcing agency.”
- ix.** The definition of “change of occupancy” shall be deleted.
- x.** The definition of “clinic, outpatient” shall be amended as follows: the phrase “who are not rendered incapable of self-preservation by the services provided” shall be deleted, and “where evacuation is slow” shall be inserted.
- xi.** The definition of “deferred submittal” shall be deleted.
- xii.** The definition of “detoxification facilities” shall be amended as follows: the phrase “who are incapable of self-preservation or are harmful to themselves or others” shall be deleted, and “where evacuation is impractical” shall be inserted.
- xiii.** In the definition of “dwelling unit,” “living as a single housekeeping unit” shall be inserted after “persons.”
- xiv.** The definition of “evacuation, impractical” shall be inserted as follows:  
“EVACUATION, IMPRACTICAL. The movement of all occupants, residents and staff to an exit in more than 13 minutes.”
- xv.** The definition of “evacuation, slow” shall be inserted as follows:  
“EVACUATION, SLOW. The movement of all occupants, residents and staff to an exit in more than 3 minutes, but not more than 13 minutes.”
- xvi.** The definition of “existing building” shall be deleted.
- xvii.** The definition of “existing structure” shall be deleted.
- xviii.** The definition of “foster care facilities” shall be deleted.
- xix.** The definition of “historic building” shall be deleted.
- xx.** The definition of “hospitals and psychiatric hospitals” shall be amended as follows: “who are incapable of self-preservation” shall be deleted, and “where evacuation is impractical” shall be inserted.
- xxi.** The definition of “incapable of self-preservation” shall be deleted. This deletion shall include its cross-reference definition of the term “self-preservation, incapable of.”
- xxii.** The definition of “jurisdiction” shall be deleted.
- xxiii.** The definition of “lodging house” shall be deleted.
- xxiv.** In the definition of “merchandise pad,” “as indicated in Section 105.2” shall be deleted.
- xxv.** A definition of “nightclub” shall be inserted as follows:  
“NIGHTCLUB. All buildings and places of public assembly designed for use as dance halls, eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent or which affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this code, the nightclub shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance.”
- xxvi.** The definition of nursing home shall be amended as follows: the phrase “incapable of self-preservation” shall be deleted, and “of impractical evacuation” shall be inserted.

## § 5:23-3.14 Building subcode

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

**xxviii.** The definitions of “permit” and “person” shall be deleted.

**xxix.** A definition of “radioactive material” shall be inserted as follows:

“RADIOACTIVE MATERIAL. Any material or combination of materials that spontaneously emit ionizing radiation.”

**xxx.** The definition of “Registered Design Professional in Responsible Charge” shall be deleted.

**xxxi.** The definition of the “Relocatable Building” shall be deleted.

**xxxii.** The definition of “repair” shall be deleted.

**xxxiii.** The definition of the “residential health care facility” shall be inserted as follows:

“RESIDENTIAL HEALTH CARE FACILITY. A facility not located with, and operated by, a licensed health care facility that provides food, shelter, supervised health care and related services, in a homelike setting, to four or more persons 18 years of age or older who are unrelated to the owner or administrator.”

**xxxiv.** The definition of “rooming house” shall be inserted as follows: “ROOMING HOUSE: A building arranged or used for single occupancy where no meals or personal or financial services are provided to the residents. For the purposes of applying this definition, personal services shall mean, any services permitted or required to be furnished by an owner or operator to a resident, other than shelter, including but not limited to, meals or other food services, and assistance in dressing, bathing or attending to other personal needs.”

**xxxv.** The definition of “single residential occupancy” shall be inserted as follows:

“SINGLE RESIDENTIAL OCCUPANCY: A building arranged or used for individual non-transient residency by persons living independently of one another, regardless of whether the residents share the use of common facilities, such as kitchen or bathing facilities.”

**xxxvi.** In the definition of “Special Inspector,” “building official” shall be deleted and “construction official” shall be inserted. Additionally, the following sentence shall be added: “Special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code.”

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

**xxxviii.** The definitions of the terms “substantial improvement” and “substantial damage” shall be deleted.

**xxxix.** The definition of “Type B Unit” shall be deleted.

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

**i.** In Table 307.1(2), Maximum Allowable Quantity Per Control Area of Hazardous Materials Posing a Health Hazard, the following shall be inserted as the fourth row of the table under “Material,” “Storage,” “Use-Closed Systems,” and “Use-Open Systems.”

Radioactive<j>	25 REM unsealed source	100 REM sealed	25 REM
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## § 5:23-3.14 Building subcode

100 REM sealed source	source	sealed source
--------------------------	--------	------------------

- j. Maximum dosage allowed in any single whole-body short-term (1 hour or less) exposure.
- ii. In Section 307.6, High-hazard Group H-4, "Radioactive material" shall be inserted in the list of materials.
- iii. Section 308.1, Institutional Group I, shall be amended as follows: In the fourth and fifth line, "who are or are not capable of self-preservation without physical assistance" shall be deleted and "where evacuation is slow or impractical" shall be inserted in its place.
- iv. In Section 308.2, Institutional Group I-1, in the fourth line following "environment" a comma shall be inserted and "and" shall be deleted. In the fifth line, following the word "care" the following shall be inserted: "and are capable of slow evacuation." Additionally, in the list, the word "treatment" shall be inserted following "drug" in the first item; "Assisted living facilities" and "Congregate care facilities" shall be deleted; and the terms "Boarding houses" and "Residential health care facilities" shall be inserted.
- v. In Section 308.3, Group I-2, "who are incapable of self-preservation" shall be deleted and "where evacuation is impractical" shall be inserted. Additionally, "Assisted living facilities" shall be added to the list and "Foster care facilities" shall be deleted.
- vi. In Section 308.3.1.1, Condition 1, at the end of the sentence, "and foster care facilities" shall be deleted.
- vii. In Section 308.3.2, Five or fewer persons receiving medical care, in the sixth and seventh line delete "903.3.1.3 or with Section P2904 of the International Residential Code" and insert "903.3.1.1".
- viii. In Section 308.4, Institutional Group I-3, in the fourth and fifth lines "who are generally incapable of self-preservation" shall be deleted and "where evacuation is impractical" shall be inserted.
- ix. Section 308.5.1, Classification as Group E, shall be deleted in its entirety.
- x. In Section 310.2, Residential Group R-1, in the third line "in nature" shall be deleted. Additionally, the list of occupancies shall be deleted in its entirety and the following list inserted:
- "Hotels  
Motels  
Vacation timeshare properties"
- xi. In Section 310.3, Residential Group R-2, in the third line "in nature" shall be deleted. Additionally, the following shall be deleted from the list of occupancies: "Boarding houses (non-transient)," "Congregate living facilities (non-transient) with more than 16 occupants," "Hotels (non-transient)," "Motels (non-transient)," and "Vacation timeshare properties." The following item shall be added to the list: "Rooming houses with more than 5 occupants".
- xii. In Section 310.4, Residential Group R-3, in the second and third line "in nature" shall be deleted. Additionally, in the list of occupancies, Congregate living facilities (nontransient) with 16 or fewer occupants, shall be deleted and Boarding houses (non-transient) shall be amended by deleting "(non-transient)," and by inserting "with 5 or fewer occupants". The terms "Convents," "Dormitories," "Fraternities and Sororities," "Monasteries," "Congregate living facilities (transient) with 10 or fewer occupants," "Boarding Houses (transient)," and "Lodging houses with five or fewer guest rooms and 10 or fewer occupants" shall be deleted. The terms "Alcohol and drug treatment houses with 5 or fewer residents," "Detached one- and two-family dwellings greater than three stories in height, multiple single-family townhouses greater than three stories in height, attached two-family dwellings separated from adjacent units by firewalls, and other one- and two-family dwellings that are outside the scope of the one- and two-family dwelling subcode," "Group homes

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with five or fewer occupants in accordance with Section 308.2.4,” “Rooming houses with five or fewer occupants,” and “Single residential occupancies, accessory to a dwelling unit, having no more than five roomers or lodgers. (Single occupancies, accessory to a dwelling unit, having more than five roomers or lodgers shall be classified as Group R-2 or I-1, as appropriate.)” shall be inserted.

**xiii.** Section 310.4.1, Care facilities within a dwelling, and Section 310.4.2, Lodging houses, shall be deleted.

**xiv.** In Section 310.5, Residential Group R-4, in the fifth line following “environment” a comma shall be inserted and “and” shall be deleted. In the fifth line, following the word “care,” the following shall be inserted: “and are capable of slow evacuation”. Additionally, in the list, the word “treatment” shall be inserted following “drug” in the first item; “Assisted living facilities” and “Congregate care facilities” shall be deleted; and the term “Boarding houses” shall be inserted.

**xv.** New Section 310.6, Residential Group R-5, shall be inserted as follows: “Residential Group R-5 occupancies shall include all detached one- and two-family dwellings not more than three stories in height with a separate means of egress and multiple single-family townhouses not more than three stories in height with a separate means of egress designed and constructed in accordance with the International Residential Code. This Group shall also include:

Care facilities that provide accommodations for five or fewer persons receiving care;

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

Group Homes with 5 or fewer occupants in accordance with Section 308.2.4;

Rooming houses with five or fewer residents;

Cooperative sober living residences with not more than 10 occupants, excluding staff; each occupant, including staff, shall be capable of prompt evacuation.”

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

**i.** In Section 402.8.3, Number of Means of Egress, “used by persons other than employees” shall be deleted.

**ii.** In Section 406.3.2.1, Dwelling unit separation, the last sentence shall be deleted.

**iii.** In Section 407.2.6, Nursing home cooking facilities, in the title, add “and Assisted Living” after home.

**iv.** In Section 407.11, Electrical systems, “Chapter 27” shall be deleted and “the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )” shall be inserted.

**v.** In Section 411.2, Automatic sprinklers, the exception shall be deleted in its entirety.

**vi.** In Section 414.1.3, Information required, “building official” shall be deleted in the first and third sentences and “fire protection subcode official” shall be inserted.

**vii.** Section 419, Artificial Decorative Vegetation, shall be deleted in its entirety.

**viii.** In Section 420, “I-2 Assisted Living” shall be inserted in the title.

**(1)** In Section 420.1, General, “I-2 Assisted living,” shall be inserted after “I-1.”

**(2)** In Section 420.4, Automatic sprinkler system, in the second sentence, “and I-2 Assisted living” shall be inserted after “I-1.”

**(3)** In Section 420.5, Fire alarm systems and smoke alarms, in the first sentence, “I-2 Assisted living,” shall be inserted after “I-1,” delete the second “and” and insert “,” between “R-

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1” and “R-2,” insert “and R-4” after “R-2,” delete the third “and” and insert “,” between “907.2.8” and “907.2.9” and insert “and 907.2.9A” after “907.2.9.”

**(4)** In Section 420.7, Group I-1 Assisted living housing units, in the title and in the first line, change “I-1” to “I-2;” delete Item #4; and in Item #5, change “Group I-1, Condition 2,” to “Group I-2, Condition 1.”

**ix.** In Section 422.2, Separation, the phrase “to be incapable of self-preservation at any time” shall be deleted, and “of impractical evacuation” shall be inserted.

**x.** In Section 422.6, Electrical systems, “Chapter 27” shall be deleted and “the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )” shall be inserted.

**xi.** Section 423, Storm Shelters, shall be deleted in its entirety.

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

**i.** Section 502, Building Address, shall be deleted in its entirety.

**ii.** Table 504.3 “ALLOWABLE BUILDING HEIGHT IN FEET ABOVE GRADE PLANE” shall be amended as follows:

**(1)** In the first column, OCCUPANCY CLASSIFICATION, Group U shall be deleted.

**(2)** In the first column, OCCUPANCY CLASSIFICATION, superscript i shall be inserted at Group I4. In addition, the following note shall be added to the table: “i. Child-care facilities of Types IIB, III, IV, HT, or V construction shall be limited to 20 feet in height above grade plane.”

**(3)** Footnotes c, d, e, f and h shall be deleted.

**(4)** Under Occupancy Classification H-1, H-2, H3, and H-5, the NS in the second column shall be deleted.

**(5)** Under Occupancy Classification H-4, the row that begins with NS shall be deleted.

**(6)** Under Occupancy Classification I-1 Condition 1, I-3, the row that begins with NS shall be deleted.

**(7)** Under Occupancy Classification I-1 Condition 2, I-2, the row that begins with NS shall be deleted.

**(8)** Under the Occupancy Classification I-4, in the second column, the reference to footnote d shall be deleted from the NS.

**(9)** Under Occupancy Classification R, the row that begins with NS shall be deleted.

**iii.** Table 504.4, ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE, shall be amended as follows:

**(1)** Footnotes c, d, e, f, and h shall be deleted.

**(2)** Under construction Type VA for Group A-1 NS, “2” shall be deleted and “1” shall be inserted and for Group A-1 S, “3” shall be deleted and “2” shall be inserted.

**(3)** Under construction Type IB for Group A-2 NS, “11” shall be deleted and “3” shall be inserted and for Group A-2 S, “12” shall be deleted and “4” shall be inserted. Under construction Types IIA and IIB for Group A-2 NS, “3” and “2” shall be deleted and “2” and “1” shall be inserted, respectively, and for Group A-2 S, “4” and “3” shall be deleted and “3” and “2” shall be inserted, respectively. Under construction Types IIIA and IIIB for Group A-2 NS, “3” and “2” shall be deleted and “2” and “1” shall be inserted, respectively, and for Group A-2 S, “4” and “3” shall be deleted and “3” and “2” shall be inserted, respectively. Under construction Type IVC for Group A-2 NS “3” shall be deleted and “2” shall be inserted. Under construction Types IVB and IVC for Group A-2 S, “12” and “6” shall be deleted and “4” and “3” shall be inserted, respectively. In addition, under construction Type IV HT for Group A-2 NS, “3” shall be deleted

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and “2” shall be inserted and for Group A-2 S, “4” shall be deleted and “3” shall be inserted. Finally, under construction Type VA for Group A-2 NS, “2” shall be deleted and “1” shall be inserted and for Group A-2 S, “3” shall be deleted and “2” shall be inserted.

**(4)** Under construction Type IB for Group A-3 NS, “11” shall be deleted and “5” shall be inserted and for Group A-3 S, “12” shall be deleted and “6” shall be inserted. Under construction Type IVB for A-3 S, “12” shall be deleted and “6” shall be inserted. In addition, under construction Type VA for Group A-3 NS, “2” shall be deleted and “1” shall be inserted and for Group A-3 S, “3” shall be deleted and “2” shall be inserted.

**(5)** Under construction Type IB for Group A-4 NS, “11” shall be deleted and “5” shall be inserted and for Group A-4 S, “12” shall be deleted and “6” shall be inserted. Under construction Type IVB for A-4 S, “12” shall be deleted and “6” shall be inserted. In addition, under construction Type VA for Group A-4 NS, “2” shall be deleted and “1” shall be inserted and for Group A-4 S, “3” shall be deleted and “2” shall be inserted.

**(6)** The allowable number of stories for Group A5 NS and S, construction Types IIIB, IV, HT, VA, and VB shall be deleted.

**(7)** Under construction Type IB for Group B NS, “11” shall be deleted and “7” shall be inserted and for Group B S, “12” shall be deleted and “8” shall be inserted. Under construction Type IIIA for Group B NS, “5” shall be deleted and “4” shall be inserted and for Group B S, “6” shall be deleted and “5” shall be inserted. In addition, under construction Type IVB for B S, “12” shall be deleted and “8” shall be inserted.

**(8)** Under construction Type IB for Group F-1 NS, “11” shall be deleted and “6” shall be inserted and for Group F-1 S, “12” shall be deleted and “7” shall be inserted.

**(9)** Under construction Type IB for Group F-2 NS, “11” shall be deleted and “7” shall be inserted and for Group F-2 S, “12” shall be deleted and “8” shall be inserted.

**(10)** Under Occupancy Classifications H-1, H-2, H3, H-4, and H-5, the row that begins with NS shall be deleted.

**(11)** Under construction Type IA for Group H-2 S, “UL” shall be deleted and “3” shall be inserted. In addition, for construction type VB for Group H-2 S, “1” shall be deleted and “NP” shall be inserted.

**(12)** Under construction Type IA for Group H-3 S, “UL” shall be deleted and “7” shall be inserted. In addition, under construction Type IIIA for Group H-3 S, “4” shall be deleted and “3” shall be inserted.

**(13)** Under construction Type IA for Group H-4 S, “UL” shall be deleted and “8” shall be inserted. In addition, under construction Type IIIA for Group H-4 S, “6” shall be deleted and “5” shall be inserted.

**(14)** Under Occupancy Classifications I-1, Condition 1, I-1, Condition 2, I-2, and I-3, the row that begins with NS shall be deleted.

**(15)** Under construction Type VA for Group I-3 S, “3” shall be deleted and “2” shall be inserted. In addition, under construction type VB for Group I-3 S, “2” shall be deleted and “NP” shall be inserted.

**(16)** Under OCCUPANCY CLASSIFICATION, add superscript “i” to Group I-4. In addition, the following note shall be added to the table: “i. Child care facilities of Types IIB, III, IV, HT, or V construction shall be limited to 1 story.”

**(17)** Under construction Type IB for Group M NS, “11” shall be deleted and “6” shall be inserted and for Group M S, “12” shall be deleted and “7” shall be inserted. Under construction Type IIIA for Group M NS, “4” shall be deleted and “3” shall be inserted and for Group M S, “5”

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shall be deleted and “4” shall be inserted. In addition, under construction Type IVB for M S, “8” shall be deleted and “7” shall be inserted. Finally, under construction Type VA for Group M NS, “3” shall be deleted and “2” shall be inserted and for Group M S, “4” shall be deleted and “3” shall be inserted.

**(18)** Under Occupancy Classifications R-1, R-2, R3, and R-4 the row that begins with NS shall be deleted.

**(19)** Under construction Type IB for Group R-1 S, “12” shall be deleted and “10” shall be inserted. Under construction Type IIB for Group R-1 S, “5” shall be deleted and “4” shall be inserted. In addition, under construction Type IIIB for Group R-1 S, “5” shall be deleted and “4” shall be inserted. Finally, under construction Type IVB for R-1 S, “12” shall be deleted and “10” shall be inserted.

**(20)** Under construction Type IB for Group R-2 S, “12” shall be deleted and “10” shall be inserted. Under construction Type IIB for Group R-2 S, “5” shall be deleted and “4” shall be inserted. In addition, under construction Type IIIB for Group R-2 S, “5” shall be deleted and “4” shall be inserted. Finally, under construction Type IVB for R-2 S, “12” shall be deleted and “10” shall be inserted.

**(21)** Under construction Type IB for Group R-3 S, “12” shall be deleted and “5” shall be inserted. Under construction Type IIB for Group R-3 S, “5” shall be deleted and “4” shall be inserted. Under construction Type IIIB for Group R-3 S, “5” shall be deleted and “4” shall be inserted. In addition, under construction Type IVB for R-3 S, “12” shall be deleted and “5” shall be inserted. Finally, under construction Type VB for Group R-3 S and S13R, “4” shall be deleted and “3” shall be inserted.

**(22)** Under construction Type IB for Group R-4 S, “12” shall be deleted and “5” shall be inserted. Under construction Type IIB for Group R-4 S, “5” shall be deleted and “4” shall be inserted. In addition, under construction Type IIIB for Group R-4 S, “5” shall be deleted and “4” shall be inserted. Finally, under construction Type IVB for R-4 S, “12” shall be deleted and “5” shall be inserted.

**(23)** Under construction Type IB for Group S-1 NS, “11” shall be deleted and “5” shall be inserted and for Group S-1 S, “12” shall be deleted and “6” shall be inserted. Under construction Type IVB for S-1 S, “7” shall be deleted and “6” shall be inserted. In addition, under construction Type VA for Group S-1 NS, “3” shall be deleted and “2” shall be inserted and for Group S-1 S, “4” shall be deleted and “3” shall be inserted.

**(24)** Under construction Type IB for Group S-2 NS, “11” shall be deleted and “7” shall be inserted and for Group S-2 S, “12” shall be deleted and “8” shall be inserted. In addition, under construction Type VA for Group S-2 NS, “4” shall be deleted and “3” shall be inserted and for Group S-2 S, “5” shall be deleted and “4” shall be inserted.

**(25)** Group U shall be deleted.

**iv.** Table 506.2, ALLOWABLE AREA FACTOR IN SQUARE FEET, shall be amended as follows:

**(1)** Footnotes c, d, e, f, and h shall be deleted. The following portion of footnote “i” is deleted, “or the allowable area shall be permitted to comply with Table C102.1 of Appendix C.”

**(2)** Under construction Type IIIB, IV, HT, VA, and VB for Group A-5 NS, S1, and SM, “UL” shall be deleted.

**(3)** Under construction Type VB for Group H-2, NS, S1, and SM, “3,000” shall be deleted and “NP” shall be inserted.

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- (4) Under construction Type VB, NS, “5,000” shall be deleted and “NP” shall be inserted, for Group I-3 S1, “20,000” shall be deleted and “NP” shall be inserted, and for Group I-3 SM, “15,000” shall be deleted and “NP” shall be inserted.
- (5) Group U shall be deleted.
- v. Section 507.3, Nonsprinklered, one story, shall be deleted in its entirety.
- vi. Section 507.5, Two-Story buildings, shall be amended as follows: In the second line, “of Type I or Type II construction that is” shall be inserted after “building.”
- vii. In Table 508.4, Required Separation of Occupancies (Hours), “U” shall be deleted in the fifth row and the fifth column of the table.
- viii. In Section 508.5.11, Plumbing facilities, “Chapter 29” shall be deleted in the first and second sentence and “the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.
6. Chapter 6, Types of Construction, shall be amended as follows:
- i. In Section 602.3, Type III, “(See FTO 14)” shall be inserted after “noncombustible materials.” In addition, the second sentence shall be deleted.
7. Chapter 7, Fire and Smoke Protection Features, shall be amended as follows:
- i. In Section 703.2.3, Approved alternate protection, is amended to delete “Section 104.11” and insert “ [N.J.A.C. 5:23-3.7](#) ” in its place.
- ii. In Section 705.2.3, Projection protection, in the exception, “and U” shall be deleted.
- iii. In Section 705.5, Fire-resistance rating, “10 feet (3048 mm)” shall be deleted in the second and third sentence and “5 feet (1524mm)” shall be inserted.
- iv. In Table 705.5, Fire Resistance Ratings Requirements for Exterior Walls Based on Fire Separation Distance, “U” shall be deleted from the heading of the fifth column. In addition, footnote h shall be deleted.
- v. In Table 705.8, MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION, Note j shall be deleted.
- vi. In Table 706.4, Fire Wall Fire Resistance Ratings, under the heading “Group,” “U” shall be deleted.
- vii. Section 706.5, Horizontal continuity, 706.5.1, Exterior walls, and Section 706.5.2, Horizontal projecting elements, shall be deleted in their entirety. Section 707.6 of the 1996 BOCA National Building Code shall be inserted as follows: “Horizontal Continuity. Firewalls shall be made smoke tight at the junction of exterior walls. In exterior wall construction employing studs, the wall shall extend through the stud space to the exterior sheathing.”
- viii. In Table 707.3.10, Fire-Resistance Rating Requirements for Fire Barriers, Fire Walls or Horizontal Assemblies Between Fire Areas, the last row containing “U” and “1” shall be deleted.
- ix. In Section 715.3.1, Fire test criteria, in the exception, “10 feet (3048 mm)” shall be deleted and “5 feet (1524 mm)” shall be inserted.
- x. In Section 716.1.1, Alternative methods for determining fire protection ratings, item 4, “Section 104.11” shall be deleted and “ [N.J.A.C. 5:23-3.7](#) ” shall be inserted.
8. Chapter 9, Fire Protection Systems, shall be amended as follows:
- i. In Section 901.3, Modifications, “remove or” shall be deleted. Additionally, “building official” shall be deleted and “fire protection subcode official” shall be inserted.
- ii. In Section 901.5, Acceptance test, in the second sentence, “building official” shall be deleted and “fire protection subcode official” shall be inserted.



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- iii.** In Section 903.1.1, Alternative protection, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- iv.** New Section 903.1.2, Residential systems, shall be inserted as follows:  
 “903.1.2 Residential systems. Unless specifically allowed by this code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be recognized for the purpose of exceptions or reductions permitted by other requirements of this code.”
- v.** Section 903.2.1.2., Group A-2, shall be amended to add a new section 903.2.1.2.1 as follows:  
 “903.2.1.2.1 In Group A-2 Nightclubs, the automatic sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by Section 1008.2.1.”
- vi.** Section 903.2.2, Ambulatory Care Facilities, “Evacuation is impractical for” shall be inserted at the beginning of the sentence in item 1, and “are incapable of self-preservation” shall be deleted. “Evacuation is impractical for” shall be inserted at the beginning of the sentence in item 2, and “that are incapable of self-preservation” shall be deleted.
- vii.** In Section 903.2.7.2, Group M upholstered furniture or mattresses, the text shall be deleted, and the following language from Section 903.2.7, item 4, of the IBC/2018 shall be inserted: An automatic sprinkler system shall be provided throughout buildings containing a Group M Occupancy utilized for the display and sale of upholstered furniture or mattresses exceeding 5,000 square feet.
- viii.** In Section 903.2.6, Group I, Exception # 2, insert “For other than buildings of construction Types IIIB or VB,” at the beginning of the sentence. Additionally, insert “that accommodate 100 or fewer persons,” following “level of exit discharge.”
- ix.** In Section 903.2.11.1, Stories without openings, “, of all buildings where the floor area exceeds 1,500 square feet (139.4 m2) and” shall be deleted. Additionally, in Item #1, in the first sentence, “exterior stairway complying with Section 1011 or an outside ramp complying with Section 1012” shall be deleted and “exterior exit stairway or ramp complying with Section 1027” shall be inserted.
- x.** New Section 903.2.13, Automatic sprinkler system thresholds, shall be inserted as follows:  
 “An automatic sprinkler system shall be required in accordance with Section 903.3.1.1 when the maximum area is exceeded for the following construction types of Groups B, F-2, and S-2 in accordance with Table 903.2.13, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in this code.

## Automatic Sprinkler System Thresholds

## Group B

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

## Group F-2

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

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(36,000 per floor)

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

a. Exception—Open parking structures in accordance with Section 406.5

\*Requirements as set forth in this code

**xi.** In Section 903.3.1.1.1, Exempt locations, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted in number 2.

**xii.** In Section 903.3.5, Water supplies, “International Plumbing Code” shall be deleted and “the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted. Additionally, in the last sentence, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xiii.** In Section 903.3.6, Hose threads, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xiv.** Section 903.3.8, Limited area sprinkler systems, Section 903.3.8.1, Number of sprinklers, Section 903.3.8.2, Occupancy hazard classification, Section 903.3.8.3, Piping arrangement, Section 903.3.8.4, Supervision, and Section 903.3.8.5, Calculations, shall be deleted and the following shall be inserted in its place: “903.3.8 Limited area sprinkler systems. Limited area sprinkler systems serving fewer than 20 sprinklers on any single connection are permitted to be connected to the domestic service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:

**1.** Valves shall not be installed between the domestic water riser control valve and the sprinklers.

Exception: An approved indicating control valve supervised in the open position in accordance with Section 903.4.

**2.** The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13, NFPA 13R or NFPA 13D.”

**xv.** In Section 903.4, Sprinkler system supervision and alarms, in exception 2, delete “in accordance with Section 903.3.8.”

**xvi.** In Section 903.4.1, Monitoring, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

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

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

**903.5.2** Limited area sprinkler system acceptance test. All limited area sprinkler systems, which are not connected to a building standpipe system, shall be tested hydrostatically for a minimum of 15 minutes without visible leakage at the working pressure under which the system

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is to be used. Limited area sprinkler systems, which are connected to a building standpipe system, shall be tested in accordance with NFPA 13 listed in Chapter 35.

- xviii.** In Section 904.2, Where permitted, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- xix.** In Section 904.5, Wet-chemical systems, delete the last sentence.
- xx.** In Section 904.6, Dry-chemical systems, delete the last sentence.
- xxi.** In Section 904.7, Foam systems, delete the last sentence.
- xxii.** In Section 904.8, Carbon dioxide systems, delete the last sentence.
- xxiii.** In Section 904.9, Halon systems, delete the last sentence.
- xxiv.** In Section 904.10, Clean-agent systems, delete the last sentence.
- xxv.** In Section 904.11.1.3 Water supply protection, “International Plumbing Code” shall be deleted and “the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.
- xxvi.** In Section 905.2, Installation standards, Sections 915.4, 915.5, and 915.6 of the 1996 BOCA National Building Code shall be inserted as follows: “905.2.1 Piping design. The riser piping, supply piping and the water service piping shall be sized to maintain a residual pressure of at least 65 psi (448 kPa) at the topmost outlet of each riser while flowing the minimum quantities of water specified in Sections 905.2.1.1 and 905.2.1.2. The pipe size shall be based on the capacity of the automatic water supply system or, where an automatic water supply is neither required nor provided to maintain the residual pressure of 65 psi (448 kPa), the pipe size shall be based on a pressure of 150 psi (1,034 kPa) available at the fire department connection.

Exception: The residual pressure of 65 psi (448 kPa) is not required in buildings equipped throughout with an automatic sprinkler system installed in accordance with either Section 903.3.1.1 or 903.3.1.2 and also where the highest floor level is not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access.

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

Exceptions:

- 1.** Where only 1½-inch valves are provided, the riser(s) shall be sized to provide a minimum flow of 100 gpm (378 L/min.).
- 2.** In buildings where limited area sprinkler systems are supplied with water from a common standpipe riser, the riser shall be sized to satisfy total demand.
- 3.** For occupancies in Group B, I, R-1 or R-2 in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, each riser shall be sized for a minimum flow of 250 gpm (945 L/min.).
- 4.** Risers that are sized in accordance with the pipe schedule requirements of NFPA 14 listed in Chapter 35 are not subject to this requirement.

**905.2.1.2** System pipe sizing: The system piping, including the horizontal or common feeder lines shall be sized for a minimum flow of 500 gpm (1,892 L/min.). Where more than one standpipe riser is required or provided, all common system piping shall be sized for a minimum flow of 500 gpm (1892 L/min.) for the first riser plus 250 gpm (945 L/min.) for each additional riser, and the total shall not be required to exceed 1,250 gpm (4731 L/min.).

Exceptions

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

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

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

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

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

Exceptions

1. In buildings equipped throughout with an automatic sprinkler system installed in accordance with either Section 903.3.1.1 or 903.3.1.2 and also where the highest floor is located not more than 150 feet (45720 mm) above the lowest level of fire department vehicle access, the automatic water supply is not required to exceed the requirements of NFPA 13 listed in Chapter 35.
2. Dry standpipe systems installed in open parking structures.

**xxvii.** New Section 905.3.2 shall be inserted as follows:

**"905.3.2** Building area. In buildings exceeding 10,000 square feet (929 m<sup>2</sup>) in area per story, Class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exceptions:

1. Buildings equipped throughout with automatic sprinkler systems installed in accordance with Section 903.3.1.1.
2. Group A-4, A-5, F-2, R-2, S-2 or U occupancies.
3. Automatic dry and semiautomatic dry standpipes are allowed as provided for in NFPA 14.

**xxviii.** Section 905.3.2, Group A, shall be renumbered as 905.3.3 with no change in text.

**xxix.** Section 905.3.3, Covered mall buildings, shall be renumbered as 905.3.4. Additionally, "or 905.3.2" shall be added after "905.3.1" in the first and second sentence.

**xxx.** Sections 905.3.4 through 905.3.8 shall be renumbered as 905.3.5 through 905.3.9 with no change in text.

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

Exceptions

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1. Where the floor areas adjacent to a horizontal exit are reachable from exit stairway outlets by a 30-foot (9,144 mm) hose stream from a nozzle attached to 100 feet (30,480 mm) of hose, a hose connection shall not be required at the horizontal exit.
2. Standpipe hose connections for systems required by Section 905.3.2. shall be permitted to be located only at exits such that all portions of the building floor area are not more than 200 feet (60,960 mm) from a hose connection or 200 feet (122 m) from the nearest point of fire department vehicle access.”

Also, renumber Items 3 through 6 as 2 through 5. Lastly, in Item #5, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xxxii.** Insert Section 905.4.3 from Section 915.7.1 of the 1996 BOCA National Building Code as follows “905.4.3 Location: At each floor level and not more than 5 feet (1,524 mm) above the floor, there shall be connected to each standpipe a 2 ½-inch hose connection with valves and threads compatible with the connections used by the local fire department.”

**xxxiii.** In Section 905.5.3, Class II system 1-inch hose, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xxxiv.** In Section 905.11, Locking standpipe outlet caps, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xxxv.** In Section 906.1, Where required, in the exception to Item #1, insert the following exception from the 2009 International Building Code: “4. In new Group A, B and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6.” Additionally, in Item #6, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xxxvi.** In Section 906.5, Conspicuous location, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

**xxxvii.** In Section 907.1.1, Construction Documents, “and” shall be inserted before “the International Fire Code” and “and relevant laws ordinances, rules and regulations, as determined by the fire code official” shall be deleted.

**xxxviii.** Section 907.1.2 Fire alarm shop drawings is deleted, and the following text from the 2015 International Building Code is substituted:

**907.1.2** Fire alarm shop drawings. Shop drawings for fire alarm systems shall be submitted for review and approval prior to system installation, and shall include, but not be limited to, all of the following where applicable to the system being installed:

1. A floor plan that indicates the use of all rooms.
2. Locations of alarm-initiating devices.
3. Design minimum audibility level for occupant notification.
4. Design minimum audibility level for occupant notification.
5. Location of fire alarm control unit, transponders and notification power supplies.
6. Annunciators.
7. Power connection.
8. Battery calculations.
9. Conductor type and sizes.
10. Voltage drop calculations.

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11. Manufacturers' data sheets indicating model numbers and listing information for equipment, devices and materials.
12. Details of ceiling height and construction.
13. The interface of fire safety control functions.
14. Classification of the supervising station.

**xxxix.** In Section 907.2, Where required-new buildings and structures, Exception #2 shall have "fire code official" deleted and "fire protection subcode official" shall be inserted.

**xi.** Add new section 907.2.1.2 as follows:

"907.2.1.2 Group A-2 Nightclubs. An automatic fire detection system shall be installed throughout all Group A-2 nightclubs with an occupant load of 100 or more. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected. The automatic fire detection system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by Section 1008.2.1.

Exception: Automatic fire detection systems are not required in buildings provided with an automatic sprinkler system throughout."

**xli.** Section 907.2.1.2 Emergency voice/alarm communication captions, shall be renumbered as Section 907.2.1.3.

**xlii.** In Section 907.2.3, Group E, Exception #3.1, "with alarm verification" shall be inserted at the end of the exception.

**xliii.** In Section 907.2.6, Group I, the following shall be inserted at the end of the section: "Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

**xliv.** Section 907.2.6, Group I, in Exception #2, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

**xlv.** In Section 907.2.8, Group R-1, the following shall be inserted at the end of the section: "Alarms activated by smoke detectors required by this section shall be activated by a single smoke detector monitored by an alarm verification zone or an approved equivalent method."

**xlvi.** A new Section 907.2.9A, Group R-4, shall be added to include Section 907.2.10.2, Automatic smoke detection system, of the IBC/2015:

907.2.9A, Group R-4. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in *corridors*, waiting areas open to *corridors*, and *habitable spaces* other than *sleeping units* and kitchens.

Exceptions:

1. Smoke detection in *habitable spaces* is not required where the facility is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
2. An automatic smoke detection system is not required in buildings that do not have interior *corridors* serving *sleeping units* and where each *sleeping unit* has a *means of egress* door opening directly to an *exit* or to an exterior *exit access* that leads directly to an *exit*.

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- xlvi.** In Section 907.4.2.5, Protective covers, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- xlviii.** Section 907.5.2.2.5, Standby power, shall be deleted, and Section 907.5.2.2.5 of the IBC/2018 shall be inserted as follows:
- Section 907.5.2.2.5, Emergency power. Emergency voice/alarm communications systems shall be provided with emergency power in accordance with Section 2702. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.
- xlix.** In Section 907.6.6.2, MIY Monitoring, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- I.** Section 907.6.6.3, Termination of monitoring service, shall be deleted.
- ii.** In Section 909.5.2, Testing of leakage area, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- iii.** In Section 909.7, Airflow design method, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- iiii.** In Section 909.8, Exhaust method, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- lv.** In Section 909.9, Design fire, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- lv.** In Section 909.10, Equipment, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- lvi.** Section 909.12.1, Verification, in the exception, “building official” shall be deleted and “fire protection subcode official” shall be inserted.
- lvii.** In Section 909.15, Control diagrams, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted. Additionally, “in format and manner approved by the fire code official” shall be deleted.
- lviii.** In Section 909.18.8.3, Reports, “The report shall be reviewed by the responsible registered design professional and, when satisfied that the design intent has been achieved, the responsible registered design professional shall seal, sign, and date the report” shall be deleted.
- lix.** In Section 909.18.8.3.1, Report filing, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- lx.** In Section 909.19, System acceptance, in the fourth and 10th line and in the exception, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- lxi.** In Section 909.20.7.3, Acceptance and testing, “building official” shall be deleted and “fire protection subcode official” shall be inserted.
- lxii.** Section 909.21, Elevator hoistway pressurization alternative, shall be deleted in its entirety.
- lxiii.** In Section 910.1, General, “or otherwise installed” shall be inserted after “this code” in the first line.
- lxiv.** In Section 911.1.1, Location and access, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.
- lxv.** In section 911.1.6, in item 18, after the word “switch(es)” insert the phrase “that are provided in accordance with ASME A17.1/CSA B44, and.”
- lxvi.** In Section 912.1, Installation, insert the following at the end of the section:

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## "Exceptions

1. Limited area sprinkler systems supplied from the domestic water system.
2. Where the local fire department approves a single connection for a large diameter hose of at least four inches (102 mm).
3. An automatic sprinkler system with less than 20 sprinklers."

**lxvii.** New section 912.2, Connections, shall be inserted as follows:

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

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

**lxviii.** Section 912.2, Location, shall be renumbered as 912.3 and "fire protection subcode official in coordination with the" shall be inserted before "fire code official" in the last sentence.

**lxix.** Section 912.2.1, Visible location, shall be renumbered 912.3.1 and "or as otherwise approved by the fire code official" shall be deleted.

**lxx.** Section 912.2.2, Existing buildings, shall be deleted in its entirety.

**lxxi.** New Section 912.4, Height, shall be inserted as follows:

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

**lxxii.** Section 912.3, Fire hose threads, shall be renumbered as 912.5.

**lxxiii.** Section 912.4, Access, shall be renumbered as 912.6. Additionally, in the last sentence of the section and the last sentence of the exception, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

**lxxiv.** Section 912.4.1, Locking fire department connection caps, shall be renumbered as 912.6.1 and "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.

**lxxv.** Section 912.4.2, Clear space around connections, shall be renumbered as 912.6.2 and "except as otherwise required or approved by the fire code official" shall be deleted.

**lxxvi.** Section 912.4.3, Physical protection, shall be renumbered as 912.6.3.

**lxxvii.** Section 912.5, Signs, shall be renumbered 912.7.

**lxxviii.** . Section 912.6, Backflow protection, shall be renumbered as 912.8. Also, "International Plumbing Code" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.

**lxxix.** New Section 912.9, Projection, shall be inserted as follows: "912.9 Projection. Where the fire department connection will otherwise project beyond the property line or into the public way, a flush-type fire department connection shall be provided."

**lxxx.** Section 913.2.2, Circuits supplying fire pumps, shall be deleted in its entirety.

**lxxxi.** Section 913.4.1, Test outlet valve supervision, shall be deleted.

**lxxxii.** In Section 915.1, General, the last sentence shall be deleted.

**lxxxiii.** In Section 915.1.1, Where required, "in Group I-1, I-2, I-4 and R occupancies and in classrooms in Group E occupancies" shall be deleted.



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**lxxxiv.** In 915.1.2, Fuel-burning appliances and fuel-burning fireplaces, the word “and” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.”

**lxxxv.** In 915.1.3, Fuel-burning, forced-air furnaces, and in the exception, the word “and” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.”

**lxxxvi.** In 915.1.4, Fuel-burning appliances outside of dwelling units, sleeping units and classrooms, in the title, in the section and in exceptions 1 and 2, the word “and” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.” Additionally, in exception 2.1, the word “or” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.”

**lxxxvii.** In 915.1.5, Private garages, and in exceptions 1 and 2, the word “and” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.” Additionally, in exception 4, the word “or” shall be deleted before “classrooms” and the words “or any other occupiable space(s)” shall be added following “classrooms.”

**lxxxviii.** In Section 915.2, Locations, “by Section 915.1.1” shall be deleted. Additionally, in the third line, “915.2.3” shall be deleted and “915.2.4” shall be inserted.

**lxxxix.** A new subsection 915.2.4, Other occupancies, shall be added as follows:

**915.2.4** Other occupancies. Carbon monoxide detection equipment shall be installed in other occupancies. Systems using detectors shall have a distinct visual and audible notification at an approved location. When alarms are installed in lieu of detectors, they shall be located such that the audible signal is not less than 15 dB above the average ambient sound level.

Exception: Carbon monoxide detection equipment shall not be required in locations, such as repair garages, where the presence of carbon monoxide may be expected as a function of the normal use of the space. Additionally, carbon monoxide detection equipment shall not be required in locations where battery charging for motorized equipment takes place. In such locations, carbon monoxide detection equipment shall be provided just outside such spaces at the points where these spaces connect to other occupiable space(s).”

**xc.** Section 915.6, Maintenance, shall be deleted in its entirety.

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

**i.** In Section 1003.2, Ceiling height, “7 feet 6 inches (2286 mm)” shall be deleted and “7 feet (2134 mm)” shall be inserted.

**ii.** In Section 1004.5, Areas without fixed seating, the exception shall be deleted in its entirety.

**iii.** In Table 1004.5, MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANT, in the first column, FUNCTION OF SPACE, 43rd row, delete “swimming pools,” 44th row, delete “pool,” and 45th row, delete “Decks;” in the second column, OCCUPANT LOAD FACTOR, 45th row, delete “15 gross.”

**iv.** In Section 1004.5.1, Increased occupant load, “7 square feet (.65 m<2>)” shall be deleted and “5 square feet (.47 m<2>)” shall be inserted.

**v.** In Section 1006.2.2.6, Groups R-3 and R-4, the title shall be deleted and the following shall be inserted: “Group R-4”. Additionally, the first sentence of the section shall be deleted.

**vi.** In Table 1006.2.1, Spaces with one exit or exit access doorway, in the 5th column of the 10th row (R-3), the reference to footnote a and g shall be deleted; and in footnote g, “R-3 and” shall be deleted. Additionally, in the heading over the 3rd, 4th, and 5th row, “Common Path of Egress” shall be deleted and “Exit Access” shall be inserted.

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- vii.** In Section 1006.2.1, Egress based on occupancy load and common path of egress travel distance, in the title and the first sentence, "common path of egress" shall be deleted and "exit access" shall be inserted. Additionally, in Table 1006.2.1, Spaces with one exit or exit access doorway, in the heading over the 3rd, 4th, and 5th row, in footnote e and in footnote f, "Common Path of Egress" shall be deleted, and "Exit Access" shall be inserted. Lastly, in the 5th column of the 10th row (R-3), the reference to footnote a and g shall be deleted; and in footnote g, "R-3 and" shall be deleted.
- viii.** Section 1008.2.3, Exit discharge, is deleted.
- ix.** In Section 1009.3.3, Area of refuge, Exception 2 shall be deleted.
- x.** In Section 1009.4.1 "Standby power," in the second sentence "ASME A17.1/CSA B44," shall be inserted between the words "with" and "Chapter 27."
- xi.** In Section 1009.4.2 Area of refuge, Exception 2 shall be deleted.
- xii.** In Section 1009.7.2, Separation, the exception shall be deleted.
- xiii.** The term "or Type B unit" shall be deleted and "or" shall be inserted between "Accessible units" and "Type A units" in the following sections: Section 1010.1.1, Exceptions 1, 7, and 8; Section 1010.1.4, Exception 3; Section 1010.1.6, Exception 1.3; Section 1012.6.3, Exception 1; and Section 1012.6.4, Exception.
- xiv.** In Section 1010.1.1, Size of Doors, Exception 9 shall be deleted.
- xv.** In Section 1010.1.4, Floor elevation, in Exception 3, "7 3/4 inches (197 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted. Additionally, Exception 5 shall be deleted.
- xvi.** In Section 1010.1.6, Thresholds, in the Exception #1, "7 3/4 inches (197 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted. Additionally, Exception #2 shall be deleted.
- xvii.** In Section 1010.2.2, Hardware, "locks" shall be deleted.
- xviii.** Section 1010.2.4, Locks and latches, shall be amended as follows: In Item 3, following "Group A," insert "other than nightclubs". In the same item, "and in" shall be inserted before the word "Groups" and "and in places of religious worship" shall be deleted. In the same section, Item 11 shall be inserted as follows: "11. Key operation shall be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is made."
- xix.** In Section 1010.2.9, Panic and fire exit hardware, in exception 1, "other than nightclubs" shall be inserted after "Group A occupancies."
- xx.** In Section 1010.3.4, Security grilles, "In Groups B, F, M, and S" shall be deleted and "horizontal" shall be capitalized.
- xxi.** In Section 1011.5.2, Riser height and tread depth, Exception 3, change the maximum riser height from "7 3/4 inches (197 mm)" to "8 1/4 inches (210 mm)," change the minimum tread depth from "10 inches (254 mm)" to "9 inches (229 mm)," and change the minimum winder tread depth at the walk line from "10 inches (254 mm)" to "9 inches (229 mm)." In the same section, Exception 4 shall be deleted.
- xxii.** In Section 1013.5, Internally illuminated exit signs, "Chapter 27" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- xxiii.** In Section 1014.2, Height, insert new Exception 1 as follows: "1. For occupancies of Group R-3, and within individual dwelling units in occupancies of Group R-2, handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads." In the same section, Exceptions 1 through 3 shall be renumbered as 2 through 4.

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- xxiv.** In Section 1014.4, Continuity, Exception 4 shall be deleted.
- xxv.** In Section 1015.3, Height, in Exception 1 “not more than three stories above grade in height” in the first and second line shall be deleted and “not more than three stories above grade in height with separate means of egress” in the third through fifth line shall be deleted. Additionally, in Exception 3, “34 inches (864mm)” shall be deleted and “30 inches (762 mm)” shall be inserted.
- xxvi.** In Section 1015.8, Window openings, “36 inches (95mm)” shall be deleted and “24 inches (610 mm)” shall be inserted.
- xxvii.** Section 1020.2.1, Hoistway opening protection is deleted.
- xxviii.** In Table 1020.2, Corridor Fire Resistance Rating, under the heading “Occupancy,” “U,” shall be deleted from the third row.
- xxix.** In Section 1030.1.1, Bleachers, after “ICC 300”, insert “Chapters 2, 3 and 4.”
- xxx.** At Section 1030.2, entitled “Assembly main exit”, add the text “other than nightclubs,” after “used for assembly purposes” at the beginning of the first and third sentences.
- xxxi.** Add new section 1030.2.1 as follows:
- “1030.2.1 Group A-2 Nightclubs. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load. The remaining exits shall be capable of providing two-thirds of the total required exit capacity. Buildings or portions thereof of Group A-2 nightclubs with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity.”
- xxxii.** Section 1031.2, Where required, shall be amended as follows: In the second paragraph, “Basements and” shall be deleted and “sleeping” shall be capitalized. In the same section, Exception 1 shall be deleted in its entirety. In Exception 2, “basements or” shall be deleted. In addition, Exceptions 3 and 4 shall be deleted in their entirety.
- 10.** Chapter 11, Accessibility, shall be amended as follows:
- i.** In the user notes, under About this Chapter, “in the International Existing Building Code” shall be deleted, and “within the Rehabilitation Subcode, N.J.A.C. 5:23-6 ” shall be inserted.
  - ii.** In Section 1101.1, Scope, insert the following after the first sentence: “This chapter shall be interpreted to require access for people with disabilities, including, but not limited to occupants, employees, consumers, students, spectators, participants, or visitors.”
  - iii.** Insert Section 1101.2 as follows:
 

**“1101.2** Existing facilities. Any building or portion of a building constructed or altered to be accessible shall be maintained accessible.”
  - iv.** In Section 1102.1, Design, “amended as follows:” shall be added to the end of the sentence and the following list shall be inserted:
    - 1.** In section 102.2, entitled “adopted by the administrative authority” in the first sentence shall be deleted.
    - 2.** The text at section 106.2, entitled “Documents,” shall be amended as follows:
      - 2.1** In section 106.2.4, entitled “National Fire Alarm Code,” delete “NFPA 72-2016” and insert “the edition of NFPA 72 adopted by reference in this subcode;”

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- 2.2** In section 106.2.6, entitled “Power Assist and Low Energy Power Operated Doors,” delete “ANSI/BHMA A156.19-2013” and insert “the edition of ANSI/BHMA A156.19 adopted by reference in this subcode;”
- 2.3** In section 106.2.7, entitled “Power Operated Pedestrian Doors,” delete “ANSI/BHMA A156.10-2011” and insert “the edition of ANSI/BHMA A156.10 adopted by reference in this subcode;”
- 2.4** In section 106.2.8, entitled “Safety Code for Elevators and escalators,” delete “ASME/ANSI A17.1- 2013/CSA B44-16” and insert “the edition of ASME/ANSI A17.1/CSA B44 adopted by reference in this subcode;”
- 2.5** In section 106.2.9, entitled “Safety Standard for Platform Lifts and Stairway Chairlifts,” delete “ASME/ANSI A18.1-2014” and insert “ASME/ANSI A18.1 adopted by reference in this subcode.”
- 3.** In section 107.5, delete the definitions of “Administrative Authority”, “Existing building”, and “Existing Facility”;
- 4.** Delete Chapter 2, “Scoping”;
- 5.** In section 309, “Operable parts”, Exception 2 shall be deleted, and the following shall be inserted: “Receptacle outlets provided in a Type A kitchen above a length of countertop.”
- 6.** Delete section 406.6.2, “Location of detectable warning surfaces”;
- 7.** In Section 410.5.2.2, Existing buildings, shall be amended to add the following phrase after the words “in existing buildings,” “where technically infeasible to provide the door arrangement prescribed by Section 410.5.2.1.”
- 8.** Delete section 502.9, “Parallel parking spaces” in its entirety;
- 9.** Delete section 502.10.1, “Location” in its entirety;
- 10.** In Section 504.5, entitled “Nosings,” at items 2 and 3, “1/2 inch (13 mm)” shall be deleted and “9/16 inch (14.3 mm)” shall be inserted in its place. In addition, at item 6, “1 1/2 inches (38 mm)” shall be deleted and “1 1/4 inches (32 mm)” shall be inserted in its place.
- 11.** Delete section 607.8, entitled “Water Temperature,” in its entirety.
- 12.** Delete section 608.8, entitled “Water Temperature,” in its entirety.
- 13.** In section 611, entitled “Washing Machines and Clothes Dryers,” delete section 611.3, entitled “Operable parts,” and section 611.4, entitled “Height.”
- 14.** In section 705.7, “Placement”, delete subsections 705.7.1, “Perpendicular curb ramps;” 705.7.2, “Parallel curb ramps;” 705.7.3, “Blended transitions;” 705.7.4, “Pedestrian refuge islands;” 705.7.5 “Pedestrian at-grade rail crossings;” and 705.7.7 ‘Boarding and alighting areas” in their entirety;
- 15.** Sections 804.5.2, entitled “Operable Parts,” 804.5.3, entitled “Dishwasher,” 804.5.4, entitled “Cooktop,” 804.5.5, entitled “Oven,” and 804.5.6, entitled “Refrigerator/Freezer,” shall be deleted in their entirety.
- 16.** Delete section 805.2 “Bus boarding and alighting areas” in its entirety;
- 17.** Delete section 808, “Enhanced acoustics for classrooms” in its entirety;
- 18.** Delete section 1001.4, “Animal containment areas” in its entirety;
- 19.** Delete section 1002, “Amusement Rides”, section 1003, “Recreational Boating Facilities”, section 1004, “Exercise Machines and Equipment”, section 1005, “Fishing Piers and Platforms”, section 1006, “Golf Facilities”, section 1007, “Miniature Golf Facilities”, section 1008, “Play Areas”, and section 1010, “Shooting Facilities with Firing Positions” in their entirety;

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20. Amend section 1102.3.1, entitled "Location," as follows:
- 20.1 In the Exception, delete the word "unfinished" in two places.
21. In section 1102.15.2, Bed Frames, "with a minimum of six and one-half inches clear from the floor to the lowest level of the bed frame" shall be inserted at the end of the sentence.
22. Amend section 1103.3.1, entitled "Location," as follows: Insert "1." before the existing exception and delete "unfinished" in two places. Additionally, insert "Exception 2. An accessible route is not required to exterior decks, patios, or balconies that have impervious or improved surfaces that are not more than four (4) inches below the finished floor level of the adjacent interior space of the dwelling unit."
23. Section 1103.10, Laundry equipment, shall be deleted in its entirety.
24. Section 1103.11.2.5.2, entitled "Shower," shall be amended as follows:
- 24.1. In the first line, after the word "Exception," insert the number "1."
- 24.2. Add the following text at the end of the Exception: "2. The threshold for a shower compartment may be adaptable provided the shower threshold can be made accessible with minimal expense and effort."
25. In section 1103.12.3.1, entitled "Clear Floor Space," delete Exception 1. in its entirety and insert in its place: "1. the cabinetry can be removed or replaced as a unit,".
26. In section 1103.12.3.2, entitled "Height," delete the exception in its entirety and insert the following in its place: "Exception: A counter that is adjustable or replaceable as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum shall be permitted."
27. In section 1103.12.4.1, entitled "Clear Floor Space," delete Exception 2.1 in its entirety and insert in its place: "2.1 the cabinetry can be removed or replaced as a unit,".
28. In section 1103.12.4.2, entitled "Height," delete the exception in its entirety and insert the following in its place: "Exception: A sink and counter that is adjustable or replaceable as a unit at heights between 29 inches minimum and 36 inches maximum, provided rough-in plumbing permits connections of supply and drain piping for sinks mounted at heights of 29 inches, shall be permitted."
29. In section 1103.12.5, entitled "Appliances," delete the following sections: section 1103.12.5.1, entitled "Operable parts"; section 1103.12.5.3, entitled "Dishwasher"; section 1103.12.5.4, entitled "Cooktop"; section 1103.12.5.5, entitled "Oven"; and section 1103.12.5.6, entitled "Refrigerator/Freezer."
30. Delete section 1104, entitled "Type B Units," in its entirety.
31. Delete section 1105, entitled "Type C (Visitable) Units" in its entirety.
- v. Section 1103.2.3, Detached dwellings, shall be deleted and the following shall be inserted:
- 1103.2.3** Residential buildings or structures. The following residential buildings are not required to comply with this chapter.
- 1103.2.3.1** Townhouses. Townhouses are not required to comply with this chapter, except townhouses for which credit is sought for low and moderate income housing through the Council on Affordable Housing (COAH);
- 1103.2.3.1.1** For the purposes of applying this exemption, a townhouse shall be a single dwelling unit with two or more stories of dwelling space, exclusive of basement or attic, where each dwelling unit extends from foundation to roof. The dwelling unit shall have an independent entrance that shall serve one dwelling unit only at or near grade; most or all of the sleeping rooms shall be on one story; and most or all of the

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remaining habitable space, such as kitchen, living, and dining areas, shall be on another story; or

**1103.2.3.2.** Buildings of Group R-2, R-3, R-4, or R5 with one, two, or three dwelling units in a single structure;

**1103.2.3.2.1** For the purposes of determining the number of dwelling units in a single structure, firewalls or partywalls shall not constitute separate buildings.

**1103.2.3.2.2** Exception: Townhouses or multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with this chapter.”

**vi.** In Section 1103.2.5, Construction sites, the following exception shall be inserted:

“Exception: Construction site trailers used as sales offices shall be accessible.”

**vii.** Section 1104.1, Site arrival points, in the exception, “Other than in buildings or facilities containing or serving Type B units,” shall be deleted and “an” shall be capitalized.

**viii.** Section 1104.4, Multistory buildings and facilities, shall be deleted and the following shall be inserted:

**"1104.4** Multilevel nonresidential buildings and multilevel buildings of Group R-1. An accessible route of travel shall be provided in multilevel nonresidential buildings and multilevel buildings of Group R-1 in accordance with Sections 1104.4.1 - 1104.4.5.

**1104.4.1** Small Buildings. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Except as provided in Sections 1104.4.1.1- 1104.4.1.5, small buildings that are not more than two stories shall not be required to have an elevator(s) to provide a vertical accessible route between floors. Small buildings that are three or more stories shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

**1104.4.1.1** Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors.

**1104.4.1.2** Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors.

**1104.4.1.3** Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors.

**1104.4.1.4** Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

**1104.4.1.4.1** For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

**1104.4.2** Large buildings. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features

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required of small buildings in Section 1104.4.1. In addition, large buildings shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

**1104.4.2.1** Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on a floor or mezzanine that is not required to be served by an elevator and where no vertical accessible route is provided, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

**1104.4.3** For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

**1104.4.4** The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building.

**1104.4.4.1** An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

**1104.4.4.2** In buildings, facilities, or portions thereof that primarily serve children, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.”

**1104.4.5** Limited Use Limited Access Elevators— the use of a Limited Use Limited Access Elevator shall be permitted in accordance with the provisions of 1110.8.

**ix.** In Section 1104.5, Location, exception 1 shall be deleted. In addition, in exception 2, “or Type B unit” shall be deleted and “or” shall be inserted between “Accessible unit” and “Type A unit.”

**x.** In Section 1105.1, Public entrances, after “... at least sixty percent of all public entrances shall be accessible.” insert “The primary entrance(s) used by the general public shall be accessible.”

**xi.** Section 1105.1.8, Dwelling units and sleeping units, in the exception, “or Type B unit” shall be deleted and “or” shall be inserted between “Accessible unit” and “Type A unit.”

**xii.** In Section 1106.3, Groups I-1, R-1, R-2, R-3, and R-4, in item 1, "or Type B " shall be deleted and "or" shall be inserted between "Accessible " and "Type A." Additionally, insert the following at the end of item number 1: "Where additional parking spaces or parking lots are provided for visitors, the number of required accessible parking spaces shall comply with the Table 1106.2." Lastly, item number 3 shall be deleted.

**xiii.** In Section 1106.7, Location, insert the following at the end of the section: “Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.”

**xiv.** In Section 1107.2, Electrical vehicle charging stations, " [N.J.A.C. 5:23-2.36](#) and" shall be inserted before "Sections." In addition, the exception shall be deleted.

**xv.** Insert Section 1106.10 as follows:

“1106.10 Parking signage. Each accessible parking space shall be marked with an R7-8 sign from the Manual of Uniform Traffic Control Devices and shall display the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with a penalty sign, as required by [N.J.S.A. 39:4-198](#) , containing the following language:

PENALTY

\$ 250 FIRST OFFENSE

SUBSEQUENT OFFENSES

\$ 250 MINIMUM AND/OR

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## UP TO 90 DAYS COMMUNITY SERVICE

## TOW AWAY ZONE

1106.10.1, Mounting height. The bottom of the lowest sign shall be mounted approximately 60 inches above the parking lot or sidewalk surface when the sign is parallel to the sidewalk and approximately 72 inches above the parking lot or sidewalk when the sign is perpendicular to the sidewalk.

1106.10.2, Location. The penalty sign shall be centered and mounted at the head of each parking space.”

- xvi.** In Section 1108.2, Design, “and Type B units” shall be deleted from the first sentence and “and” shall be inserted between “Accessible units” and “Type A units.” Additionally, the last sentence shall be deleted.
- xvii.** In Section 1108.3, Accessible spaces, “or Type B units” shall be deleted from the first sentence and “or” shall be inserted between “Accessible units” and “Type A units.” After “dining areas,” the second sentence, “laundry areas, mailboxes and meeting rooms” shall be inserted. The text of Exception #1 shall be deleted and the following shall be inserted in its place: “Mailboxes shall be mounted at minimum height of 28 inches and a maximum of 54 inches where a parallel approach is provided.” Finally, Exception #3 shall be deleted in its entirety.
- xviii.** In Section 1108.4, Accessible route, “and Type B units” shall be deleted from the first sentence and “and” shall be inserted between “Accessible units” and “Type A units.” Exception 6 is amended to delete “or Type B units” from the third and fourth line, to delete the words “and Type B units” on the fifth line, and to delete the words “and Type B units” on the sixth line. Exception 7 is deleted.
- xix.** In Section 1108.5, Group I, “and Type B units” shall be deleted.
- xx.** In Section 1108.5.1, Group I-1, “and Type B units” shall be deleted. Additionally, “1108.5.1.3” shall be deleted and “1108.5.1.2” shall be inserted.
- xxi.** Section 1108.5.1.3, Type B units, shall be deleted in its entirety.
- xxii.** In Section 1108.5.2, Group I-2 nursing homes, “and Type B units” and “and 1108.5.2.2” shall be deleted.
- xxiii.** Section 1108.5.2.2, Type B Units, shall be deleted.
- xxiv.** In Section 1108.5.3, Group I-2 hospitals, “and Type B units” and “and 1108.5.3.2” shall be deleted.
- xxv.** Section 1108.5.3.2, Type B Units, shall be deleted in its entirety.
- xxvi.** Section 1108.5.5, Group I-3, shall be renumbered as Section 1108.5.6 and the following shall be inserted:

1108.5.5 Assisted living facilities. Assisted living facilities that are licensed by the Department of Health are Group I-2 for compliance with the building subcode, fire protection subcode, and the other subcodes of the Uniform Construction Code and shall be Group R-2 for the purposes of accessibility.

1108.5.5.1 Dwelling units that are available for occupancy only for 30 or more consecutive days shall be required to comply with Section 1103 of ICC A117.1.

1108.5.5.2 Where an assisted living facility includes dwelling units or rooms that are available for occupancy for fewer than 30 consecutive days, 50 percent of those dwelling units or rooms shall be accessible in compliance with Section 1102 of ICC A117.1 and shall include one full bathroom that complies with Section 1102 of ICC A117.1 and, where a kitchen is provided, it shall comply with Section 1102 of ICC A117.1.



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1108.5.5.3 In dwelling units in an assisted living facility that are designated Group R-2 for the purposes of accessibility, the following may be adaptable:

1108.5.5.3.1 The threshold for an accessible transfer shower may be adaptable as long as the shower threshold can be adapted with minimal expense and effort to be accessible; and

1108.5.5.3.2 A transfer-type shower of 36 inches by 48 inches that includes an accessible seat may be provided in individual dwelling units. The threshold of this shower shall not exceed four inches.

**xxvii.** In Section 1108.6, Group R, “and Type B units” shall be deleted from the first sentence and “and” shall be inserted between “Accessible units” and “Type A units.”

**xxviii.** In Section 1108.6.1, Group R-1, “and Type B units” and “and 1109.6.1.2” shall be deleted.

**xxix.** Section 1108.6.1.2, Type B units, shall be deleted in its entirety.

**xxx.** In Section 1108.6.2, Group R-2, “and Type B units” shall be deleted and “and” shall be inserted between “Accessible units” and “Type A units.”

**xxxi.** In Section 1108.6.2.1, Live/work units, in the last sentence, “be a Type B unit” shall be deleted and “comply with Sections 1108.6.2.2 and 1108.7” shall be inserted. Additionally, the exception shall be deleted.

**xxxii.** In Section 1108.6.2.2, Apartment houses, monasteries and convents, “Live/Work Units” shall be added before “Apartment” in the title, “and Type B units” and “and 1108.6.2.2.2” shall be deleted, and “Live/Work Units” shall be added before “Apartment” in the third line.

**xxxiii.** Section 1108.6.2.2.1, Type A units, shall be deleted in its entirety and the following shall be inserted:

“1108.6.2.2.1 Type A units. In Group R-2 live/work units, apartment houses, monasteries and convents containing four or more dwelling units or sleeping units, all ground floor dwelling units in a building without elevator service and all dwelling units in an elevator serviced building shall be Type A units. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

Exception: The number of Type A units is permitted to be reduced in accordance with 1108.7.

**xxxiv.** Section 1108.6.2.2.2, Type B units, shall be deleted in its entirety.

**xxxv.** In Section 1108.6.2.3, Group R-2 other than live/work units, apartment houses, monasteries and convents, “Type B units” shall be deleted and “Type A units” inserted in its place.

**xxxvi.** Section 1108.6.2.3.2, Type B units, shall be deleted in its entirety and the following shall be inserted:

“1108.6.2.3.2 Type A units. In Group R-2 occupancies other than live/work units, apartment houses, monasteries and convents containing four or more dwelling units or sleeping units, all ground floor dwelling units in a building without elevator service and all dwelling units in an elevator serviced building shall be Type A units. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

Exception: The number of Type A units is permitted to be reduced in accordance with 1108.7.

**xxxvii.** In Section 1108.6.3, Group R-3, “Type B units” shall be deleted in the section and the exception and “Type A units” inserted in its place in both locations.

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**xxxviii.** In Section 1108.6.4, Group R-4, "Type B units" shall be deleted and "Type A units" inserted in its place.

**xxxix.** Section 1108.6.4.2, Type B units, shall be retitled "Type A units". Additionally, "Type B units" shall be deleted in the section and the exception and "Type A units" inserted in its place in both locations.

**xl.** Insert new section 1108.6.5 as follows:

"1108.6.5 COAH Units. The exemption for townhouses and multistory units notwithstanding, multistory or multifloor townhouses for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC A117.1:

- (1) An adaptable entrance, with the plans for the adaptation to provide an accessible entrance.
  - (A) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;
- (2) An adaptable toilet and bathing facility on the first floor;
- (3) An adaptable kitchen on the first floor;
- (4) An accessible interior route of travel.
  - (A) An interior accessible route of travel shall not be required between stories; and
- (5) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor."

**xli.** In Section 1108.7, General exceptions, "and Type B units" shall be deleted. Additionally, in the last line "1108.7.5" shall be deleted and "1108.7.3" inserted in its place.

**xlii.** Section 1108.7.1, Structures without elevator service, 1108.7.1.1, One story with Type B units required, and 1108.7.1.2, Additional stories with Type B units, shall be deleted in their entirety.

**xliii.** Section 1108.7.2, Multistory units, shall be renumbered as Section 1108.7.1. The first sentence of this section shall be deleted and replaced with the following: A multistory dwelling unit or sleeping unit that is not provided with elevator service is required to be accessible as follows: The primary entrance to the unit shall comply with the requirements for a Type A unit and, where provided within the unit, a living area, kitchen, and toilet and bathing facility that comply with Type A dwelling unit shall be provided on that floor. In the seventh line, "Type B dwelling unit" shall be deleted and "Type A unit" inserted in its place. Additionally, in the eighth line, following the word "toilet," "and bathing" shall be inserted.

**xliv.** Section 1108.7.3, Elevator service to the lowest story with units, shall be deleted in its entirety.

**xlv.** Section 1108.7.4, Site impracticality, shall be renumbered as Section 1108.7.2 and "Type B units" in the third line of the section and in Items 1, 2, 3, and 4 shall be deleted and "Type A units" inserted in its place.

**xlvi.** Section 1108.7.5, Flood hazard areas, shall be renumbered as Section 1108.7.3 and in the first line "and Type B units" shall be deleted. Additionally, the following exception shall be added: "Exception: When an accessible route is provided, all dwelling units served by the accessible route shall be Type A units."

**xlvii.** Section 1110.1, General, in the exception, "and Type B unit" shall be deleted and "and" shall be inserted between "Accessible unit" and "Type A unit."

**xlviii.** In Section 1110.2.5, Lavatories, the last sentence shall be deleted.

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**xlix.** In Section 1110.8, Elevators, insert the following exceptions:

“Exceptions:

1. An elevator that provides an accessible route within an individual dwelling unit shall not be required to comply with the dimensional requirements of an accessible elevator.
2. A limited use/limited application elevator that complies with ANSI/ASME A17.1 adopted by reference in the building subcode shall be allowed to provide a vertical accessible route in the following buildings or tenancies, provided that the travel distance of the device does not exceed 25 feet:
  - 2.1 In small buildings as defined in Section 1104.4.1;
  - 2.2 In individual tenancies of less than 10,000 square feet in buildings of 10,000 square feet or more;
  - 2.3 To serve floors or mezzanines of less than 3,000 square feet; or
  - 2.4 In Group A-3, places of religious worship, or Group E occupancies of any size.”

**I.** In Section 1110.9, Lifts, Items #4, #6, and #10 shall be deleted.

**ii.** In Section 1110.13.2, Sales and service counters and windows, insert the following exceptions:

“Exceptions:

1. An auxiliary service counter with a maximum height of 36 inches in close proximity to the main service counter
2. Equivalent facilitation, such as a folding shelf attached to the main service counter or space at the side of the service counter.”

**iii.** In Section 1111.2.2, Facilities serving Type A and Type B units in a single building, delete “and Type B” in the title and “or Type B” in the first sentence.

**iiii.** In Section 1111.2.3, Facilities serving Type A and Type B units in multiple buildings, delete “and Type B” in the title and “or Type B” in the first sentence.

**lv.** Sections 1111.4.8, Amusement rides, 1111.4.8.1, Load and unload areas, 1111.4.8.2, Wheelchair spaces, ride seats designed for transfer and transfer devices, and 1111.4.8.3, Minimum number shall be deleted in their entirety.

**lv.** Sections 1111.4.12, Miniature golf facilities, 1111.4.12.1, Minimum number, 1111.4.12.2, Miniature golf course configuration, and 1111.4.12.3, Accessible route shall be deleted in their entirety.

**lvi.** In Section 1111.4.14, Swimming pools, wading pools, cold baths, hot tubs, and spas, Exception 3 shall be deleted in its entirety.

**lvii.** In Section 1112.1, Signs, the exception to Item #1 shall be deleted. Additionally, in the last line of the exception to Item #2, “an assigned” shall be inserted following “identification of” and “spaces” shall be deleted and “space” shall be inserted.

**lviii.** In Section 1112.4, Other signs, Item #7 shall be deleted in its entirety.

**lix.** Insert new Section 1113, Variations, as follows:

“Section 1113. Variations

1113.1 General. Where it can be demonstrated that one or more of the provisions of this subchapter are technically infeasible, variations or exceptions to those specific provisions may be granted if:

1. The spirit and intent of the law are observed;

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2. Public welfare and safety are assured; and
3. Equivalent facilitation and protection for people with disabilities are secured.

1113.2 Prohibited. In no case shall a complete waiver of these requirements be granted.

1113.3 Procedure. Procedures for granting variations and exceptions shall be in accordance with [N.J.A.C. 5:23-2.9](#) through [2.13](#)."

11. Chapter 12, Interior Environment, shall be amended as follows:
  - i. Section 1203, Temperature Control, shall be deleted in its entirety.
  - ii. Section 1207, Enhanced Classroom Acoustics, shall be deleted in its entirety.
  - iii. In Section 1208.2, Minimum ceiling heights, "7 feet 6 inches (2286mm)" shall be deleted and "7 feet (2134 mm)" shall be inserted in its place.
  - iv. In Section 1208.4, Efficiency dwelling units, in exception 3, "and Type B" shall be deleted.
  - v. Sections 1210.3, Privacy, 1210.3.1 Water closet compartment, and 1210.3.2, Urinal partitions shall be deleted in their entirety.
12. Chapter 13, Energy Efficiency, shall be deleted in its entirety.
13. Chapter 14, Exterior Walls, shall be amended as follows:
  - i. In Section 1404.11.4, Grounding, "Chapter 27 of this code" shall be deleted and "the electrical subcode, [N.J.A.C. 5:23-3.16](#) " shall be inserted.
14. Chapter 15, Roof Assemblies and Rooftop Structures, shall be amended as follows:
  - i. In Section 1502.1, General, "Chapter 11 of the International Plumbing Code" shall be deleted and "the plumbing subcode, [N.J.A.C. 5:23-3.15](#) " shall be inserted.
  - ii. In Section 1502.2, Secondary (emergency overflow) drains or scuppers, "Chapter 11 of the International Plumbing Code" shall be deleted and "the plumbing subcode, [N.J.A.C. 5:23-3.15](#) " shall be inserted.
  - iii. In Table 1505.1, Minimum Roof Covering Classification for Types of Construction, Note a shall be deleted in its entirety. In addition, at Note b, "and Group U" shall be deleted from the first sentence.
  - iv. In Section 1507.1.2, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.
  - v. In Table 1507.4.3(1), METAL ROOF COVERINGS, the reference to note a in the fifth line of the second column and note a at the end of the table shall be deleted.
  - vi. In Section 1507.5.7, Flashing, "or where there has is a possibility of ice forming along the eaves causing a backup of water," shall be deleted.
  - vii. In Section 1507.8.8, Flashing, "or where there is a possibility of ice forming along the eaves causing a backup of water," shall be deleted.
  - viii. In Section 1507.9.9, Flashing, "or where there is a possibility of ice forming along the eaves causing a backup of water," shall be deleted.
  - ix. In Section 1507.17.4.2, Ice barrier, "In areas where there has been a history of ice forming along the eaves causing a backup of water," shall be deleted and "In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less," shall be inserted.
15. Chapter 16, Structural Design, shall be amended as follows:

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- i. New Section 1603.2, Restrictions on loading, from Section 1603.2 of the 2006 International Building Code, shall be inserted as follows: "It shall be unlawful to place, or cause to permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by these requirements."
  - ii. In Section 1607.8.5, Posting, "Section 106.1" shall be deleted and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted.
  - iii. Section 1607.12, Reduction in uniform live loads, shall be amended as follows: In the first sentence, "and applied" shall be inserted after "reduced." After the first sentence, "The method chosen shall be applied throughout the building." shall be inserted.
  - iv. In Section 1611.1, Design rain load, the second and third sentences shall be deleted and "The design rainfall rates shall be based on the plumbing subcode, [N.J.A.C. 5:23-3.15](#) ." shall be inserted.
  - v. In Section 1611, Rain loads, Figures 1611.1(1) through 1611.1(5), "100-year, 1-hour rainfall (inches)" shall be deleted.
  - vi. In Section 1612.1, General, in the first sentence, "including substantial improvement and restoration of substantial damage to buildings and structures" shall be deleted.
  - vii. In Section 1612.4, Flood hazard documentation, items 1.1 and 2.1, "Section 110.3.3" and "Section 110.3.12.1" shall be deleted and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted in all instances.
- 16.** Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:
- i. In the User notes, under About this Chapter, "or construction official, as indicated in Chapter 17" shall be inserted after "building official." Additionally, "chapter 1" shall be deleted, and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted in its place.
  - ii. In Section 1701.1, Scope, "shall apply to Class 1 buildings, mass timber elements of Type IV-A, IV-B, and IV-C construction, and smoke control systems in all buildings and" shall be inserted after "chapter."
  - iii. Section 1703.1, Approved agency, shall be amended as follows: In the first sentence, "Upon the request of the construction official" shall be inserted before "An." In the same sentence, "building official" shall be deleted and "construction official" shall be inserted and "applicable" shall be deleted and "following" shall be inserted.
  - iv. In Section 1703.1.1, Independence, in the second sentence, "building official" shall be deleted and "construction official" shall be inserted. Additionally, "registered design professional" shall be deleted and "person" shall be inserted.
  - v. Add new section 1703.1.4 as follows: "1703.1.4 Certification. An approved agency shall employ personnel certified in accordance with the administrative provisions of the Uniform Construction Code, to conduct, supervise and evaluate tests or inspections."
  - vi. In Section 1703.3, Record of approval, in the first sentence, "building official" shall be deleted and "construction official" shall be inserted.
  - vii. In Section 1703.4, Performance, in the first sentence, "building official" shall be deleted and "construction official" shall be inserted.
  - viii. In Section 1703.4.1, Research and investigation, in the first and second sentences, "building official" shall be deleted and "construction official" shall be inserted.
  - ix. In Section 1703.6, Evaluation and follow-up inspection services, "in accordance with [N.J.A.C. 5:23-4.26](#) " shall be inserted after the second "assembly." Additionally, in the second and last sentence, "building official" shall be deleted and "construction official" shall be inserted.

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- x.** In Section 1703.6.2, Test and inspection records, in the first sentence, "building official" shall be deleted and "construction official" shall be inserted.
- xi.** In Section 1704.1, General, in the first sentence, "building official" shall be deleted and "construction official" shall be inserted.
- xii.** In Section 1704.2, Special inspections and tests, in the first sentence, "of Class 1 buildings, mass timber elements of Type IV-A, IV-B, and IV-C construction, or any building containing a smoke control system" shall be inserted after "construction." Additionally, in two places in the first sentence and in exceptions #1 and #2, "building official" shall be deleted and "construction official" shall be inserted. Lastly, "Section 105" and "Section 110" shall be deleted and "the administrative provisions of the Uniform Construction Code ([N.J.A.C. 5:23](#))" shall be inserted in both locations.
- xiii.** In Section 1704.2.1, Special inspector qualifications, in the first sentence, "building official" shall be deleted and "construction official" shall be inserted. Additionally, "registered design professional" shall be deleted and "person" shall be inserted.
- xiv.** In Section 1704.2.3, Statement of special inspections, "in accordance with Section 107.1" shall be deleted.
- xv.** In Section 1704.2.4, Report requirements, in the second and last sentences, "building official" shall be deleted and "construction official" shall be inserted. Additionally, in the second and the fifth sentences, "registered design professional" shall be deleted and "person" shall be inserted.
- xvi.** In Section 1704.2.5.1, Fabricator approval, in the third sentence, "building official" shall be deleted and "construction official" shall be inserted.
- xvii.** In Section 1704.3, Statement of special inspections, "registered design professional" shall be deleted and "person" shall be inserted. Additionally, the exception shall be deleted.
- xviii.** In Section 1704.4, Contractors' responsibility, in the first sentence, "main - wind- or" shall be deleted. In addition, in the same sentence, "or a wind-" shall be deleted. Additionally, in the first sentence, "building official" shall be deleted and "construction official" shall be inserted.
- xix.** In Section 1704.5, Submittals to building official, in the title and in the first sentence, "building official" shall be deleted and "construction official" shall be inserted. In addition, in item # 7, "B and C," shall be deleted in reference to seismic design categories.
- xx.** Section 1704.6, Structural observations, shall be deleted in its entirety.
- xxi.** In Section 1705.2, Steel construction, "the onsite erection of" shall be inserted between "of" and "steel."
- xxii.** In Table 1705.3, Required special inspections and test of concrete construction, in Item #11, "C," shall be deleted from the Design Category listing. Additionally, in Note b, "building official" shall be deleted and "construction official" shall be inserted.
- xxiii.** In Section 1705.4, Masonry construction, "in Seismic Design Category D" shall be inserted after the word "construction." Additionally, in Exception 2, the reference to Table 1807.1.6.3(1) shall be deleted.
- xxiv.** Section 1705.5, Wood construction, Section 1705.5.1, High-load diaphragms, and Section 1705.5.2, Metal-plate-connected wood trusses spanning 60 feet or greater, shall be deleted. Additionally, Section 1705.5.3, Mass timber construction shall be renumbered 1705.5.
- xxv.** In Table 1705.7, Required special inspections and test of driven deep foundation elements, at Item #7, "registered design professional" shall be deleted and "person" shall be inserted.
- xxvi.** In Section 1705.9, Helical pile foundations, in the second sentence, "registered design professional" shall be deleted and "person" shall be inserted.
- xxvii.** Section 1705.12, Special inspection for wind resistance, shall be deleted.

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- xxviii.** In Section 1705.13.1.1, Seismic force-resisting systems, “B and C,” shall be deleted in reference to seismic design categories. Additionally, Exception 1 shall be deleted.
- xxix.** In Section 1705.13.1.2, Structural steel elements, “B and C,” shall be deleted in reference to seismic design categories. In addition, exception 1 shall be deleted.
- xxx.** In Section 1705.13.2, Structural wood, in the first sentence, “C,” shall be deleted in reference to seismic design categories.
- xxxi.** In Section 1705.13.3, Cold-formed light-frame construction, in the first sentence, “C,” shall be deleted in reference to seismic design categories.
- xxxii.** In Section 1705.13.4, Designated seismic systems, in the first sentence, “C,” shall be deleted in reference to seismic design categories.
- xxxiii.** In Section 1705.13.6, Plumbing, Mechanical and Electrical Components, in items 1, 3, 4, 5, and 6, “C,” shall be deleted in reference to seismic design categories.
- xxxiv.** In Section 1705.13.8, Seismic isolation systems, in the first sentence of the first paragraph, “B” and “C,” shall be deleted in reference to seismic design categories.
- xxxv.** Section 1705.14.1, Structural steel, shall be deleted.
- xxxvi.** In Section 1705.14.2, Nonstructural components, in the first sentence, “B and C,” shall be deleted in reference to seismic design categories. Additionally, in the second sentence, “building official” shall be deleted and “construction official” shall be inserted.
- xxxvii.** In Section 1705.14.3, Designated seismic systems, in the first sentence, “C,” shall be deleted in reference to seismic design categories. Additionally, in the second sentence, “building official” shall be deleted and “construction official” shall be inserted.
- xxxviii.** In Section 1705.14.4, Seismic isolation systems, in the first sentence, “B and C,” shall be deleted in reference to seismic design categories.
- xxxix.** In Section 1707.1, General, in two places in the first sentence, “building official” shall be deleted and “construction official” shall be inserted. Additionally, “as provided for in Section 104.11” shall be deleted and “in accordance with [N.J.A.C. 5:23-3.7](#)” shall be inserted in its place.
- xl.** In Section 1709.1, General, in the second sentence, “building official” shall be deleted and “construction official” shall be inserted.

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

- i.** Section 1803.3.1, Scope of investigation, shall be amended as follows: After the first sentence, the following sentence from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted: “There shall be at least one exploratory boring to rock or to an adequate depth below the load-bearing strata for every 2,500 square feet (232 m<sup>2</sup>) of built-over area, and such additional tests as the code official requires.”
- ii.** In Section 1803.5, Investigated conditions, in the last line, delete “1803.5.12” and insert “1803.5.13”.
- iii.** In the title of Section 1803.5.11, “C” shall be deleted and “D” shall be inserted. In the first sentence, the reference to “C” shall be deleted.
- iv.** New Section 1803.5.13 from Section 1802.1 of the 1996 BOCA National Building Code shall be inserted as follows: “Building Height: For all buildings that are more than three stories or 40 feet (12,192 mm) in height above the grade plane, the building official shall request soil tests.”
- v.** In Section 1805.4.3, Drainage discharge, “International Plumbing Code” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.

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vi. New Section 1807.4 from Section 1813.8 of the 1996 BOCA National Building Code shall be inserted as follows: "1807.4 Erosion protection: Where water impacts the ground from the edge of the roof, downspout, scupper or other rain water collection or diversion device, provisions shall be made to prevent soil erosion and direct the water away from the foundation."

vii. Section 1809.4, Depth and width of footings, shall have the following exceptions added:

"Exceptions:

1. Garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height and accessory to structures of Group R-2, R-3 or R-4 and does not contain a water, gas, oil or sewer connection. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.
2. Garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, 10 feet or less in height and accessory to structures of Group R-2, R-3 or R-4 provided the shed is dimensionally stable without the foundation system and does not contain a water, gas, oil or sewer connection. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground."

viii. New Section 1810.3.1.7 from Section 1816.9 of the 1996 BOCA National Building Code shall be inserted as follows: "Spacing. The minimum center-to-center spacing of piles shall not be less than twice the average diameter of a round pile, nor less than 1 3/4 times the diagonal dimension of a rectangular pile. Where driven to or penetrating into rock, the spacing shall not be less than 24 inches (610 mm). Where receiving principal support at the end from materials other than rock, or through friction resistance, the spacing shall not be less than 30 inches (762 mm) except that for piles having enlarged bases formed either by compacting concrete or driving a precast base, the minimum center-to-center spacing shall be 4 1/2 feet (1,372 mm). The spacing of piles shall be such that the average load on the supporting strata will not exceed the safe load-bearing value of those strata as determined by test borings or other approved methods."

ix. In Section 1810.3.3.1.3, Load test evaluation methods, Item 4 shall be deleted.

x. In Section 1810.3.10.4, Seismic reinforcement, "Section 104.11" shall be deleted and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted.

xi. In Section 1810.3.13, Seismic ties, in the exception, "and U" and "subject to approval of the building official" shall be deleted.

18. Chapter 23, Wood, shall be amended as follows:

i. In Section 2303.4.1.4.1, Truss design drawings, "Where required by the registered design professional, the building official, or the statutes of the jurisdiction in which the project is to be constructed," shall be deleted.

ii. In Section 2303.4.2, Truss placement diagram, in the last sentence, "that serve only as a guide for installation and do not deviate from the permit submittal drawings" shall be deleted.

iii. In Section 2303.4.6, TPI 1 specifications, "Section 110.4" shall be deleted and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted.

iv. New Section 2303.4.8, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."



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- v. In Table 2304.10.2, Fastening Schedule, in footnote g, “under Section 104.11” shall be deleted, and “pursuant to [N.J.A.C. 5:23-3.7](#)” shall be inserted in its place.
  - vi. In Table 2306.2(2), Allowable Shear Values (Pounds Per Foot) For Wood Structural Panel Blocked Diaphragms Utilizing Multiple Rows of Staples (HighLoad Diaphragms) With Framing of Douglas Fir-Larch or Southern Pine for Wind or Seismic Loading, Note g shall be deleted.
  - vii. In Section 2308.1, General, the last sentence shall be deleted.
19. Chapter 25, Gypsum Board, Gypsum Panel Products and Plaster, shall be amended as follows:
- i. In Section 2503.1, Inspection, “Section 110.3.6” shall be deleted and “the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )” shall be inserted.
20. Chapter 27, Electrical, shall be deleted except Section 2702, Emergency and standby power systems, which shall be amended as follows:
- i. In Section 2702.2.4, Emergency voice/alarm communication systems, the text shall be deleted, and the following language from Section 2702.2.4 of the 2018/IBC shall be inserted: “Emergency power shall be provided for emergency voice/alarm communication systems as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.”
21. Chapters 28, Mechanical Systems, and 29, Plumbing, shall be deleted in their entirety.
22. Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:
- i. In Section 3001.1, Scope, “and, where applicable, [N.J.A.C. 5:23-12](#) shall” shall be inserted after “chapter.” In addition, “governs” shall be deleted and “govern” shall be inserted.
  - ii. Section 3001.2, Emergency elevator communication systems for the deaf, hard of hearing, and speech impaired, shall be deleted.
  - iii. Table 3001.3, Elevators and conveying systems and components, is amended as follows: Under the subheading “Type” delete “Elevators, escalators, dumbwaiters, moving walks, material lifts” and substitute with “Elevator devices as defined in [N.J.A.C. 5:23-12](#) .” Under the subheading “Standard” delete “ASME A17.1/CSA B44” and substitute with “ASME A17.1/CSA B44 with the exception of Sections 1.1.3 and 1.2, Sections 5.8, 5.9, and 5.11, and 5.12, Sections 7.4 through 7.7, and Sections 7.9 and 7.10”; Insert new statements: Under the subheading “Type” insert “Marine and Mine Elevators, Wind Turbine Tower Elevators, Outside Emergency Elevators, Material Lifts Without Automatic Transfer Devices, Electric and Hydraulic Material Lifts Without Automatic Transfer Devices, Automatic Transfer Devices, Electric and Hydraulic Material Lifts With Automatic Transfer Devices.” and under the subheading “Standard,” insert “ASME A17.1/CSA B44 Sections 5.8 and 5.9, 5.11, 5.12, Sections 7.4 through 7.7, and Sections 7.9 and 7.10”. In addition, under the subheading standard delete ASME A17.7/CSA B44.7.
  - iv. In Section 3001.5, Change in use, “Section 8.7 of ASME A17.1/CSA B44” shall be deleted and “ASME A17.1” shall be inserted.
  - v. In Section 3002.5, Emergency doors, “ASME A17.1/CSA B44” shall be deleted and “ASME A17.1” shall be inserted.
  - vi. In Section 3002.9, Plumbing and mechanical systems, in the exception, “without an oil-water separator” shall be inserted at the end of the sentence. In addition, the following sentence shall be inserted: “The discharge shall not be directly or indirectly connected to the sanitary drainage system.”
  - vii. In Section 3003.1.3, Two or more elevators, the last sentence shall be deleted and the following sentence shall be substituted “After all elevators have been returned to the designated level, service to all floors shall be provided by not less than one elevator which shall remain operational from the standby power source.”

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- viii.** In Section 3003.2, Fire-fighters' emergency operation, "ASME A17.1/CSA B44" shall be deleted and "ASME A17.1" shall be inserted.
- ix.** In Section 3003.3, Standardized fire service elevator keys, "International Fire Code" shall be deleted and "Elevator Safety Subcode ( N.J.A.C. 5:23-12 )" shall be inserted.
- x.** In Section 3005.6, Plumbing systems, add the following exception:  
 "Exception: Where machinery spaces and control spaces are located in the elevator pit, floor drains, sumps and sump pumps shall be permitted in the pits provided they are indirectly connected to the plumbing system without an oil-water separator. The discharge shall not be directly or indirectly connected to the sanitary system."
- xi.** In Section 3006.2, Hoistway opening protection required, Condition #1 shall be deleted and Conditions 2 through 5 shall be renumbered 1 through 4 with no change in text.
- xii.** Section 3006.2.1, Rated corridors, is deleted.
- xiii.** In Section 3006.3, Hoistway opening protection, item 4 shall be deleted in its entirety.
- xiv.** In Section 3008.6.6, Two-way communication system, in the first sentence, "or an alternate location approved by the fire department and" shall be deleted.
- xv.** In Section 3008.7, Elevator system monitoring, in the first sentence, "or a central control point approved by the fire department and" shall be deleted.
- xvi.** In Section 3008.7.1, Elevator recall, in the first sentence, "or an alternate location approved by the fire department and" shall be deleted.
- 23.** Chapter 31, Special Construction, shall be amended as follows:
- i.** New Section 3102.3.2, which shall be the text of Section 3104.6 of the 1996 BOCA National Building Code, shall be inserted as follows: "Certification: An affidavit or affirmation shall be submitted to the code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit or affirmation shall attest to the following information relative to the flame-resistance of the fabric:
1. Names and addresses of the owners of the tent or air-supported structure.
  2. Date the fabric was last treated with flame-resistant solution.
  3. Trade name or kind of chemical used in treatment.
  4. Name of person or firm treating the material.
  5. Name of testing agency and test standard by which the fabric was tested."
- ii.** Section 3103.1.2, Permit required, shall be deleted in its entirety and the following shall be inserted:  
 "Temporary structures, tents, tensioned membrane structures, and canopies meeting the criteria in [N.J.A.C. 5:23-2.14](#) shall not require a permit. Greenhouses meeting the criteria in [N.J.A.C. 5:23-3.2\(d\)](#) shall not require a permit."
- iii.** In Section 3104.2, Separate structures, Exception 2 shall be deleted.
- iv.** New Section 3109.2, Amendments to the International Swimming Pool and Spa Code, shall be inserted as follows:  
 3109.2 Amendments to the International Swimming Pool and Spa Code. The following amendments shall be made to the International Swimming Pool and Spa Code:
1. Chapter 1, Scope and Administration, shall be deleted in its entirety and "See the administrative provisions of [N.J.A.C. 5:23](#) ." shall be inserted. In addition, any referenced section of Chapter 1 shall be deleted throughout the code and "the

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administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )” shall be inserted.

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

**2.1** In Section 201.3, Terms defined in other codes, “International Plumbing Code” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.

**2.2** In Section 202, Definitions:

**2.2.1** The definition of “alteration” shall be deleted.

**2.2.2** The definition of “code official” shall be deleted and the following shall be inserted: “Construction Official. A qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce and administer the regulations within the jurisdiction of the enforcing agency.”

**2.2.3** The definition of “existing pool or spa” shall be deleted.

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

**2.2.5** The definitions of “permit” and “repair” shall be deleted.

**3.** Chapter 3, General Compliance, shall be amended as follows:

**3.1** In Section 302.1, Electrical, “NFPA 70” shall be deleted and “the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )” shall be inserted. Additionally, “or the International Residential Code, as applicable in accordance with Section 102.7.1” shall be deleted.

**3.2** In Section 302.2, Water service and drainage, “International Plumbing Code” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.

**3.3** In Sections 302.5, Backflow prevention, and 302.6, Waste-water discharge, “International Plumbing Code or the International Residential Code, as applicable in accordance with Section 102.7.1” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.

**3.4** Section 305, Barrier requirements, shall be amended as follows:

**3.4.1** In Section 305.1, General, in the second sentence, “and swimming pools are equipped with a powered safety cover that complies with ASTM F1346” shall be deleted. Also in the second sentence, “, hot tubs or pools” shall be replaced with “or hot tubs”.

**3.4.2** Section 305.1.1, Construction fencing required, shall be deleted.

**3.4.3** Section 305.4, Structure wall as a barrier, shall be deleted.

**3.4.4** In Section 305.5, Onground residential pool structure as a barrier, in item 3, “capable of being secured, locked or removed to prevent access except where the ladder or steps are” shall be deleted.

**3.5** In Section 306.1, General, “in accordance with Section 102.7.1” shall be deleted.

**3.6** Sections 306.3, Step risers and treads, and 306.4, Deck steps handrail required, shall be deleted.

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- 3.7** In Section 306.9.1, Hose bibbs, “International Plumbing Code or the International Residential Code, as applicable in accordance with Section 102.7.1” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23- 3.15](#) )” shall be inserted.
- 3.8** In Sections 307.1.1, Glazing in hazardous locations, 307.2.2, Materials and structural design, 307.1.3, Roofs or canopies, and 316.6.1, Installation, “in accordance with Section 102.7.1” shall be deleted.
- 3.9** In Section 316.4, Installation, “in accordance with Section 102.7.1” shall be deleted. Additionally, “NFPA 70” shall be deleted and “the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )” shall be inserted.
- 3.10** In Section 318.2, Protection of potable water supply, “International Residential Code or the International Plumbing Code or, as applicable in accordance with Section 102.7.1” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.
- 3.11** In Section 321.2.1, Pool and deck illumination, in the second sentence, “NFPA 70” shall be deleted and “the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )” shall be inserted.
- 3.12** In Section 321.4, Residential pool and deck illumination, “NFPA 70” shall be deleted and “the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )” shall be inserted. Additionally, “or the International Residential Code, as applicable in accordance with Section 102.7.1” shall be deleted.
- 4.** Chapter 4, Public swimming pools, shall be amended as follows:
- 4.1** In Section 410.1, Toilet facilities, “International Building Code or International Plumbing Code” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23- 3.15](#) )” shall be inserted.
- 5.** Amendments to Chapter 6, Aquatic recreation facilities, shall be amended as follows:
- 5.1** In Section 601.1, Scope, the following sentence shall be added to the end of the paragraph, “For purposes of enforcement, Class D-2 and Class D-6 public pools shall be regulated by this chapter and [N.J.A.C. 5:23](#) ; all other Class D public pools shall be regulated by [N.J.A.C. 5:14A](#) .”
- 5.2** In Section 609.1, General, “International Building Code and International Plumbing Code and Section 609.2 through 609.9” shall be deleted and “the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.
- 5.3** Sections 609.2, Number of fixtures, 609.3, Showers, 609.4, Soap dispensers, 609.5, Toilet tissue holder, 609.6, Lavatory mirror, 609.7, Sanitary napkin receptacles, 609.8, Sanitary napkin dispensers, and 609.9, Infant Care, shall be deleted.
- 6.** Appendix A, Board of Appeals, shall be deleted in its entirety.
- v.** Section 3111.2, Solar thermal systems, “International Plumbing Code” shall be deleted and “plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )” shall be inserted.
- vi.** Section 3113, Relocatable buildings, is deleted.
- vii.** Section 3114, Public use restroom buildings in flood hazard areas, shall be deleted in its entirety.
- viii.** In Section 3115.8.4.2, Seismic design parameters in item 3, “Section 104.11” shall be deleted, and “the administrative provisions of the Uniform Construction Code” shall be inserted in its place.

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- ix. In Section 3115.8.3, Allowable sheer value, in the fifth line, “Section 104.11” shall be deleted, and “the administrative provisions of the Uniform Construction Code” shall be inserted in its place.
24. Chapter 32, Encroachments into the Public Right of Way, shall be amended as follows:
- i. In Section 3202.1.2, Vaults and other enclosed spaces, “applicable governing authority” shall be deleted and “Uniform Construction Code ( [N.J.A.C. 5:23](#) )” shall be inserted.
  - ii. In Section 3202.3.4, Pedestrian walkways, “applicable governing authority” shall be deleted and “the construction official” shall be inserted.
  - iii. In Section 3202.4, Temporary encroachments, “applicable governing authority” shall be deleted and “municipality” shall be inserted.
25. Chapter 33, Safeguards During Construction, shall be amended as follows:
- i. Sections 3303.1, Construction documents; 3303.2, Pedestrian protection; 3303.4, Vacant lot; 3303.5, Water accumulation; and 3303.6, Utility connections, shall be deleted in their entirety.
  - ii. Section 3305, Sanitary, shall be deleted in its entirety.
  - iii. Section 3307.1, Protection required, shall be deleted in its entirety and the following shall be inserted: “Protection of adjoining properties shall be in accordance with [N.J.A.C. 5:23-2.34](#) .”
  - iv. In the exception of Section 3313, Water supply for fire protection, the term “fire code official” shall be replaced with the term “fire official.”
  - v. In Section 3314, Fire watch during construction, the term “fire code official” shall be replaced with the term “fire official”.
26. Chapter 35, Referenced Standards, shall be amended as follows:
- i. In the User notes, under About This Chapter, “Section 102.4” shall be deleted and “the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )” shall be inserted in its place.
  - ii. Under the heading ASME, add the following note:
 

Note: Those sections of ANSI A17.1/CSA B44 that are noted as applicable in Canada are not included as part of the referenced document.
27. The Appendices shall be amended as follows:
- i. Appendix A, Employee Qualifications; Appendix B, Board of Appeals; Appendix C, Group U-Agricultural Buildings; Appendix D, Fire Districts; Appendix E, Supplementary Accessibility Requirements; Appendix F, Rodentproofing; and Appendix G, Flood-Resistant Construction, shall be deleted in their entirety.
  - ii. In Appendix H, at the beginning of the Appendix, the sentence, “The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance,” shall be deleted in its entirety.
    - (1) In Appendix H, Section H101.2, Signs exempt from permits, shall be deleted in its entirety.
    - (2) In Appendix H, Section H105.2, Permits, drawings and specifications, “as provided in Chapter 1” shall be deleted and “as provided in [N.J.A.C. 5:23- 2.14](#) ” shall be inserted.
  - iii. Appendix I, Patio Covers, Appendix J, Grading, Appendix K, Administrative Provisions, Appendix L, Earthquake Recording Instrumentation, Appendix M, Tsunami-Generated Flood Hazard, Appendix N, Replicable Buildings, and Appendix O, Performance-based application, shall be deleted in their entirety.

## History

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### HISTORY:

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a) , 13 N.J.R. 258(d) .

Amended by R.1983 d.12, eff. February 7, 1983, operative February 22, 1983.

See: 14 N.J.R. 132(a) , 15 N.J.R. 141(c) .

Added (a)2 and (c).

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

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

This section was substantially amended.

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

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

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

Correction: [N.J.A.C. 5:23-3.14\(c\)](#) 5 was incorrect in adoption.

See: 17 N.J.R. 1409(a) .

Amended by R.1985 d.324, effective July 1, 1985.

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

(b)3i: amended text.

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

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

Substantially amended.

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

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

Model subcode revisions.

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

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

Added (a)3 and (c).

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

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

Text added at (c)2ii, 4, 5 and 7.

Amended by R.1990 d.325, effective July 2, 1990.

See: 21 N.J.R. 1654(a) , 22 N.J.R. 2001(a) .

Text added at (b)5xii(1) to conform to Fire Code.

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

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

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Text conformed to BOCA National Code/1990.

Amended by R.1990 d.558, effective November 19, 1990.

See: 22 N.J.R. 1969(b) , 22 N.J.R. 3483(a) .

Conditional exemption for hoopouses or polyhouses added.

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

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

Article 26 amended at (b)14.

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

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

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

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

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

Text added at (b)10v through viii.

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

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

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

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

Amended by R.1995 d.477, effective September 5, 1995.

See: 27 N.J.R. 1717(a) , [27 N.J.R. 3328\(a\)](#) .

Added (b)2v.

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

See: [30 N.J.R. 1377\(a\)](#) , [30 N.J.R. 2421\(b\)](#) .

Rewrote the section.

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

See: [32 N.J.R. 3219\(a\)](#) , [32 N.J.R. 4437\(b\)](#) .

Rewrote (b)25.

Amended by R.2001 d.127, effective April 16, 2001.

See: [33 N.J.R. 392\(a\)](#) , [33 N.J.R. 1195\(a\)](#) .

In (a)9, added new ix and recodified former ix through xiii as new x through xiv.

Amended by R.2001 d.368, effective October 15, 2001.

See: [33 N.J.R. 1990\(a\)](#) , [33 N.J.R. 3673\(b\)](#) .

In (b)9, inserted a new ix and recodified former ix through xiv as x through xv.

Amended by R.2001 d.369, effective October 15, 2001.

See: [33 N.J.R. 2365\(a\)](#) , 33 N.J.R. 3674(a) .



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In (b), substituted "seven" for "7 1/3 (2335 mm)" in 2vi, rewrote 10, added a new 17, and recodified former 17 through 26 as 18 through 27.

Amended by R.2002 d.215, effective July 1, 2002.

See: [34 N.J.R. 1078\(a\)](#), [34 N.J.R. 2312\(a\)](#).

In (b)22, inserted new ii and recodified existing ii through xvii as iii through xviii.

Administrative correction.

See: [34 N.J.R. 3771\(b\)](#).

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

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

Rewrote the section.

Administrative correction.

See: [35 N.J.R. 2864\(b\)](#).

Amended by R.2003 d.351, effective September 2, 2003.

See: [35 N.J.R. 1177\(a\)](#), [35 N.J.R. 4051\(a\)](#).

In (b)9, added xi; recodified existing xi to xiii as xii to xiv.

Amended by R.2003 d.420, effective November 3, 2003.

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 5073\(a\)](#).

Rewrote (b).

Administrative correction.

See: [36 N.J.R. 3525\(c\)](#).

Amended by R.2004 d.423, effective November 15, 2004.

See: [36 N.J.R. 3004\(a\)](#), [36 N.J.R. 5090\(a\)](#).

In (b)5, added ii.

Amended by R.2005 d.4, effective January 3, 2005.

See: [36 N.J.R. 4049\(a\)](#), [37 N.J.R. 47\(a\)](#).

In (b)19, added new iv and recodified former iv and v as v and vi.

Administrative correction.

See: [37 N.J.R. 502\(b\)](#), [674\(a\)](#).

Amended by R.2005 d.403, effective November 21, 2005.

See: [37 N.J.R. 2753\(a\)](#), [37 N.J.R. 4399\(b\)](#).

Added (b)14xi and recodified former (b)14xi-xiii as (b)14xii-xiv; added (b)18 and recodified former (b)18-25 as (b)19-26.

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



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See: [37 N.J.R. 2747\(a\)](#) , [37 N.J.R. 4907\(a\)](#) .

In (b)3viii(3), substituted "one- and two-family" for "single-family"; in (b)3viii(5), "Group R-5 also includes: ..."

Amended by R.2006 d.28, effective January 17, 2006.

See: [37 N.J.R. 2750\(a\)](#) , [38 N.J.R. 485\(b\)](#) .

Rewrote (b)9, 20 and 21.

Amended by R.2006 d.157, effective May 1, 2006.

See: [37 N.J.R. 3108\(a\)](#) , [38 N.J.R. 1824\(a\)](#) .

Rewrote (b)21ii.

Administrative Correction.

See: [38 N.J.R. 3024\(a\)](#) .

Amended by R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#) , [38 N.J.R. 4691\(a\)](#) .

In (b)15ii, added the last sentence; added new (b)15iv; and recodified former (b)15iv through (b)15xv as (b)15v through (b)15xvi.

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

See: [38 N.J.R. 375\(a\)](#) , [39 N.J.R. 371\(a\)](#) .

Added new (b)2viii; recodified former (b)2viii through (b)2x as (b)2ix through (b)2xi; added new (b)3iii; recodified former (b)3iii through (b)3viii as (b)3iv through (b)3ix; added new (b)9i; recodified former (b)9i through (b)9xi as (b)9ii through (b)9xii; added new (b)9xiii; recodified former (b)9xii through (b)9xv as (b)9xiv through (b)9xvii; added new (b)10xxii and (b)10xxiii; and recodified former (b)10xxii as (b)10xxiv.

Amended by R.2007 d.65, effective February 20, 2007.

See: [38 N.J.R. 3348\(a\)](#) , [39 N.J.R. 633\(a\)](#) .

Rewrote the section.

Administrative correction.

See: [39 N.J.R. 1249\(a\)](#) .

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#) , [39 N.J.R. 5211\(a\)](#) .

Added new (b)3i and (b)3ii; and recodified former (b)3i through (b)3vii as (b)3iii through (b)3ix.

Amended by R.2008 d.39, effective March 3, 2008.

See: [39 N.J.R. 2175\(a\)](#) , [40 N.J.R. 1084\(a\)](#) .

Added new (b)24iii; and recodified former (b)24iii as (b)24iv.

Administrative correction.

See: [40 N.J.R. 1829\(a\)](#) .

Amended by R.2008 d.184, effective July 7, 2008.

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See: [39 N.J.R. 2176\(a\)](#) , [40 N.J.R. 3990\(a\)](#) .

Deleted former (b)9vii; and recodified former (b)9viii through (b)9xlii as (b)9vii through (b)9xli.

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#) , [41 N.J.R. 733\(b\)](#) .

In (b)3iii, inserted "(not including food or drink consumption)"; added new (b)5ii; recodified former (b)5ii as (b)5iii; added new (b)5iv and (b)5v; recodified former (b)5iii through (b)5ix as (b)5vi through (b)5xii; in (b)7i, deleted "at" preceding and ", 'and group U when used as an accessory to Group R3' " following "Note b"; added new (b)8iii; recodified former (b)8iii through (b)8v as (b)8iv through (b)8vi; in (b)8v, substituted "Exceptions 4 and 6" for "Exception 4" and "their" for "its"; in the second paragraph of (b)9ii, deleted ".1" following "903.1.2"; in (b)9v1, deleted "that conforms to the requirements of Section 1005.3.6," following "stairway" and substituted "1023" for "1003.3.4"; in the introductory paragraph of (b)9vi, substituted "903.2.14" for "903.2.16"; in (b)9xii3, substituted "903.3.1.1" for "906.2.1"; rewrote (b)9xiii through (b)9xli; added (b)9xlii; rewrote (b)10, (b)17xiv through (b)17xxii; added new (b)18v; recodified former (b)18v through (b)18xi as (b)18vi through (b)18xii; rewrote (b)21; and in (b)22iv, deleted "In" preceding "Section" and "Item 3" preceding "shall".

Amended by R.2009 d.126, effective April 20, 2009.

See: [41 N.J.R. 16\(a\)](#) , [41 N.J.R. 1725\(a\)](#) .

Added new (b)18v; and recodified former (b)18v through (b)18xii as (b)18vi through (b)18xiii.

Amended by R.2009 d.255, effective August 17, 2009.

See: [41 N.J.R. 1919\(a\)](#) , [41 N.J.R. 3065\(a\)](#) .

In (b)21ii, inserted "insert" twice, substituted "8.6" for "8.6.1.6.5" and deleted "shall be inserted" preceding "after" twice.

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#) , [42 N.J.R. 2043\(a\)](#) .

Rewrote the section.

Amended by R.2012 d.179, effective November 5, 2012.

See: [44 N.J.R. 1679\(a\)](#) , [44 N.J.R. 2557\(a\)](#) .

Added new (b)9xlvii, (b)10xxx and (b)10xxxi; recodified former (b)9xlvii through (b)9liii as (b)9xlvii through (b)9liv; and recodified former (b)10xxx through (b)10xxxviii as (b)10xxxii through (b)10xl.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#) , [45 N.J.R. 1393\(a\)](#) .

In (b)17i, substituted "1" for "I".

Administrative correction.

See: [46 N.J.R. 74\(b\)](#) .

Amended by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#) , [47 N.J.R. 2352\(b\)](#) .

Rewrote the section.

Amended by R.2017 d.107, effective June 5, 2017.

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See: [48 N.J.R. 1851\(a\)](#) , [49 N.J.R. 1381\(b\)](#) .

Added (b)8lxxvi through (b)8lxxx.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#) , [50 N.J.R. 303\(a\)](#) .

In (b)10ii9, substituted "804.5" for "804.6" five times; in (b)10ii12, substituted "Location" for "Accessible route"; in (b)10vi, deleted the period following "1104.4.1.2", and in 1104.4.2.2, substituted "a" for "the" and inserted ", of less than 3,000 square feet,"; added (b)10vii and (b)10xix, and recodified existing paragraphs to accommodate these insertions.

Amended by R.2018 d.060, effective January 16, 2018.

See: [49 N.J.R. 1276\(a\)](#) , [50 N.J.R. 310\(a\)](#) .

In the introductory paragraph of (b), substituted "shall be" for "are"; and in (b)3xvii, in the third undesignated paragraph, substituted "five" for "5", in the fourth undesignated paragraph, deleted close quote preceding the semicolon, and added the fifth undesignated paragraph.

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#) , [50 N.J.R. 1888\(a\)](#) .

Added new (b)10ii13 and (b)10l, recodified former (b)10ii13 through (b)10ii20 as (b)10ii14 through (b)10ii21; rewrote (b)10vi and (b)10xxviii; and recodified former (b)10l through (b)10lii as (b)10li through (b)10liii.

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#) , [51 N.J.R. 1399\(a\)](#) .

Rewrote the section.

Amended by R.2021 d.004, effective January 4, 2021.

See: [52 N.J.R. 385\(a\)](#) , [53 N.J.R. 47\(a\)](#) .

Rewrote (b).

Amended by R.2022 d.022, effective February 7, 2022.

See: [53 N.J.R. 1133\(a\)](#) , [54 N.J.R. 263\(a\)](#) .

Rewrote (b)2; added (b)4x; recodified former (b)4x and (b)4xi as (b)4xi and (b)4xii; added (b)8vi; recodified former (b)8vi through (b)8xlv as (b)8vii through (b)8xlv; deleted former (b)10iii6; and recodified former (b)10iii7 through (b)10iii22 as (b)10iii6 through (b)10iii21.

Administrative correction, effective May 2, 2022.

See: [54 N.J.R. 1017\(b\)](#) .

Administrative change, effective July 6, 2022.

See: [54 N.J.R. 1549\(a\)](#) .

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#) , [54 N.J.R. 1707\(a\)](#) .

Rewrote the section.

Amended by R.2023 d.112, effective September 18, 2023.

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See: [54 N.J.R. 1763\(a\)](#) , [55 N.J.R. 1999\(a\)](#) .

In (b), inserted a comma following "modified"; in (b)10, added new xiv, and recodified existing xiv through lviii as xv through lix.

Administrative correction, effective October 25, 2023.

See: [55 N.J.R. 2322\(b\)](#) .

Amended by R.2023 d.138, effective December 4, 2023.

See: [55 N.J.R. 1056\(a\)](#), [55 N.J.R. 2403\(a\)](#).

Rewrote the section.

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## [N.J.A.C. 5:23-3.15](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

#### **§ 5:23-3.15 Plumbing subcode**

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

1. Pursuant to the authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the Model Code of the International Association of Plumbing and Mechanical Officials, known as "The National Standard Plumbing Code Illustrated/2021," as the plumbing subcode for New Jersey.
  - i. Copies of this code may be obtained from the sponsor at: New Jersey PHCC, 189 East Bergen Place, Red Bank, NJ 07701.
2. "The National Standard Plumbing Code Illustrated/2021," including appendices, may be known, and cited as "the plumbing subcode."

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

1. The section entitled "Administration," comprising sections ADM 1.1 through ADM 1.13, is deleted in its entirety.
2. Chapter 1 of the plumbing subcode, entitled "Definitions," shall be amended as follows:
  - i. Delete the term and definition of "Adopting Agency."
  - ii. Amend the definition of "approved" as follows: delete "Sec. 3.12" and insert "[N.J.A.C. 5:23-3.7](#)."
  - iii. Delete the definition of "Authority Having Jurisdiction" and insert the following: "Unless otherwise defined herein, or unless the context clearly indicates otherwise, the term "authority having jurisdiction" for purposes of the plumbing subcode, shall mean the "plumbing subcode official."
  - iv. In the definition of "Building Classification" delete "code" and insert "subcode at [N.J.A.C. 5:23-3.14](#)."
  - v. In the definition of "hot water" the following shall be inserted after the first sentence: "Hot Water is potable water at a temperature of not less than 120 degrees F and not more than 140 degrees F."
  - vi. The term and definition of "nuisance" are deleted.
  - vii. In the definition of tempered water, "desired" shall be deleted. Additionally, "for its intended use, typically" shall be deleted and "of" shall be inserted.
3. Chapter 2 of the plumbing subcode, entitled "General Regulations," shall be amended as follows:
  - i. Section 2.5, Health and Safety, is deleted in its entirety.
  - ii. In Section 2.9.3, From Weakened Structure, delete "building code" and insert "building subcode."

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- iii. In Section 2.11, Materials Exposed Within Plenums, "Codes" shall be deleted and "subcodes" shall be inserted.
- iv. In Section 2.12, Sleeves for Piping, subparagraph e, "regulations" shall be deleted and "subcode" shall be inserted.
- v. In Section 2.16, Freezing or Overheating, at Item 1, "42" shall be inserted in the blank space provided. Additionally, the following shall be inserted: "Combination domestic/fire water service piping shall be installed such that the minimum earth cover is 42 inches or the top of the pipe is 12 inches below the frost depth of the locality, whichever is greater. Limited-area sprinkler systems installed in accordance with Section 903.3.8 of the building subcode, shall be installed such that the minimum earth cover is 42 inches." In the same section, at Item 2, "24" shall be inserted in the blank space provided. In addition, in the third line of Item 2, "6" shall be inserted in the blank space provided.
- vi. Section 2.19.1, Availability of Public Water and Sewer, is amended to delete the blank and the words "feet of any property line of the premises, or other."
- vii. Section 2.19.2, Private Systems, is amended to delete the words "the Health Department or other agency having jurisdiction" and substitute in lieu thereof "The New Jersey Department of Environmental Protection."
- viii. New Section 2.19.3, Common Systems, shall be inserted as follows:
  - a. Common water services shall be permitted to serve attached single-family dwellings in groups of three or more where the common water service is located within property subject to an association easement or on common property and there is a homeowners' association or other owner entity responsible for maintenance and upkeep.
  - b. Common building sewers shall be permitted to serve attached single-family dwellings in groups of three or more where the common sewer is located within property subject to an association easement or on common property and there is a homeowners' association or other owner entity responsible for maintenance and upkeep.
- ix. Section 2.24, Toilet Facilities for Construction Workers, shall be deleted in its entirety.
- x. Section 2.26.1, General, shall be amended as follows:
  - (1) Subsection b. shall be deleted.
  - (2) In subsection d, "Phase II firefighter override" shall be deleted and "firefighter emergency operation" shall be inserted.
- xi. Section 2.26.2, Where Elevator Pit Drainage is Provided, shall be amended as follows:
  - (1) In subsection b, "Where the drainage discharge is outdoors," shall be deleted and "the" shall be capitalized.
  - (2) Subsection c. shall be deleted.
  - (3) In subsection d, "hydraulic" shall be deleted. Additionally, "or there shall be oil separation for pump operation" shall be deleted.
  - (4) In subsection g, "Phase II firefighter override" shall be deleted and "firefighter emergency operation" shall be inserted. Additionally, the last sentence shall be deleted.
- 4. Chapter 3 of the plumbing subcode, entitled "Materials," shall be amended as follows:
  - i. In Section 3.1.1, Minimum Standards, delete "Minimum" in the title. In the same section at items (1) and (2), delete "Section 3.12.2" and insert "[N.J.A.C. 5:23-3.7](#)."
  - ii. In Section 3.1.2, General Requirements, at Item a, delete "at least." In the same section, delete "Section 3.12" and insert "[N.J.A.C. 5:23-3.7](#)."

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- iii. In Section 3.1.3, Standards Applicable to Plumbing Materials, "Section 3.12.2" shall be deleted and "[N.J.A.C. 5:23-3.7](#)" shall be inserted.
  - iv. In Table 3.1.3, Approved Materials, Part XI, Installation Procedures and Practices, insert: "11. Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins: ANSI/APSN/ICC-7-2018."
  - v. Section 3.3.11 entitled "Septic Tanks" is deleted in its entirety.
  - vi. Add new section 3.4.2.1 as follows: 3.4.2.1 Combination Domestic/Fire Water Service: Water service piping for combination domestic/fire water services shall be of materials listed in Table 3.4 and shall be water pressure rated not less than 200 psig at 73[degrees]F. Joint restraints shall comply with Section 6.3, entitled "Joint Restraint for Fire Mains" per NFPA 13.  
Exception: Limited area sprinkler systems installed in accordance with Section 903.3.8 of the building subcode, shall be water pressure rated not less than 160 psig at 73[degrees]F.
  - vii. Section 3.12, Alternate Materials and Methods, shall be deleted in its entirety.
5. Chapter 5 of the plumbing subcode entitled, "Traps, Cleanouts and Backwater Valves," shall be amended as follows:
- i. In Section 5.3.2, Trap seals, in Exception (2), "in accordance with [N.J.A.C. 5:23-3.3](#)" shall be inserted after "Authority Having Jurisdiction."
  - ii. In Section 5.3.4, Building traps, "in accordance with [N.J.A.C. 5:23-3.3](#)" shall be inserted after "Authority Having Jurisdiction."
  - iii. In Section 5.4.6, Building Drain and Building Sewer Junctions and the Property Line, in subsection b, "in accordance with the requirements of the Authority Having Jurisdiction" shall be deleted.
  - iv. In Section 5.4.10, Manholes for Large Pipes, subsection d shall be deleted.
6. Chapter 6 of the plumbing subcode, entitled "Liquid Waste Treatment Equipment," shall be amended as follows:
- i. At the end of Section 6.1.1, Where Required, the following shall be inserted: "The determination of necessity shall be made by the plumbing subcode official in accordance with [N.J.A.C. 5:23-3.3](#)."
  - ii. In Section 6.1.4.1, General, "and the Authority Having Jurisdiction" shall be deleted.
  - iii. Section 6.4.4, Alternate Design, is amended to add the phrase "in accordance with [N.J.A.C. 5:23-3.3](#)" after the word "approval" on line 4.
7. Chapter 7 of the plumbing subcode, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances," shall be amended as follows:
- i. Section 7.2, Fixtures For Accessible Use, subsection a. shall be deleted and the following shall be inserted: "Plumbing fixtures for accessible use and their installation shall conform to the requirements of Chapter 11 of the building subcode ([N.J.A.C. 5:23-3.14](#))."
  - ii. In Section 7.18.2, Approval, "to the Authority Having Jurisdiction" shall be deleted.
  - iii. In Table 7.21.1, in the second column entitled "Occupancy Group," "R-2: One- and two-family dwellings" shall be deleted and "R-3/R-5: One- and two-family dwellings" shall be inserted.
  - iv. In Note 1 to Table 7.21.1, Minimum Number of Required Plumbing Fixtures, delete the second sentence.
  - v. Section 7.5.3, Surrounding Surfaces, is amended to delete the following after "surface," "extending not less than four feet above the floor. One foot to each side of the urinal, and one foot in front of the lip of the urinal. See Figure 7.5.3.," and insert, "Refer to the International Building

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Code, Section 1209.2.2." This section is amended to delete Figure 7.5.3, "Protecting Surrounding Surfaces of Urinals."

**vi.** In Section 7.11.4, Service Sinks and Mop Receptors, b. is amended to delete the following after "surface," "at least one foot in front of the sink or receptor, at least one foot on each side, and up to a point one foot above the faucet height," and insert, "refer to the International Building Code, Section 1210.2.2."

**vii.** In Section 7.21.2, Occupant Load, b. "building code" shall be deleted and "building subcode" shall be inserted.

**viii.** In Section 7.21.9, Family and Assisted-Use Toilet Rooms, "applicable building code" shall be deleted and "building subcode" shall inserted.

**ix.** Section 7.23, Safety Features for Spas and Hot Tubs, shall be deleted and Section 7.23, Safety Features for Spas and Hot Tubs, shall be inserted as follows:

**"7.23 Safety Features for Swimming Pools, Spas, and Hot Tubs.**

7.23.1, Suction Entrapment Avoidance. Suction outlets shall be designed and installed in accordance with ANSI/PHTA/ICC-7."

**8.** Chapter 8 of the plumbing subcode, entitled "Hangers and Supports," shall be amended as follows:

**i.** In Section 8.9, Seismic Supports for Piping, "code" shall be deleted and "subcode" shall be inserted.

**9.** Chapter 10 of the plumbing subcode, entitled "Water Supply and Distributions," shall be amended as follows:

**i.** In Section 10.4.2, Interconnections, delete "with the approval of the Authority Having Jurisdiction" and insert "in accordance with the rules of the New Jersey Department of Environmental Protection at N.J.A.C. 7:10-10."

**ii.** In Section 10.4.3, Cross Connection Control, the text shall be deleted and the following shall be inserted "Potable water supplies shall be protected in accordance with the provisions of this code and where applicable the Safe Drinking Water Regulations ([N.J.A.C. 7:10](#)). The requirements of this code shall establish requirements for individual outlet protection. The requirements of the Safe Drinking Water Act shall establish the requirements for containment."

**iii.** In Section 10.4.4b, Private Supplies, "in accordance with [N.J.A.C. 7:10-10.2\(e\)](#)" shall be inserted after "Authority Having Jurisdiction."

**iv.** In Section 10.5.6e, Testing and Maintenance of Backflow Prevention Assemblies, "and repair" shall be deleted. Additionally, in the same sentence, "approved by an agency acceptable to the Authority Having Jurisdiction" shall be deleted.

**v.** Section 10.5.9a, Protection from Fire Systems, Exception (4) shall be deleted and the following inserted: "(4) Where fire protection systems supplied from a potable water system include a fire department connection which is located less than 1,700 feet from a non-potable water source, the water supply shall be protected by one of the following:

**(i)** Reduced pressure backflow preventer assembly; or

**(ii)** Reduced pressure detector assembly."

**vi.** In Section 10.8.1, Water Pressure Booster Systems Required, "and in accordance with good practice" in the fifth and sixth lines shall be deleted.

**vii.** In Section 10.15.1, Hot Water Supply System, "Outlet temperature of hot water from lavatory faucets in public use facility restrooms or public toilet rooms shall be provided with a means to limit the maximum temperature to 110 degrees F." shall be inserted after the first sentence.



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viii. In Section 10.20, NFPA 13D Multipurpose Residential Fire Sprinkler Systems, shall be deleted and new section 10.20, Dwelling Unit Fire Sprinkler Systems, shall be inserted, as follows: Section P2904, Dwelling Unit Fire Sprinkler Systems, of the one- and two-family dwelling subcode shall be considered part of the plumbing subcode.

10. Chapter 12 of the plumbing subcode, entitled "Vents and Venting," shall be amended as follows:

- i. Section 12.5, Frost Closure, is deleted in its entirety.
- ii. Section 12.8.2, Provision for Venting Future Fixtures, is deleted in its entirety.
- iii. Section 12.10, Wet Venting, shall be deleted and the text of the 2015 National Plumbing Code shall be inserted:

### 12.10 WET VENTING

#### 12.10.1 Single Bathroom Groups

- a. An individually vented lavatory in a single bathroom group shall be permitted to serve as a wet vent for the water closet, the bathtub, or shower stall, the water closet and bathtub/shower if all of the following conditions are met.
  - 1. The wet vent is 1-1/2" minimum pipe size if the water closet bend is 3" size, or it shall be 2" minimum pipe size if the water closet bend is 4" pipe size.
  - 2. A horizontal branch drain serving both the lavatory and the bathtub or shower stall is 2" minimum pipe size.
  - 3. The length of the trap arm for the bathtub or shower stall is within the limits of Table 12.8.1. If not, the bathtub or shower stall shall be individually vented.
  - 4. The distance from the outlet of the water closet to the connection of the wet vent is within the limits established by Section 12.8.4. Otherwise, the water closet shall be individually vented.
  - 5. A horizontal branch serving the lavatory and the bathtub or shower stall shall connect to the stack at the same level as the water closet, or it may connect to the water closet bend, or the lavatory and bathtub or shower stall may individually connect to the water closet bend.
  - 6. When the bathroom group is the topmost load on a stack, a horizontal branch serving the lavatory and the bathtub or shower stall may connect to the stack below the water closet bend, or the lavatory and the bathtub, or shower stall may individually connect to the stack below the water closet bend.

#### 12.10.2 Double Bathtubs and Lavatories

Two lavatories and two bathtubs or showers back-to-back may be installed on the same horizontal branch with a common vent for the lavatories and with no back vent for the bathtubs or shower stalls provided the wet vent is 2" in size and the lengths of the tub/shower drains conform to Table 12.8.1.

#### 12.10.3 Multi-Story Bathroom Groups

- a. On the lower floors of a stack, the waste pipe from one or two lavatories may be used as a wet vent for one or two bathtubs or showers as provided in Section 12.10.2.

- b. Each water closet below the top floor shall be individually back vented.

EXCEPTION: The water closets in bathroom groups shall not be required to be back vented if the following conditions are met:

- (1) The 2" waste serving the tubs/showers and lavatories connect directly into the water closet bend with a 45[degrees] wye tap in the direction of flow; or

## § 5:23-3.15 Plumbing subcode

**(2)** A special stack fitting is used that consists of a 3" or 4" closet opening and two side inlets each 2" in size and the inverts of which are above the center, and below the top of the water closet opening; and one of the 2" inlets is connected to the tub/shower drains, and the other is connected to the waste pipe from a maximum of two lavatories that are vented to a vent stack or stack vent; or

**(3)** In lieu of the special stack fitting of Section 12.10.3b(2) above, 4" closet bends with two 2" wye taps may be used.

**12.10.4** Bathtubs and Water Closets

**a.** An individually vented bathtub in a single bathroom group shall be permitted to serve as a wet vent for the water closet if all of the following conditions are met:

1. The wet vent is 2" minimum size.
2. The distance from the outlet of the water closet to the connection of the wet vent is within the limits established by Section 12.8.4. Otherwise, the water closet shall be individually vented.

**12.10.5** Reserved**12.10.6** Floor Drains and Floor Sinks

**a.** A lavatory or sink shall be permitted to serve as a wet vent for a floor drain or floor sink if all of the following conditions are met:

1. The wet vent shall be not less than 1-1/2" size for a 1 DFU lavatory or 2" for 2 DFU sink.
2. The wet vent shall be larger than 1/2 the size of the drain for the floor drain or floor sink.
3. The distance from the outlet of the floor drain or floor sink to the connection of the wet vent shall be within the limits established by Table 12.8.1.

**11.** Chapter 13 of the plumbing subcode, entitled "Storm Water Drainage," shall be amended as follows:

- i.** In Section 13.1.5, Foundation Drains, Notes a. through d. shall be deleted and the following shall be inserted: "a. Foundation drains shall be provided in accordance with the building subcode."
- ii.** Section 13.1.10.1, Primary Roof Drainage, shall be amended to delete the last sentence and to substitute in lieu thereof "Rainfall rates shall be applied so that the applicable rainfall rate for Burlington and Ocean counties and all counties south shall be six inches per hour and for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five inches per hour."
- iii.** Section 13.1.10.2, "Secondary Roof Drainage," shall be deleted and the following shall be inserted:

## Section 13.1.10.2 Overflow Roof Drainage

Where parapet walls extend or other construction extends above the roof, creating areas where storm water would become trapped if the primary roof drainage system failed to provide sufficient drainage, an overflow roof drainage system consisting of scuppers, standpipes, or roof drains shall be provided. The capacity of the primary system shall not be considered in the sizing of the overflow system.

- (1)** Subsection b. shall be deleted and the following shall be inserted: "Where overflow drainage is provided by means of roof drains or standpipe, the overflow system shall be permitted to connect to the primary roof drainage system."

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- (2) Subsection c. "secondary" shall be deleted and "overflow" shall be inserted.
- (3) Subsection d. shall be amended as follows: Add Table A.5 after Appendix A. and delete the second and third sentences.
- iv. In Section 13.8, Sizing for Continuous or Intermittent Flows, "Section A-3 and Table A-1 in Appendix A" shall be deleted and the following shall be inserted: "5 IN/HR = 0.052 GPM/SF and 6 IN/HR = 0.062 GPM/SF."
12. Chapter 15 of the plumbing subcode, entitled "Tests and Maintenance" is amended as follows:
- i. Add new Section 15.6.1 as follows: 15.6.1 Combination Domestic/Fire Water Service Systems: Piping for combination domestic/fire water services systems shall be pressure tested to not less than 200 psig and shall maintain that pressure without loss for 2 hours.
- ii. Add new Section 15.6.1.1 as follows: 15.6.1.1 Leakage: The following provisions shall apply to buried pipe in all combination domestic/fire water service systems, except for limited sprinkler systems:
- (1) The amount of leakage at the joints shall be no greater than 2 qt/hr (1.89 L/hr) per 100 joints or gaskets, regardless of pipe diameter.
- (2) The amount of leakage in accordance with (1) above shall be permitted to be increased in increments of 1 fluid ounce (30 ml) per inch valve diameter per hour for each metal seated valve that isolates the test section.
- (3) The amount of leakage in buried piping shall be measured at the test pressure specified by pumping from a calibrated container.
- iii. Add new Section 15.9 as follows: 15.9 Flushing of Piping: Lead-in connections to system risers and fire service mains from the water supply to the system riser (excluding limited systems) shall be flushed completely before connection is made to sprinkler piping. The flushing operation shall be continued for a sufficient amount of time to ensure that the system is thoroughly cleaned. The minimum rate of flow shall be not less than one of the following:
- (1) The hydraulically calculated water demand rate of the system, including any hose requirements.
- (2) The flow that is necessary to provide a velocity of 10 ft/sec (3.1 m/sec).
- (3) The maximum flow rate available to the system under fire conditions.
13. Chapter 16 of the plumbing subcode, entitled "Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewer Systems Are Not Available," shall be deleted and the following shall be inserted:
- i. "16.1 General. On-site sewage disposal systems are under the jurisdiction of the Department of Environmental Protection and the county or local boards of health, as applicable."
- ii. "16.1.7 Abandoned Disposal Systems. When an existing building is being demolished and the existing sewage disposal system is abandoned or an existing sewage disposal system is being abandoned and a connection is being made to the public sewer systems, the plumbing subcode official shall ensure that the existing abandoned tank is disconnected from the building, pumped out, and filled with gravel, stones, or soil material. Sewage disposal systems that are abandoned without an associated hookup to a public sewer system are to be inspected by the health department having jurisdiction."
14. Chapter 17 of the plumbing subcode entitled, "Potable Water Supply Systems," shall be deleted and the following shall be inserted:
- i. "17.1 General. On-site water supply systems are under the jurisdiction of the Department of Environmental Protection and county or local boards of health, as applicable."

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**15.** Chapter 18 of the plumbing subcode, entitled Referenced Standards, shall be amended as follows:

i. In Section 18.2, Standards Organizations, insert the following: "Pool & Hot Tub Alliance (Formally APSP--The Association of Pool and Spa Professionals), 2111 Eisenhower Avenue, Ste. 500, Alexandria, VA 22314, tel: 703-838-0083, fax: 703-549-0493," and "International Code Council, Inc., 500 New Jersey Avenue, NW, 6th Floor, Washington D.C. 20001, tel: 888-422-7233."

**16.** Appendix A of the plumbing subcode, entitled "Sizing Storm Drainage Systems," shall be deleted in its entirety.

**17.** Appendix E of the plumbing subcode, entitled "Special Design Plumbing Systems," shall be amended as follows:

i. Section E.9.3, Rainfall Rates, shall be deleted and the following shall be inserted: "Rainfall rates shall be applied so that the applicable rainfall rates for Burlington and Ocean counties and all counties south, shall be six (6) inches per hour; for Mercer and Monmouth counties and all counties north, the applicable rainfall rate shall be five (5) inches per hour."

ii. Section E.9.4, Secondary Roof Drainage, shall be deleted.

**18.** Appendix G, entitled "We-Stand Excerpts," shall not be adopted as part of the plumbing subcode. Appendix G may be used as a reference standard for special design plumbing systems in accordance with Appendix E.

**19.** Appendix L, entitled "Tiny Houses," shall be adopted as part of this subcode.

**(c)** A newly installed automatic lawn sprinkler system, where such systems are not prohibited by local ordinance, shall be equipped with an automatic rain sensor device or switch that will override the irrigation cycle of the automatic lawn sprinkler system when rainfall of more than one-half inch has occurred.

## History

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### HISTORY:

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1983 d.12, eff. February 7, 1983, operative February 22, 1983.

See: 14 N.J.R. 1326(a), 15 N.J.R. 141(c).

Added (a) 3 and (c).

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

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

Section substantially amended.

Amended by R.1986 d.12, effective February 3, 1986.

See: 17 N.J.R. 2714(a), 18 N.J.R. 267(a).

(a)1i had a change of address; (a)3 and (c) added.

Amended by R.1987 d.81, effective February 2, 1987.

See: 18 N.J.R. 2237(b), 19 N.J.R. 289(d).

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

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

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Model subcode revisions.

Amended by R.1989 d.66, effective February 6, 1989.

See: 20 N.J.R. 2846(a), 21 N.J.R. 288(a).

Added (c).

Amended by R.1990 d.58, effective February 5, 1990.

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

Added (d) adopting the 1989 Supplement to the 1987 National Standard Plumbing Code.

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

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

Text added at (a)3; (d)3ii amended.

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

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

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.326, effective July 1, 1991.

See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

GPF set at 1.6; gravity water closets not permitted in commercial uses.

Amended by R.1991 d.571, effective November 18, 1991.

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

Added new (c).

Amended by R.1992 d.67, effective February 3, 1992.

See: 23 N.J.R. 3602(a), 24 N.J.R. 404(b).

Low volume water closet exception added at (b)18i(1).

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.122, effective March 6, 1995 (operative July 1, 1995).

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

Amended by R.1998 d.136, effective March 16, 1998.

See: [30 N.J.R. 4\(a\)](#), [30 N.J.R. 1038\(a\)](#).

In (b)9, added xii.

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

See: [30 N.J.R. 1377\(a\)](#), [30 N.J.R. 2421\(b\)](#).

Rewrote the section.

Amended by R.2001 d.340, effective September 17, 2001.

See: [33 N.J.R. 1245\(a\)](#), [33 N.J.R. 3308\(b\)](#).

Rewrote the section.

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Amended by R.2002 d.393, effective December 16, 2002.

See: [34 N.J.R. 2914\(a\)](#), [34 N.J.R. 4428\(a\)](#).

In (b)8, deleted former (ii) and recodified existing (iii) to (ix) as (ii) to (viii).

Amended by R.2005 d.35, effective January 18, 2005.

See: [36 N.J.R. 3329\(b\)](#), [37 N.J.R. 267\(a\)](#).

Rewrote the section.

Administrative correction.

See: [37 N.J.R. 885\(a\)](#).

Amended by R.2005 d.341, effective October 17, 2005.

See: [37 N.J.R. 164\(a\)](#), [37 N.J.R. 3974\(b\)](#).

In (b)3iv, added "and add the following sentence at the end: 'Minimum earth cover for building sewers connected to a private sewage disposal system shall be 6 inches.' " at the end of the paragraph.

Amended by R.2007 d.65, effective February 20, 2007.

See: [38 N.J.R. 3348\(a\)](#), [39 N.J.R. 633\(a\)](#).

Rewrote the section.

Amended by R.2008 d.274, effective September 15, 2008.

See: [40 N.J.R. 2629\(a\)](#), [40 N.J.R. 5195\(b\)](#).

In paragraph 7.23 of (b)8vi, substituted "Spas and Hot Tubs" for "spas and hot tubs"; in subparagraph 2 of paragraph 7.23.3 of (b)8vi, inserted a period at the end; in paragraph 7.23.4.1 of (b)8vi, added the second paragraph; and in paragraph 7.23.5 of (b)8vi, inserted the closing quotation mark at the end.

Amended by R.2008 d.346, effective November 17, 2008.

See: [40 N.J.R. 3778\(a\)](#), [40 N.J.R. 6540\(a\)](#).

In (b)4iv, inserted "the" preceding "Construction" and substituted "2004" for "1998"; added (b)10vi; recodified former (b)10vi and (b)10vii as (b)10vii and (b)10viii; and in (b)10viii, substituted "2004" for "1999".

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Rewrote the section.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Added new (b)3viii; recodified former (b)3viii through (b)3ix as (b)3ix through (b)3x; added new (b)17ii through (b)17iii; and recodified former (b)17ii through (b)17viii as (b)17iv through (b)17x.

Amended by R.2016 d.001, effective January 4, 2016.

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See: [47 N.J.R. 2021\(a\)](#), [48 N.J.R. 43\(a\)](#).

Rewrote the section.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (b)9v, deleted "(Siamese)" following "department".

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#), [51 N.J.R. 1399\(a\)](#).

Rewrote the section.

Amended by R.2022 d.120, effective September 19, 2022.

See: [54 N.J.R. 699\(a\)](#), [54 N.J.R. 1793\(a\)](#).

Rewrote the section.

Administrative correction, effective October 25, 2023.

See: [55 N.J.R. 2322\(b\)](#).

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End of Document

## [N.J.A.C. 5:23-3.16](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.16 Electrical subcode**

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

1. Pursuant to the authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the National Fire Protection Association, known as "The National Electrical Code (NEC) 2020," and Tentative Interim Amendments 1-9 as the electrical subcode for New Jersey.
  - i. Copies of this code may be obtained from the sponsors at NFPA, One Batterymarch Park, Quincy, Massachusetts 02169.
2. The National Electrical Code 2020 may be known and cited as "the electrical subcode."
  - i. Codes and standards referenced in the Informational Notes of the electrical subcode (NEC 2020) shall be explanatory material and not adopted as part of the subcode. The application of these codes and standards follow Section 90.5(C) of the electrical subcode.
3. The Commissioner hereby adopts the National Electrical Safety Code (ANSI C2-2017) for the installation of area lighting facilities by an electric utility on private property on metal poles with an underground electric feed.
  - i. Copies of the National Electrical Safety Code may be obtained from the Institute of Electrical and Electronic Engineers, Inc., PO Box 1331, 445 Hoes Lane, Piscataway, New Jersey 08855-1331.

(b) The following chapters or articles of the electrical subcode are amended, as follows:

1. Article 90 of the electrical subcode, entitled "Introduction," is amended as follows:
  - i. Section 90.4, entitled "Enforcement," is amended to delete in the first paragraph the phrase, "authority having jurisdiction for enforcement of the code" and substitute in lieu thereof, the term "electrical subcode official." And add a new last sentence in the first paragraph: "Approval shall be in accordance with [N.J.A.C. 5:23-2.9](#)." Delete in the second paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and add after "effective safety" the phrase "as provided in [N.J.A.C. 5:23-2.9](#)." Delete in the third paragraph the phrase "authority having jurisdiction" and substitute in lieu thereof the term "electrical subcode official" and delete the phrase "by the jurisdiction" after the word "adopted."
  - ii. Section 90.5, entitled "Mandatory Rules, Permissive Rules, and Explanatory Material," is amended to add "except as outlined under [N.J.A.C. 5:23-3.16\(a\)2i](#)" after the word "Code" in line 6 under paragraph (C).
2. Chapter 1 of the electrical subcode, Article 100, entitled "Definitions," is amended as follows:
  - i. The definition of the term "approved" is amended to delete the phrase "the authority having jurisdiction" and substitute in lieu thereof, the phrase "electrical subcode official. Approval shall be in accordance with [N.J.A.C. 5:23-3.7](#)."



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- ii. The definition of "Authority having jurisdiction" is replaced with "Unless otherwise specifically noted, the authority having jurisdiction for the Electrical Subcode shall be the Electrical Subcode Official."
  - iii. The definition of the term "building" is deleted and in lieu thereof, substitute the definition of the term "building" found in [N.J.A.C. 5:23-1.4](#).
3. Chapter 2 of the electrical subcode, entitled "Wiring and Protection," is amended as follows:
  - i. Section 210.12(D), entitled "Branch Circuit Extensions or Modifications - Dwelling Units," is deleted in its entirety.
4. Chapter 3 of the electrical subcode, entitled "Wiring Methods and Materials," is amended as follows:
  - i. Section 300.4(A)(1) is amended to delete the words from "so that the edge. . ." on line four through ". . . cannot be maintained" on line six and in lieu thereof substitute "as required by the building subcode. Where the distance from the edge of the hole to the nearest edge of the wood member is less than 32 mm (1 1/4 inches)."
  - ii. Section 334.12(A)(2) is deleted in its entirety.
5. Chapter 4 of the electrical subcode, entitled "Equipment for General Use" is amended as follows:
  - i. Section 406.4(D)(4), entitled "Arc-Fault Circuit-Interrupter Protection," is deleted in its entirety.
  - ii. Article 425, entitled "Fixed Resistance and Electrode Industrial Process Heating Equipment," is amended as follows:
    - (1) Section 425.6, entitled "Listed Equipment," is deleted.
    - (2) Section 425.8, entitled "General," including subsections (A)-(C) are deleted.
    - (3) Section 425.10, entitled "Special Permission," is deleted.
    - (4) Section 425.12, entitled "Locations," including subsections (A) and (B) are deleted.
    - (5) Section 425.13, entitled "Spacing from Combustible Material," is deleted.
    - (6) Section 425.14, entitled "Infrared Lamp Industrial Process Heating Equipment," is deleted.
    - (7) Section 425.22(B), entitled "Resistance Elements," is deleted.
    - (8) Section 425.22(C), entitled "Overcurrent Devices," is deleted.
    - (9) Section 425.29, entitled "Marking of Heating Elements," is deleted.
    - (10) Section 425.45, entitled "Concealed Fixed Industrial Heating Equipment--Inspection," is deleted.
    - (11) Sections 425.57 through 425.64 are deleted.
    - (12) Section 425.71, entitled "Identification," is deleted.
    - (13) Subsections (A)-(E) of Section 425.72 are deleted.
    - (14) Section 425.81, entitled "Identification," is deleted.
    - (15) Section 425.83, entitled "Overtemperature Limit Control," is deleted.
    - (16) Section 425.84, entitled "Overpressure Limit Control," is deleted.
6. Chapter 5 of the electrical subcode, entitled "Special Occupancies," is amended as follows:
  - i. Section 514.3(B)(3), with the exception of subsection (e), is deleted.
  - ii. Section 525.5(B) of Article 525, entitled Carnivals, Circuses, Fairs and Similar Events, is deleted; it is replaced by Section 525.5(B) in the National Electrical Code 2005 as follows:

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"525.5(B) Clearances to Rides and Attractions. Amusement rides and amusement attractions shall be maintained not less than 4.5 m (15 ft) in any direction from overhead conductors operating at 600 volts or less, except for the conductors supplying the amusement ride or attraction. Amusement rides or attractions shall not be located under or within 4.5 m (15 ft) horizontally of conductors operating in excess of 600 volts."

iii. Part II of Article 550, entitled "Mobile Homes, Manufactured Homes, and Mobile Home Parks" comprising sections 550.11 through 550.25 is deleted. Section 550.10 shall be retained.

(1) Exception--Part II is retained in its entirety in the case of mobile/manufactured homes undergoing repair, renovation, or alteration.

iv. In Article 551, entitled "Recreation Vehicles and Recreation Vehicle Parks," delete from the title the words "Recreational Vehicles and."

(1) Parts II, III, IV, and V, comprising sections 551.20 through 551.60, are deleted in their entirety, with the exception of Figure 551.46(C), which shall be retained.

v. Article 552 shall be applicable to structures covered by the recreational park trailers subcode, [N.J.A.C. 5:23-4D](#), provided that:

(1) The structure is restricted to seasonal use as per Section 552.4. For purposes of applying this requirement, the park in which the structure is located shall be open for six months or less each year or access to the structures shall be otherwise restricted to a period of six months or less each year; and

(2) No additions, alterations, or extensions of any kind shall be made to the electrical system or structure unless the entire electrical system shall be made to conform to the electrical requirements of this code applicable to single family dwellings.

7. Chapter 6 of the electrical subcode, entitled "Special Equipment," is amended, as follows:

i. In Section 620.1, Scope, Informational Note No. 1 shall have "ASME A17.1-2016/CSA B44-16" deleted and "ASME A17.1-2019/CSA B44-19" shall be inserted in its place;

ii. In Section 620.23(C), Duplex Receptacle, the Informational Note shall have "ASME A17.1-2016/CSA B44-16" deleted and "ASME A17.1-2019/CSA B44-19" shall be inserted in its place;

iii. In Section 620.24(C), Duplex Receptacle, Informational Note No. 1 shall have "ASME A17.1-2016/CSA B44-16" deleted and "ASME A17.1-2019/CSA B44-19" shall be inserted in its place;

iv. In Section 620.51(A), Type, the Informational Note shall have "ASME A17.1-2016/CSA B44-16" deleted and "ASME A17.1-2019/CSA B44-19" shall be inserted in its place; and

v. In Section 620.91, Emergency and Standby Power Systems, Informational Note No. 1 shall have "ASME A17.1-2016/CSA B44-16" deleted and "ASME A17.1-2019/CSA B44-19" shall be inserted in its place.

vi. Article 680.4, Inspections after installation, shall be deleted.

vii. In Section 680.25(A)(1), Feeders (Wiring Methods), the following exception, from Section 680.25(A)(1) of the NEC/2011, shall be inserted:

"Exception: An existing feeder between an existing remote panelboard and service equipment shall be permitted to run in flexible metal conduit or an approved cable assembly that includes an equipment grounding conductor within its outer sheath. The equipment grounding conductor shall comply with 250.24(A)(5)."

8. Chapter 8 of the electrical subcode, entitled "Communication Systems," is amended as follows:

i. Section 805.156, entitled "Dwelling Unit Communications Outlet," is deleted in its entirety.

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9. Informative Annex H of the electrical subcode, entitled "Administration and Enforcement," is deleted in its entirety.

## History

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### HISTORY:

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1984 d.314, effective August 6, 1984.

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

Section substantially amended.

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

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

Model subcode revisions.

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

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

Amendments to (b)4i(2), ii(2).

Administrative Correction to (b)4i(2).

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

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

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

Text conformed to BOCA National Code/1990.

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

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

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

See: [30 N.J.R. 1377\(a\)](#), [30 N.J.R. 2421\(b\)](#).

Rewrote the section.

Amended by R.1998 d.362, effective July 20, 1998.

See: [30 N.J.R. 1122\(a\)](#), [30 N.J.R. 2644\(b\)](#).

In (a), inserted a new 3.

Amended by R.2000 d.48, effective February 7, 2000.

See: [31 N.J.R. 2317\(a\)](#), [32 N.J.R. 445\(a\)](#).

In (a), substituted references to 1999 for references to 1996 throughout, substituted a reference to One Batterymarch Park for a reference to Batterymarch Park in 1i, and inserted 2i; and in (b), inserted 1ii, inserted a new 3, recodified former 3 and 4 as 4 and 5, substituted a reference to line four for a reference to line three and substituted a reference to line six for a reference to line five in the new 4i, and substituted a reference to section 500-5(a)(4) for a reference to section 500-3(a)4 in the new 5i.

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

## § 5:23-3.16 Electrical subcode

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

Rewrote the section.

Amended by R.2003 d.240, effective June 16, 2003.

See: [34 N.J.R. 3045\(a\)](#), [35 N.J.R. 2637\(c\)](#).

Added (c).

Amended by R.2006 d.158, effective May 1, 2006.

See: [37 N.J.R. 4105\(a\)](#), [38 N.J.R. 1827\(a\)](#).

In (a)1, (a)2 and (a)2.i, substituted "2005" for "2002"; also in (a)2.i, substituted "#06-2" for "#03-1"; in (a)3, substituted "C2-2002" for "C2-1997"; deleted (b)1 and recodified (b)2 through (b)6 as (b)1 through (b)5; in (b)4.ii, substituted "(2)" for "(1)", in (b)5iii(1), substituted "4" for "2"; in (b)5iii(2), substituted "V" for "VI" and "551.20" for "551.10"; and inserted (b)6.

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

Added (b)7.

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

Added new (b)4ii; recodified former (b)4ii as (b)4iii; and in (b)4iii, substituted "(2)" for "(1)".

Amended by R.2008 d.213, effective August 4, 2008.

See: [39 N.J.R. 2411\(a\)](#), [40 N.J.R. 4523\(b\)](#).

Rewrote (b)5iv.

Amended by R.2009 d.100, effective April 6, 2009.

See: [40 N.J.R. 5900\(a\)](#), [41 N.J.R. 1397\(a\)](#).

In the introductory paragraphs of (a)1 and (a)2 and in (a)2i, substituted "2008" for "2005"; in (a)2i, substituted "#09-1" for "#06-2", rewrote (b)3i; added (b)4iv and (b)4v; added new(b)5ii; recodified former (b)5ii through (b)5iv as (b)5iii through (b)5v; deleted (b)5iii(1)(A) and former (b)5iv(1); recodified former (b)5iv(2) as new (b)5iv(1); in (b)6, substituted "H" for "G"; and rewrote (b)7.

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

Rewrote (b)6; and added (b)8.

Amended by R.2012 d.083, effective May 7, 2012.

See: [44 N.J.R. 10\(a\)](#), [44 N.J.R. 1336\(a\)](#).

In the introductory paragraph of (a)1 and (a)2, and in (a)2i, substituted "2011" for "2008"; in (a)2i, substituted "Informational Notes" for "Fine Print Notes (FPNs)" and "12-1" for "09-1"; in (b)2i, deleted ", 3.8 and 3.8A" following "5:23-3.7"; in the introductory paragraph of (b)3i, substituted "210.8(A)(2)" for "210.8 (A)2"; in (b)3i, inserted the last paragraph; added (b)3ii; deleted (b)4ii, (b)4iv and (b)4v; recodified (b)4iii as (b)4ii; added new (b)5; recodified former (b)5 through (b)8 as (b)6 through (b)9; rewrote (b)7i; and in (b)9, inserted "Informative".

Amended by R.2015 d.139, effective September 21, 2015.

## § 5:23-3.16 Electrical subcode

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Rewrote (a) and (b).

Administrative correction.

See: [47 N.J.R. 2669\(b\)](#).

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#), [51 N.J.R. 1399\(a\)](#).

Rewrote the section.

Amended by R.2021 d.004, effective January 4, 2021.

See: [52 N.J.R. 385\(a\)](#), [53 N.J.R. 47\(a\)](#).

In (a)2i, substituted "19-3" for "15-2"; in (b)7v, inserted "and" at the end; and, deleted (b)7vii.

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#), [54 N.J.R. 1707\(a\)](#).

Rewrote the section.

Amended by R.2023 d.138, effective December 4, 2023.

See: [55 N.J.R. 1056\(a\)](#), [55 N.J.R. 2403\(a\)](#).

Rewrote (a)2; in the introductory paragraph of (b), inserted a comma; in (b)7, inserted a comma following "amended"; added new (b)7vi and recodified former (b)7vi to (b)7vii.

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-3.17](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.17 Fire protection subcode**

---

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

1. Pursuant to the authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the following portions of the building, electrical, mechanical, fuel gas, and one- and two-family dwelling subcodes, to the extent delineated at [N.J.A.C. 5:23-3.4](#), as the fire protection subcode for New Jersey.

i. International Building Code of the International Code Council, Inc. adopted as amended at [N.J.A.C. 5:23-3.14](#) as the building subcode:

- (1) Chapter 3--Use and Occupancy Classification;
- (2) Chapter 4--Special Detailed Requirements Based on Use and Occupancy;
- (3) Chapter 5--General Building Heights and Areas;
- (4) Chapter 6--Types of Construction;
- (5) Chapter 7--Fire and Smoke Protection Features;
- (6) Chapter 8--Interior Finishes;
- (7) Chapter 9--Fire Protection Systems and [N.J.A.C. 5:23-3.5\(d\)](#) entitled "Posted Hydraulic System Data Plate";
- (8) Chapter 10--Means of Egress;
- (9) Chapter 15--Roof Assemblies and Rooftop Structures;
- (10) Chapter 17--Special Inspections and Tests;
- (11) Sections 2111 through 2113 of Chapter 21--Masonry;
- (12) Sections 2603 through 2613 of Chapter 26--Plastic;
- (13) Chapter 27--Electrical;
- (14) Chapter 30--Elevators and Conveying Systems;
- (15) Section 3104 of Chapter 31--Special Construction;
- (16) Section 3309, 3311 and 3312 of Chapter 33--Safeguards During Construction;

ii. National Electrical Code of the National Fire Protection Association adopted as amended at [N.J.A.C. 5:23-3.16](#) as the electrical subcode:

- (1) Section 300.21 of Chapter 3--Wiring Methods and Materials;
- (2) Article 450, Part III--Transformer Vaults of Chapter 4--Equipment for General Use;
- (3) Chapter 5--Special Occupancies;

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- (4) Article 695--Fire Pumps of Chapter 6--Special Equipment;
- (5) Article 760--Fire Alarm Systems of Chapter 7--Special Conditions;

iii. International Mechanical Code of the International Code Council, Inc. adopted as amended at [N.J.A.C. 5:23-3.20](#) as the mechanical subcode:

- (1) Chapter 3--General Regulations;
- (2) Chapter 5--Exhaust Systems;
- (3) Chapter 6--Duct Systems;
- (4) Chapter 7--Combustion Air;
- (5) Chapter 8--Chimneys and Vents;
- (6) Chapter 9--Specific Appliances, Fireplaces and Solid Fuel Burning Equipment;
- (7) Chapter 13--Fuel Oil Piping and Storage;

iv. International Fuel Gas Code of the International Code Council, Inc. adopted as amended at [N.J.A.C. 5:23-3.22](#) as the fuel gas subcode:

- (1) Chapter 3--General Regulations;
- (2) Chapter 5--Chimneys and Vents;
- (3) Chapter 6--Specific Appliances.

v. International Residential Code of the International Code Council, Inc., adopted as amended at [N.J.A.C. 5:23-3.21](#) as the One- and Two-Family Dwelling Subcode:

- (1) Chapter 3--Building Planning;
- (2) Chapter 10--Chimneys and Fireplaces;
- (3) Chapter 13--General Mechanical System Requirements;
- (4) Chapter 14--Heating and Cooling Equipment and Appliances;
- (5) Chapter 15--Exhaust Systems;
- (6) Chapter 16--Duct Systems;
- (7) Chapter 18--Chimneys and Vents;
- (8) Chapter 19--Special Appliances, Equipment, and Systems;
- (9) Chapter 22--Special Piping and Storage Systems;
- (10) Chapter 23--Solar Thermal Energy Systems;
- (11) Sections G2404, G2408, G2409, G2425, and G2427 of Chapter 24--Fuel Gas; and
- (12) Section P2904 of Chapter 29--Water Supply and Distribution.

2. The model code portions listed above may be known as "the fire protection subcode."

## History

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### HISTORY:

Amended by R.1981 d.132, effective May 7, 1981.

See: 13 N.J.R. 121(a), 13 N.J.R. 258(d).

Amended by R.1984 d.314, effective August 6, 1984.

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

Section substantially amended.

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

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

Substantially amended.

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

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

Model subcode revisions.

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

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

Reference to 1989 Supplement added; (a)1i(7) amended.

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

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

Text conformed to BOCA National Code/1990.

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

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

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

See: [30 N.J.R. 1377\(a\)](#), [30 N.J.R. 2421\(b\)](#).

Rewrote (a).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (a)1i(5), added a second sentence.

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

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (a)1ii, changed "1996" to "1999".

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

See: [33 N.J.R. 6\(a\)](#), [33 N.J.R. 2090\(a\)](#).

In (a)1, inserted reference to the fuel gas subcode in the introductory paragraph, rewrote iii and inserted iv; in (b)1, inserted reference to the Fuel Gas Subcode.

Amended by R.2003 d.351, effective September 2, 2003.

See: [35 N.J.R. 1177\(a\)](#), [35 N.J.R. 4051\(a\)](#).

In (a), substituted "are" for "area" in the introductory paragraph and rewrote (i) and (ii) in 1.

Administrative Correction to (a)1iii and (a)1iv: Changed "Code/2000" to "Code/2003".

See: [37 N.J.R. 2860\(a\)](#).

Amended by R.2007 d.65, effective February 20, 2007.



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See: [38 N.J.R. 3348\(a\)](#), [39 N.J.R. 633\(a\)](#).

In (a)1i, substituted "2006" for "2000"; deleted (a)1i(5)(A) and (B); in (a)1ii, substituted "2005" for "2002"; and in (a)1iii and (a)1iv, substituted "2006" for "2003".

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

In the introductory paragraph of (a)1i, of (a)1iii and of (a)iv, substituted "2009" for "2006"; in (a)1i(3), substituted "Fire and Smoke Protection Features" for "Fire Resistance-Rated Construction"; in (a)1i(8), substituted "2613" for "2607"; and in the introductory paragraph of (a)1ii, substituted "2008" for "2005".

Amended by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Rewrote the section.

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#), [51 N.J.R. 1399\(a\)](#).

In the introductory paragraph of (a)1, substituted "fuel gas, and one- and two-family dwelling subcodes, to the extent delineated in [N.J.A.C. 5:23-3.4](#), as the fire protection subcode for New Jersey" for "and fuel gas"; and added (a)1v.

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#), [54 N.J.R. 1707\(a\)](#).

Rewrote the section.

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-3.18](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

#### **§ 5:23-3.18 Energy subcode**

---

(a) Rules concerning the energy 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 International Code Council, known as the International Energy Conservation Code/2021 (IECC/2021), as the energy subcode for New Jersey.

i. Copies of the IECC/2021 may be obtained from International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

ii. The model code listed above may be known and cited as the "energy subcode."

(b) The following chapters and sections of the commercial provisions of the energy subcode are amended, as follows:

1. Chapter 1, Scope and Application, shall be amended as follows:

i. Sections C101.1, Title, and C101.3, Intent, shall be deleted.

ii. Section C101.4.1, Mixed residential and commercial buildings, and Section C101.5, Compliance, shall have "by means of the ASHRAE Standard 90.1" inserted after "IECC-- Commercial Provisions."

iii. Section C103, Construction Documents, Section C104, Fees, Section C105, Inspections, Section C106, Notice of Approval, Section C107, Validity, Section C108.3, Other laws, C109, Stop Work Order, and C110, Board of Appeals, shall be deleted.

2. Chapter 2, Definitions, shall be deleted, except that a new definition of "IECC-Commercial Provisions" shall be inserted and defined as meeting "the requirements of the ASHRAE Standard 90.1 referenced by Chapter 6 of commercial provisions of this code."

3. Chapter 3, General Requirements, shall be deleted.

4. Chapter 4, Commercial Energy Efficiency, shall be amended as follows:

i. In Section C401.2, Application, "Section C401.2.1 or" shall be deleted. In addition, Section C401.2.1, International Energy Conservation Code, shall be deleted in its entirety. Lastly, new Section C401.2.2.1, Amendments, shall be added as follows: The following amendments shall apply to ASHRAE 90.1:

1. Chapter 8, Power, shall be considered optional.

ii. Section C402, Building Envelope Requirements, Section C403, Building Mechanical Systems, Section C404, Service Water Heating (Mandatory), Section C405, Electrical Power and Lighting Systems, Section C406, Additional Efficiency Package Options, C407, Total Building Performance, and C408, Maintenance Information and System Commissioning, shall be deleted in their entirety.

5. Chapter 5, Existing buildings, shall be deleted.

## § 5:23-3.18 Energy subcode

**6.** Chapter 6, Referenced Standards, shall be amended as follows:

i. In the ICC table, "IPC-21, International Plumbing Code" shall be deleted and " NSPC-21, National Standard Plumbing Code" shall be inserted. In addition, at the bottom of the ICC table, "\*\*\*NSPC-21 is non-ICC and is published by the International Association of Plumbing and Mechanical Officials" shall be inserted.

**7.** Appendices

i. Appendix CA, Board of Appeals--Commercial, is deleted.

ii. Appendix CB, Solar-Ready Zone, is optional at the discretion of the permit applicant, except that this appendix is adopted as a requirement for the construction of a warehouse for which a construction permit has not been declared complete by the enforcing agency before July 1, 2022, pursuant to P.L. 2021, c. 290. A warehouse means any building, room, structure, or facility of at least 100,000 square feet used primarily for the storage of goods intended for sale.

iii. Appendix CC, Zero Energy Commercial Building Provisions, is optional at the discretion of the permit applicant. Appendix CC shall be amended as follows:

(1) In Section CC103.1, Renewable energy, the second paragraph shall be deleted. In addition, "Section C401.2.1, Item 2 or" shall be deleted in the third paragraph.

(c) The following chapters and sections of the residential provisions of the energy subcode are amended as follows:

**1.** Chapter 1, Scope and Application, shall be amended as follows:

i. Sections R101.1, Title, and R101.3, Intent, shall be deleted.

ii. Section R101.4.1, Mixed residential and commercial buildings, and Section R101.5, Compliance, shall have "by means of the ASHRAE Standard 90.1" inserted after "IECC--Commercial Provisions."

iii. Section R103, Construction Documents, Section R104, Fees, Section R105, Inspections, Section R106, Notice of Approval, Section R107, Validity, Section R108.3, Other laws, R109, Stop Work Order, and R110, Board of Appeals, shall be deleted.

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

i. In Section R201.3, Terms defined in other codes, "International Plumbing Code" shall be deleted and "National Standard Plumbing Code" shall be inserted.

ii. The definitions of "Addition" and "Alteration" shall be deleted.

iii. The definition of "Approved" shall be deleted and the following shall be inserted: "Approved refers to approval by the appropriate subcode official or other authority having jurisdiction in accordance with the regulations."

iv. In the definition of "Approved Agency," "or other authority having jurisdiction in accordance with the Uniform Construction Code" shall be inserted after "official."

v. The definition of "Building" shall be deleted and the definition at [N.J.A.C. 5:23-3.14\(b\)2](#) shall be inserted:

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

vi. The definition of "Code Official" shall be deleted.

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

## § 5:23-3.18 Energy subcode

- viii. The definitions of "Historic Building," "Repair," "Reroofing," "Roof Recover," "Roof Repair," and "Roof Replacement" shall be deleted.
  - ix. New definition of "IECC-Commercial Provisions" shall be inserted and defined as meeting the requirements of the ASHRAE Standard 90.1 referenced by Chapter 6 of commercial provisions of this code.
3. Chapter 3, Climate Zones, shall be amended as follows:
    - i. Section R303.3, Maintenance information, shall be deleted.
  4. Chapter 4, Residential Energy Efficiency, shall be amended as follows:
    - i. Section R401.2, Application, the exception shall be deleted in its entirety.
    - ii. In Section R403.7, Equipment sizing and efficiency rating (Mandatory), "or replacement" shall be deleted in the second sentence.
    - iii. In Section R403.8, Systems serving multiple dwelling units (Mandatory), delete "Sections C403 and C404 of the IECC--Commercial Provisions" and replace with "Chapters 6 and 7 of the ASHRAE Standard 90.1".
    - iv. In Section R404.1.1, Exterior lighting, delete "Section C405.4 of the International Energy Conservation Code--Commercial Provision" and replace with "Section 9.4.2 of the ASHRAE Standard 90.1."
  5. Chapter 5, Existing Buildings, shall be deleted.
  6. Chapter 6, Referenced Standards, shall be amended as follows:
    - i. In the ICC table, "IPC-21, International Plumbing Code" shall be deleted and "NSPC-21, National Standard Plumbing Code" shall be inserted. In addition, at the bottom of the ICC table, "\*\*\*NSPC-21 is non-ICC and is published by the International Association of Plumbing and Mechanical Officials" shall be inserted.
  7. Appendices
    - i. Appendix RA, Board of Appeals--Residential, is deleted.
    - ii. Appendix RB, Solar-Ready Provisions--Detached One- and Two-Family Dwellings and Townhouse, is optional at the discretion of the permit applicant.
    - iii. Appendix RC, Zero Energy Residential Building Provisions, is optional at the discretion of the permit applicant. Appendix RC shall be amended as follows:
      - (1) In Section RC101.1, Compliance, "Existing residential buildings shall comply with Chapter 5." is deleted.

## History

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### HISTORY:

Amended by R.1987 d.387, effective October 5, 1987.

See: 19 N.J.R. 433(b), 19 N.J.R. 1793(a).

Substantially amended.

Amended by R.1988 d.50, effective February 1, 1988.

See: 19 N.J.R. 1862(b), 20 N.J.R. 268(a).

Added (b)6; renumbered (b)6.-7. as (b)7.-8.

## § 5:23-3.18 Energy subcode

Amended by R.1988 d.417, effective September 6, 1988.

See: 20 N.J.R. 699(b), 20 N.J.R. 2274(a).

Substantially amended.

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

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

Text conformed to BOCA National Code/1990.

Amended by R.1991 d.326, effective July 1, 1991.

See: 23 N.J.R. 804(a), 23 N.J.R. 2044(a).

Section E-502.1 deleted.

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

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

In (b)5, deleted old and added new i.

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.143, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 4872(a), 27 N.J.R. 1179(b).

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

See: [30 N.J.R. 1377\(a\)](#), [30 N.J.R. 2421\(b\)](#).

Rewrote the section.

Amended by R.2001 d.244, effective July 16, 2001 (operative January 16, 2002).

See: [33 N.J.R. 1241\(a\)](#), [33 N.J.R. 2471\(a\)](#).

Rewrote the section.

Administrative change.

See: [33 N.J.R. 3310\(a\)](#).

Administrative correction.

See: [35 N.J.R. 2494\(b\)](#).

Amended by R.2007 d.65, effective February 20, 2007.

See: [38 N.J.R. 3348\(a\)](#), [39 N.J.R. 633\(a\)](#).

In (a)1, substituted "International Code Council, known as the International Energy Conservation Code (IECC/2006)" for "Council of American Building Officials, Inc., known as the Model Energy Code/1995"; in (a)1i, substituted "IECC/2006" for "CABO Model Energy Code/1995" and "International Code Council" for "BOCA International"; and rewrote (b).

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

Added new (b)2i, recodified former (b)2i and (b)2ii as (b)2ii as (b)2iii; and added (b)6.

## § 5:23-3.18 Energy subcode

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Rewrote the section.

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

In (b)2i, deleted " 'ICC Electrical Code' and" following "codes," " 'National Electrical Code' and" following "deleted and", and "respectively" following "inserted"; and rewrote (b)6i.

Amended by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Rewrote the section.

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#), [51 N.J.R. 1399\(a\)](#).

Rewrote the section.

Administrative correction, effective March 25, 2021.

See: [53 N.J.R. 619\(b\)](#).

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#), [54 N.J.R. 1707\(a\)](#).

Section was "Energy Subcode"; rewrote the section.

Amended by R.2022 d.142, effective November 21, 2022.

See: [54 N.J.R. 759\(a\)](#), [54 N.J.R. 2143\(a\)](#).

Rewrote (b)7ii.

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-3.19](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.19 (Reserved)**

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### **History**

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#### **HISTORY:**

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.

Repealed by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#), [51 N.J.R. 1269\(a\)](#).

Section was "Manufactured home subcode".

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## [N.J.A.C. 5:23-3.20](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

#### **§ 5:23-3.20 Mechanical subcode**

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(a) Rules concerning the mechanical 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/2021. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications at (b) below.

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

ii. The International Mechanical Code/2021 may be known and cited as the "mechanical subcode."

2. Any references to the International Plumbing Code, the International Energy Conservation Code or the International Existing Building Code listed in Chapter 15 shall be considered a reference to the appropriate plumbing, or energy subcode in N.J.A.C. 5:23-3 or the rehabilitation subcode in N.J.A.C. 5:23-6.

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/2021 shall be amended as follows:

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

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

i. In Section 201.3, Terms defined in other codes, delete "International Plumbing Code," and insert "plumbing subcode ([N.J.A.C. 5:23-3.15](#))."

ii. The definition of the term "alteration" is deleted.

iii. The definition of the term "approved" is deleted and the following shall be inserted: "Approved refers to approval by the appropriate subcode official or other authority having jurisdiction in accordance with the regulations."

iv. In the definition of "Approved Agency," "or other authority having jurisdiction in accordance with the Uniform Construction Code" shall be inserted after "official."

v. The definition of the term "building" is deleted and the definition at [N.J.A.C. 5:23-3.14\(b\)2](#) shall be inserted:

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

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



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- vii. The definition of the term "code official" is deleted.
  - viii. In the definition of "Dwelling Unit," "living as a single housekeeping unit" shall be inserted after "persons."
3. Chapter 3 of the mechanical subcode, entitled "General Regulations," shall be amended as follows:
- i. Section 301.1, Scope, is amended to delete the words "in accordance with Section 101.2."
  - ii. Section 301.7, Listed and labeled, is amended to delete the words "in accordance with Section 105."
  - iii. In Section 301.11, Plumbing connections, delete "International Plumbing Code" and insert "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" in its place.
  - iv. Section 301.14, Repair, is deleted.
  - v. Add new section 301.19, Safety devices and controls, as follows:

"Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner shall be used for other than electrically driven or controlled equipment."
  - vi. Section 307.1, Fuel-burning appliances, shall be amended to insert "drywell, sump pump, floor drain, drainage system below floor" after "fixture."
  - vii. Section 307.2.1, Condensate disposal, is amended to add the following after the word "disposal" on line 3: "in accordance with the plumbing subcode." In addition, the second sentence shall be deleted. In addition, Section 307.2.1.1, Condensate discharge, is deleted in its entirety.
  - viii. Section 307.2.2, Drain pipe materials and sizes, is deleted.
  - ix. Section 309, Temperature control, is deleted.
4. Chapter 5 of the mechanical subcode, entitled "Exhaust Systems," shall be amended as follows:
- i. Section 503.1, General, 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. Item 7 in Sections 504.10, Common exhaust systems for clothes dryers located in multistory structures, and 505.3, Common exhaust systems for domestic kitchens located in multistory structures, is amended to add ", if provided," after the word "and".
  - iii. Section 512.1, General, 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."
  - iv. In Section 513.5.2, Testing of leakage area, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.
5. Chapter 6 of the mechanical subcode, entitled "Duct Systems," is amended as follows:
- i. Section 602.2.1, Materials in plenums, 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."

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- ii. Section 602.2.1.1, Wiring, 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."
6. Chapter 8 of the mechanical subcode, entitled "Chimneys and Vents," shall be amended as follows:
- i. In Section 801.18.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney verification program as provided for in [N.J.A.C. 5:23-2.20\(d\)](#)" shall be inserted.
7. Chapter 9 of the mechanical subcode, entitled "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment," shall be amended as follows:
- i. In Section 908.5, Water supply, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
- ii. In Section, 923, Small ceramic kilns, "Section 105.2" shall be deleted in two locations and "[N.J.A.C. 5:23-3.7](#)" shall be inserted.
- iii. In Item 4 of Section 928.1, General, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
8. Chapter 10 of the mechanical subcode, entitled "Boilers, Water Heaters and Pressure Vessels," shall be amended as follows:
- i. Section 1001.1, Scope, is amended to replace the words "installation, alteration, and repair of boilers," with the words "installation and alteration of boilers."
- ii. In Section 1002.1, General, in the first and third sentence, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
- iii. In Section 1002.2, Water heaters utilized for space heating, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
- iv. Section 1002.3, Supplemental water-heating devices, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
- v. In Section 1008.2, Discharge, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
9. Chapter 11 of the mechanical subcode, entitled "Refrigeration," is amended as follows:
- i. Section 1101.1, Scope, the words "and repair" shall be deleted.
- ii. Section 1102.2.2, Purity, is deleted in its entirety.
- iii. Add new Section 1103.1.1, Acceptable refrigerants, as follows: "Only refrigerants listed by the US Environmental Protection Agency (EPA), pursuant to the Significant New Alternatives Program (SNAP) under section 612 of the Clean Air Act Amendments and those listed by the NJ Department of Environmental Protection (DEP) pursuant to the Air Pollution Control Act, P.L. 1954, c. 212 (N.J.S.A. 26:2C-1 et seq.), as acceptable substitutes for the particular use shall be permitted."
- iv. Section 1111, Periodic testing, is deleted.
10. Chapter 12 of the mechanical subcode, entitled "Hydronic Piping," is amended as follows:
- i. In Section 1210.8.1, Protection of potable water, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
11. Chapter 13 of the mechanical subcode, entitled "Fuel Oil Piping And Storage," is amended as follows:

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- i. Section 1301.2, Storage and piping systems, 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."
- 12.** Chapter 15 of the mechanical subcode, entitled "Referenced Standards," shall be amended as follows:
- i. Under the heading "ICC," amend the following title:
    - (1) Delete "IPC--21, International Plumbing Code."
- 13.** Appendix A of the mechanical subcode entitled "Chimney Connector Pass-Throughs" is informative and is not part of the code.
- 14.** Appendix B of the mechanical subcode entitled "Recommended Permit Fee Schedule," is deleted in its entirety.

## History

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### HISTORY:

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).

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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\(a\)](#).

Amended by R.2002 d.15, effective January 22, 2002.

See: [33 N.J.R. 2933\(b\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 521\(a\)](#).

In (c), added the last sentence in the introductory paragraph, and rewrote 1.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

In (c), deleted ", or any dwelling unit of Use Group" following "R-2", and substituted ", R-3 or R-4" for "R-3 located in a building required to be registered as a multiple dwelling" in the introductory paragraph.

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

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

Amended by R.2005 d.35, effective January 18, 2005.

See: [36 N.J.R. 3329\(b\)](#), [37 N.J.R. 267\(a\)](#).

Rewrote the section.

Administrative correction.

See: [37 N.J.R. 885\(a\)](#).

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

See: [37 N.J.R. 3110\(a\)](#), [38 N.J.R. 1183\(a\)](#).

Added (b)3iii; recodified former (b)3iii-ix as (b)3iv-x.

Amended by R.2007 d.65, effective February 20, 2007.

See: [38 N.J.R. 3348\(a\)](#), [39 N.J.R. 633\(a\)](#).

Rewrote the section.

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Rewrote (a) and (b).

Amended by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Rewrote the section.

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#), [51 N.J.R. 1399\(a\)](#).

Substituted "Code/2018" for "Code/2015" in the introductory paragraph of (a)1, in (a)1ii, and in the introductory paragraph of (b); and substituted "appropriate" for "building" in (b)2iii.

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#), [54 N.J.R. 1707\(a\)](#).

Substituted "Code/2021" for "Code/2018" throughout; in (a)1 substituted "at" for "in"; and rewrote (b).

Administrative correction, effective June 20, 2023.

See: [55 N.J.R. 1385\(a\)](#).

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## [N.J.A.C. 5:23-3.20A](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES***

### **§ 5:23-3.20A (Reserved)**

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### **History**

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#### **HISTORY:**

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

See: 24 New Jersey Register 167(a), 24 New Jersey Register 1475(b).

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

See: [33 New Jersey Register 6\(a\)](#), [33 New Jersey Register 2090\(a\)](#).

Section was "Indoor air quality subcode".

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## [N.J.A.C. 5:23-3.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

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

---

(a) Rules concerning the one- and two-family dwelling subcode are adopted as follows:

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the International Code Council, 2021 International Residential Code known as the "IRC/2021" as the one- and two-family dwelling subcode in New Jersey subject to the modifications stated at (c) below.

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

ii. The IRC/2021 may be known and cited as the one- and two-family dwelling subcode.

(b) The provisions of this subcode shall apply to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress serving each dwelling unit and their accessory structures.

(c) The following chapters or sections of the IRC/2021 shall be modified as follows:

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

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

i. The definition of "Addition" shall be deleted.

ii. The definition of "Alteration" shall be deleted.

iii. The definition of "Approved" shall be deleted and the following shall be inserted: "Approved refers to approval by the appropriate subcode official or other authority having jurisdiction in accordance with the regulations."

iv. In the definition of "Approved Agency," "or other authority having jurisdiction in accordance with the Uniform Construction Code" shall be inserted after "official."

v. The definition of "Attic, habitable" shall be deleted and the following shall be inserted:

"An attic that 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."

vi. The definition of "Building" shall be deleted and the following shall be inserted:

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

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

- vii. The definition of "Building, Existing" shall be deleted.
  - viii. The definition of "Building Line" shall be deleted.
  - ix. The definitions of "Building Official" and "Change of Occupancy" shall be deleted.
  - x. In the definition of "Dwelling Unit," "living as a single housekeeping unit" shall be inserted after "persons."
  - xi. The definition of "Existing Installations" shall be deleted.
  - xii. The definition of "Guestroom" shall be deleted.
  - xiii. The definition of "Historic Building" shall be deleted.
  - xiv. The definition of "Jurisdiction" shall be deleted.
  - xv. The definition of "Lodging House" shall be deleted.
  - xvi. The definition of "Manufactured Home" shall be deleted.
  - xvii. The definition of "Owner" shall be deleted and the following shall be inserted: "OWNER. The owner or owners in fee of the property of a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation, directly or indirectly in control of a building, structure or real property and shall include any subdivision thereof of the State."
  - xviii. The definition of "Permit" shall be deleted.
  - xix. The definition of "Person" shall be deleted.
  - xx. In the definition of "Potable Water," "public health authority having jurisdiction" shall be deleted and "Public Health Drinking Water Standards or the regulations" shall be inserted.
  - xxi. The definition of "Repair" shall be deleted.
  - xxii. The definitions of "Reroofing," "Roof Recover," "Roof Repair," and "Roof Replacement" shall be deleted.
  - xxiii. The definition of "Structure" shall be deleted.
3. Chapter 3, Building Planning, shall be amended as follows:
- i. Add new Section R300 as follows:
    - "R300** Height and Area Limitations
      - R300.1** General. Buildings of VB, unprotected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than two stories, not more than 35 feet in height, and not more than 4,800 square feet in area per floor. For the purpose of applying this subsection, a habitable attic shall not constitute a story in a two-story dwelling.
      - R300.2** Increases in height. The building shall be not more than three stories and not more than 55 feet in height where the building is equipped throughout with an automatic sprinkler system installed in accordance with the National Fire Protection Association (NFPA) Standard 13D or Section P2904.
      - R300.3** Increases in area. The area of a building may be increased as provided in Sections R300.3.1 and Section R300.3.2 below.
        - R300.3.1** Automatic sprinkler system. The area limitation shall be unlimited where a building is equipped throughout with an automatic sprinkler system installed in accordance with NFPA Standard 13D or Section P2904.



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**R300.3.2** Frontage. The area limitation shall be permitted to be increased two percent for each one percent of excess frontage where a building has more than 25 percent of the building perimeter fronting on a street or other unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet in width, and shall have access from a street by a posted fire lane that is not less than 18 feet in width.

**R300.4** Buildings of VA construction. Buildings of VA, protected wood framed construction, as that term is defined in Section 602 of the building subcode, shall be not more than three stories, not more than 40 feet in height, and not more than 10,200 square feet in area per floor.

**R300.4.1** Increases in height. Buildings of VA construction greater than three stories in height shall be designed and constructed in accordance with the building subcode.

**R300.4.2** Increases in Area. Buildings of VA construction shall be permitted to be increased in area in accordance with R300.3.

**R300.5** Buildings of other types of construction. The height and area limits allowable for buildings of construction type VA shall apply to other construction types, as they are defined in Section 602 of the building subcode, provided that the fire ratings of building elements meet or exceed the requirements for type VA in Tables 601 and 705.5 of the building subcode."

ii. Table R301.2, Climatic and Geographic Design Criteria, shall be amended as follows:

1. Under the heading of "Ground Snow Load," insert "see Bulletin 19-1";
2. Under the heading of "Wind Design--Speed," insert "see Bulletin 19-1";
3. Under the heading of "Wind Design--Topographic effects," insert "N/A" for Not Applicable;
4. Under the heading of "Wind Design--Special wind region," insert "N/A" for Not Applicable;
5. Under the heading of "Wind Design--Windborne debris region," insert "N/A" for Not Applicable;
6. Under the heading of "Seismic Design Category," insert "N/A" for Not Applicable;
7. Under the heading of "Subject to damage from - Weathering," insert "Severe";
8. Under the heading of "Subject to damage from - Frost line depth," insert "2'6" SNJ; 3'0" NNJ";
9. Under the heading of "Subject to damage from - Termite," insert "Moderate to Heavy";
10. Under the heading of "Ice Barrier Underlayment Required," insert "see Bulletin 07-3";
11. Under the heading of "Flood Hazards," insert "LFPA" for local floodplain administrator;
12. Under the heading of "Air Freezing Index," insert "1500 or less";
13. Under the heading of "Mean Annual Temp;" insert "see Note j";
14. At the beginning of Note b, insert "New Jersey is divided into two zones: SNJ consists of Monmouth and Burlington Counties and all counties to the south; NNJ consists of Mercer and Middlesex Counties and all counties to the north.";
15. At the beginning of Note g, insert "See the local floodplain administrator (LFPA)."

iii. Section R301.2.1.5, Topographic wind effects, shall be deleted, along with its subsections, tables and figures.

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- iv.** Section R301.2.2, Seismic provisions, shall be deleted, along with its subsections, tables, and figures and the following shall be inserted: "Detached one- and two-family dwellings and attached single-family townhouses are exempt from the seismic requirements of this code."
- v.** Section R301.2.4, Floodplain Construction, "repair" shall be deleted and "restoration" shall be inserted. Also, Section R301.2.4.1, Alternative provisions, shall be deleted in its entirety.
- vi.** In Table R301.5, Minimum Uniformly Distributed Live Loads, delete "Balconies (exterior)" and from the fourth row. Insert a new row below "Decks" with "Exterior Balconies" in the "Use" column and "60" in the "Uniform Load" column.
- vii.** In exception 2 of Section R302.1, the following shall be added to the end of the sentence: "provided the aggregate area of all buildings on the same lot do not exceed the permissible area from Section R300."
- viii.** In Section R302.2.2, Common Walls, in the fourth sentence, "Chapters 34 through 43" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- ix.** In Section R302.5.1, Opening protection, in the last sentence, ", Doors shall be self-latching and equipped with a self-closing or automatic-closing device" shall be deleted.
- x.** In Section R302.6, Dwelling-garage fire separation, "Attachment of gypsum board shall comply with Table R702.3.5." shall be deleted.
- xi.** Table R302.6, Dwelling-Garage Separation, shall be amended as follows: In the column entitled "Material" and the rows entitled "From habitable rooms above the garage" and "Structure(s) supporting floor/ceiling assemblies used for separation required by this section," the text shall be deleted and "constructed with not less than a one-hour fire resistance rating (see N.J.U.C.C. FTO-13)" shall be inserted.
- xii.** Section R303.7, Interior stairway illumination and R303.8, Exterior stairway illumination, shall be deleted in their entirety.
- xiii.** Section R303.10, Required heating, shall be deleted in its entirety.
- xiv.** In Section R307.1, Space required, "Figure R307.1, and in accordance with the requirements of Section P2705.1" shall be deleted and "Figure 7.3.2 of the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) ), entitled 'Minimum Fixture Clearances' "shall be inserted. In addition, Figure R307.1 shall be deleted.
- xv.** In Section R310.1, Emergency escape and rescue opening required, "Basements, habitable attics and" shall be deleted. The sentence shall start with "Every." In addition, exception 1 shall be deleted in its entirety.
- xvi.** In Section R310.4.3, Drainage, "R405.1" shall be deleted in the body of the general text and again in the exception and "R406.1" shall be inserted for each deletion.
- xvii.** Sections R310.5, Replacement windows for emergency escape and rescue openings, R310.6, Dwelling additions, and R310.7, Alterations or repairs of existing basements, R310.7.1, Existing emergency escape rescue openings, shall be deleted.
- xviii.** In Section R311.3.1, Floor elevations at the required egress doors, in the Exception, "7 3/4 inches (196 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted. Also, in Section R311.3.2, Floor elevations at other exterior doors, "7 3/4 inches (196 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted."
- xix.** In Section R311.7.5.1, Risers, "7 3/4 inches (196 mm)" shall be deleted and "8 1/4 inches (210 mm)" shall be inserted.
- xx.** In Sections R311.7.5.2, Treads, and R311.7.5.2.1, Winder treads, "10 inches (254 mm)" shall be deleted and "9 inches (229 mm)" shall be inserted.

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- xxi.** In Section R311.7.8.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.
- xxii.** Section R311.7.9, Illumination, shall be deleted in its entirety.
- xxiii.** In Section R311.8.3.1, Height, "34 inches (864 mm)" shall be deleted and "30 inches (762 mm)" shall be inserted.
- xxiv.** Section R313.1, Townhouse automatic fire sprinkler systems shall be deleted. Section R313.1.1 shall be retained.
- xxv.** Section R313.2, One- and two-family dwellings automatic sprinkler systems, shall be deleted. Section R313.2.1 shall be retained.
- xxvi.** Section R314.2.2, Alterations, repairs and additions, shall be deleted.
- xxvii.** In Section R314.6, Power source, both exceptions shall be deleted.
- xxviii.** New Section R314.7.5 shall be inserted as follows: "R314.7.5, Monitoring. The system shall be monitored by an approved supervising station and shall be maintained in accordance with NFPA 72."
- xxix.** In Section R315.2, Where required, "and R315.2.2" shall be deleted. Also, Section R315.2.2, Alterations, repairs and additions, shall be deleted. Lastly, exception 2 of Section R315.6, Power source, shall be deleted.
- xxx.** In Section R319.1, Address Identification, the fourth, fifth, and ninth sentences shall be deleted. Additionally, in the seventh sentence, "fire code official" shall be deleted and "fire protection subcode official" shall be inserted.
- xxxi.** Section R320, Accessibility, shall be deleted.
- xxxii.** Section R321, Elevators and platform lifts, shall be deleted.
- xxxiii.** In Section R322.1, General, "repair" shall be deleted and "restoration" shall be inserted.
- xxxiv.** Section R322.1.1, Alternative provisions, shall be deleted in its entirety.
- xxxv.** In Section R322.1.6, Protection of mechanical, plumbing and electrical systems, the second sentence shall be deleted.
- xxxvi.** In Section R322.1.7, Protection of water supply and sanitary sewage systems, in the first and second sentences, "and replacement" shall be deleted. Also, in the second sentence, "the plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- xxxvii.** In Section R322.1.9, Manufactured homes, in the first sentence, "new and replacement" shall be deleted and "relocated" shall be inserted in lieu thereof.
- xxxviii.** In Section R322.2.3, Foundation design and construction, "For buildings supported by piles, the design and methods of construction shall meet the applicable criteria of ASCE 24." shall be inserted after the first sentence.
- xxxix.** In Section R322.3, Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated), "Sections R322.3.1 through R322.3.10" shall be deleted and "ASCE 24" shall be inserted in its place. Additionally, the subsections that follow the text of R322.3, Sections R322.3.1 through R322.3.10, shall be deleted.
- xl.** Section R323, Storm Shelters, shall be deleted.
- xli.** Section R326, Habitable attics, shall be deleted.
- xlii.** In Section R327.1, General, "and enclosures" shall be inserted between "spas" and "shall."

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**xliii.** A new Section R327.2, Amendments to the International Swimming Pool and Spa Code, shall be inserted as follows:

**R327.2.** Amendments to the International Swimming Pool and Spa Code. The following amendments shall be made to the International Swimming Pool and Spa Code (ISPSC).

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

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

**2.1** In Section 201.3, Terms defined in other codes, "International Plumbing Code" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.

**2.2** In Section 202, Definitions:

**2.2.1** The definition of "alteration" shall be deleted.

**2.2.2** The definition of "code official" shall be deleted and the following shall be inserted:

"Construction Official. A qualified person appointed by the municipal appointing authority or the commissioner pursuant to the act and the regulations to enforce and administer the regulations within the jurisdiction of the enforcing agency."

**2.2.3** The definition of "existing pool or spa" shall be deleted.

**2.2.4** The definition of "owner" shall be deleted and the following shall be inserted:

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

**2.2.5** The definitions of "permit" and "repair" shall be deleted.

**3.** Chapter 3, General Compliance, shall be amended as follows:

**3.1** In Section 302.1, Electrical, "NFPA 70" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted. Additionally, "or the International Residential Code, as applicable in accordance with Section 102.7.1" shall be deleted.

**3.2** In Section 302.2, Water service and drainage, "International Plumbing Code" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.

**3.3** In Sections 302.5, Backflow prevention, and 302.6, Waste-water discharge, "International Plumbing Code or the International Residential Code, as applicable in accordance with Section 102.7.1" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.

**3.4** Section 305, Barrier requirements, shall be amended as follows:

**3.4.1** In Section 305.1, General, in the second sentence, "and swimming pools are equipped with a powered safety cover that complies with ASTM F1346" shall be deleted. Also in the second sentence, ", hot tubs or pools" shall be replaced with "or hot tubs".

**3.4.2** Section 305.1.1, Construction fencing required, shall be deleted.

**3.4.3** Section 305.4, Structure wall as a barrier, shall be deleted.

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- 3.4.4** In Section 305.5, Onground residential pool structure as a barrier, in item 3, "capable of being secured, locked or removed to prevent access except where the ladder or steps are" shall be deleted.
- 3.5** In Section 306.1, General, "in accordance with Section 102.7.1" shall be deleted.
- 3.6** Sections 306.3, Step risers and treads, and 306.4, Deck steps handrail required, shall be deleted.
- 3.7** In Section 306.9.1, Hose bibbs, "International Plumbing Code or the International Residential Code, as applicable in accordance with Section 102.7.1" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 3.8** In Sections 307.1.1, Glazing in hazardous locations, 307.2.2, Materials and structural design, 307.1.3, Roofs or canopies, and 316.6.1, Installation, "in accordance with Section 102.7.1" shall be deleted.
- 3.9** In Section 316.4, Installation, "in accordance with Section 102.7.1" shall be deleted. Additionally, "NFPA 70" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- 3.10** In Section 318.2, Protection of potable water supply, "International Residential Code or the International Plumbing Code or, as applicable in accordance with Section 102.7.1" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 3.11** In Section 321.2.1, Pool and deck illumination, in the second sentence, "NFPA 70" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- 3.12** In Section 321.4, Residential pool and deck illumination, "NFPA 70" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted. Additionally, "or the International Residential Code, as applicable in accordance with Section 102.7.1" shall be deleted.
- 3.13** In Section 324.4, Electrical, "NFPA 70" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- 4.** Chapter 4, Public swimming pools, shall be amended as follows:
- 4.1** In Section 410.1, Toilet facilities, "International Building Code or International Plumbing Code" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 5.** Chapter 6, Aquatic recreation facilities, shall be amended as follows:
- 5.1** In Section 601.1, Scope, the following sentence shall be added to the end of the paragraph, "For purposes of enforcement, Class D-2 and Class D-6 public pools shall be regulated by this chapter and [N.J.A.C. 5:23](#); all other Class D public pools shall be regulated by [N.J.A.C. 5:14A](#)."
- 5.2** In Section 609.1, General, "International Building Code and International Plumbing Code and Section 609.2 through 609.9" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 5.3** Sections 609.2, Number of fixtures, 609.3, Showers, 609.4, Soap dispensers, 609.5, Toilet tissue holder, 609.6, Lavatory mirror, 609.7, Sanitary napkin receptacles, 609.8, Sanitary napkin dispensers, and 609.9, Infant Care, shall be deleted.
- 6.** Appendix A, Board of Appeals, shall be deleted in its entirety.
- xliv.** In Section R329.2, Installation, "Chapters 34 through 43" shall be deleted, and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- xlv.** In Section R330.1, General, the words "and existing" shall be deleted.
- 4.** Chapter 4, Foundations, shall be amended as follows:

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i. In Table R401.4.1, Presumptive Load Bearing Values of Foundation Materials, "12,000; 4,000; 3,000; 2,000; and 1,500" shall be deleted and "12,000; 6,000; 5,000; 3,000; and 2,000" shall be inserted.

ii. Section R403.1.4, Minimum depth, shall have the following exceptions added:

"Exceptions:

1. Accessory garden-type utility sheds and similar structures that are 100 square feet or less in area, 10 feet or less in height and does not contain a water, gas, oil or sewer connection. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground.

2. Accessory garden-type utility sheds and similar structures that are greater than 100 square feet, but not more than 200 square feet in area, and 10 feet or less in height, provided the shed is dimensionally stable without the foundation system and does not contain a water, gas, oil or sewer connection. A shed shall be considered dimensionally stable if it is provided with a floor system that is tied to the walls of the structure such that it reacts to loads as a unit. These structures shall be of sufficient weight to remain in place or shall be anchored to the ground."

iii. In Section R403.1.4.1, Frost protection, the exceptions shall be deleted and the following shall be inserted:

Exception: Free standing buildings meeting all of the following conditions shall not be required to be protected:

1. Buildings and other structures that represent a low hazard to human life in the event of failure, including but not limited to, agricultural buildings, temporary buildings and minor storage facilities.

2. Area of 600 square feet (56 m<sup>2</sup>) or less for light framed construction, or 400 square feet (37 m<sup>2</sup>) or less for other than light-framed construction; and

3. Eave height of 10 feet (3048 mm) or less.

iv. In Section R403.3.3, Drainage, "Table R405.1" shall be deleted and "Table R406.1" shall be inserted.

v. In Table R403.4, note C; Table R404.1.1(1), Note B; Table R404.1.1(2), Note D; Table R404.1.1(3), Note D; Table R404.1.1(4), Note D; Table R404.1.2(2), Note A; Table R404.1.2(3), Note A; Table R404.1.2(4), Note A; Table R404.1.2(5), Note A; Table R404.1.2(6), Note A; Table R404.1.2(7), Note A; and Table R404.1.2(8), Note A, "Table R405.1" shall be deleted and "Table R406.1" shall be inserted.

vi. In Section R404.2.5, Drainage and dampproofing, delete "Sections R405 and R406, respectively." and insert "Section R406."

vii. In Section R404.4, Retaining walls, in the first sentence, "that are not laterally supported at the top and that retain in excess of 48 inches (1219 mm) of unbalanced fill, or retaining walls exceeding 24 inches (610 mm) in height that resist lateral loads in addition to soil" shall be deleted and "for which a construction permit is required by [N.J.A.C. 5:23-2.14](#)" shall be inserted.

viii. Sections R405, Foundation Drainage, with the exception of Table R405.1, which shall be renumbered as "Table R406.1", and R406, Foundation Waterproofing and Dampproofing, shall be deleted and the text of Section 1805, Dampproofing and Waterproofing from the building subcode shall be inserted as follows:

**"R406.1** General. Walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and dampproofed in accordance

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with this section, with the exception of those spaces containing groups other than residential and institutional where such omission is not detrimental to the building or occupancy.

Ventilation for crawl spaces shall comply with Section R408.

**R406.1.1** Story above grade plane. Where a basement is considered a story above grade plane and the finished ground level adjacent to the basement wall is below the basement floor elevation for 25 percent or more of the perimeter, the floor and walls shall be dampproofed in accordance with Section R406.2 and a foundation drain shall be installed in accordance with Section R406.4.1. The foundation drain shall be installed around the portion of the perimeter where the basement floor is below ground level. The provisions of Sections R406.3 and R406.4.1 shall not apply in this case.

**R406.1.2** Under-floor space. The finished ground level of an under-floor space such as a crawl space shall not be located below the bottom of the footings. Where there is evidence that the ground water table rises to within 6 inches (152 mm) of the ground level at the outside building perimeter, or that the surface water does not readily drain from the building site, the ground level of the under-floor space shall be as high as the outside finished ground level, unless an approved drainage system is provided. The provisions of Sections R406.2, R406.3 and R406.4 shall not apply in this case.

**R406.1.2.1** Flood hazard areas. For buildings and structures in flood hazard areas as established in Section R322, the finished ground level of an under-floor space such as a crawl space shall be equal to or higher than the outside finished ground level on at least one side.

Exception: Under-floor spaces that meet the requirements of FEMA TB-11.

**R406.1.3** Ground-water control. Where the groundwater table is lowered and maintained at an elevation not less than 6 inches (152 mm) below the bottom of the lowest floor, the floor and walls shall be dampproofed in accordance with Section R406.2. The design of the system to lower the ground-water table shall be based on accepted principles of engineering that shall consider, but not necessarily be limited to, permeability of the soil, rate at which water enters the drainage system, rated capacity of pumps, head against which pumps are to operate and the rated capacity of the disposal area of the system.

**R406.2** Dampproofing. Where hydrostatic pressure will not occur, floors and walls for other than wood foundation systems shall be dampproofed in accordance with this section. Wood foundation systems shall be constructed in accordance with AWC PWF.

**R406.2.1** Floors. Dampproofing materials for floors shall be installed between the floor and the base course required by Section R406.4.1, except where a separate floor is provided above a concrete slab.

Where installed beneath the slab, dampproofing shall consist of not less than 6-mil (0.006 inch; 0.152 mm) polyethylene with joints lapped not less than 6 inches (152 mm), or other approved methods or materials. Where permitted to be installed on top of the slab, dampproofing shall consist of mopped-on bitumen, not less than 4-mil (0.004 inch; 0.102 mm) polyethylene, or other approved methods or materials. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

**R406.2.2** Walls. Dampproofing materials for walls shall be installed on the exterior surface of the wall, and shall extend from the top of the footing to above ground level.

Dampproofing shall consist of a bituminous material, 3 pounds per square yard (16N/m<sup>2</sup>) of acrylic modified cement, 1/8-inch (3.2 mm) coat of surface-bonding

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mortar complying with ASTM C 887, any of the materials permitted for waterproofing by Section R406.3.2, or other approved methods or materials.

**R406.2.2.1** Surface preparation of walls. Prior to application of dampproofing materials on concrete walls, holes and recesses resulting from the removal of form ties shall be sealed with a bituminous material or other approved methods or materials. Unit masonry walls shall be parged on the exterior surface below ground level with not less than 3/8 inch (9.5 mm) of portland cement mortar. The parging shall be covered at the footing.

Exception: Parging of unit masonry walls is not required where a material is approved for direct application to the masonry.

**R406.3** Waterproofing. Where the ground-water investigation indicates that a hydrostatic pressure condition exists, and the design does not include a ground-water control system as described in Section R406.1.3, walls and floors shall be waterproofed in accordance with this section.

**R406.3.1** Floors. Floors required to be waterproofed shall be of concrete and designed and constructed to withstand the hydrostatic pressures to which the floors will be subjected.

Waterproofing shall be accomplished by placing a membrane of rubberized asphalt, butyl rubber, fully adhered/fully bonded HDPE or polyolefin composite membrane or not less than 6-mil (0.006 inch; 0.152 mm) polyvinyl chloride with joints lapped not less than 6 inches (152 mm) or other approved materials under the slab. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

**R406.3.2** Walls. Walls required to be waterproofed shall be of concrete or masonry and shall be designed and constructed to withstand the hydrostatic pressures and other lateral loads to which the walls will be subjected.

Waterproofing shall be applied from the bottom of the wall to not less than 12 inches (305 mm) above the maximum elevation of the ground-water table. The remainder of the wall shall be dampproofed in accordance with Section R406.2.2. Waterproofing shall consist of two-ply hot-mopped felts, not less than 6-mil (0.006 inch; 0.152 mm) polyvinyl chloride, 40-mil (0.040 inch; 1.02 mm) polymer-modified asphalt, 6-mil (0.006 inch; 0.152 mm) polyethylene or other approved methods or materials capable of bridging nonstructural cracks. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

**R406.3.2.1** Surface preparation of walls. Prior to the application of waterproofing materials on concrete or masonry walls, the walls shall be prepared in accordance with Section R406.2.2.1.

**R406.3.3** Joints and penetrations. Joints in walls and floors, joints between the wall and floor, and penetrations of the wall and floor shall be made watertight utilizing approved methods and materials.

**R406.4** Subsoil drainage system. Where a hydrostatic pressure condition does not exist, dampproofing shall be provided and a base shall be installed under the floor and a drain installed around the foundation perimeter. A subsoil drainage system designed and constructed in accordance with Section R406.1.3 shall be deemed adequate for lowering the ground-water table.

**R406.4.1** Floor base course. Floors of basements, except as provided for in Section R406.1.1, shall be placed over a floor base course not less than 4 inches (102 mm) in thickness that consists of gravel or crushed stone containing not more than 10 percent of material that passes through a No. 4 (4.75 mm) sieve.



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Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a floor base course is not required.

**R406.4.2** Foundation drain. A drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 (4.75 mm) sieve. The drain shall extend a minimum of 12 inches (305 mm) beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches (152 mm) above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or the top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2 inches (51 mm) of gravel or crushed stone complying with Section R406.4.1 and shall be covered with not less than 6 inches (152 mm) of the same material.

**R406.4.3** Drainage discharge. The floor base and foundation perimeter drain shall discharge by gravity or mechanical means into an approved drainage system that complies with the plumbing subcode ([N.J.A.C. 5:23-3.15](#)).

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a dedicated drainage system is not required."

ix. At Section R407.3, Structural requirements, in the exception, delete the phrase "In Seismic Design Categories A, B, and C" at the beginning of the sentence.

5. Chapter 5, Floors, shall be amended as follows:

i. In Section R502.11.4, entitled "Truss Design Drawings," the second sentence shall be amended to insert "and truss layout drawings" after "Truss design drawings."

ii. New Section R502.11.5, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

iii. In Section R506.2.2, Base, in the exception, "Table R405.1" shall be deleted and "Table R406.1" shall be inserted.

6. Chapter 6, Wall Construction, shall be amended as follows:

i. In Figure R602.6.1, Top plate framing to accommodate piping, "8-10d nails" shall be deleted and "3-8d nails" shall be inserted.

ii. In Section R602.6.1, Drilling and notching of top plate, "eight 10d (0.148 inch diameter)" shall be deleted and "3-8d" shall be inserted.

iii. Section R606.1.1, Professional registration not required, shall be deleted.

iv. In Section R608.1, General, the second sentence shall be deleted.

7. Chapter 8, Roof-Ceiling Construction, shall be amended as follows:

i. In Section R802.10.1, entitled "Truss Design Drawings," the third sentence shall be amended to insert "and truss layout drawings" after "Truss design drawings."

ii. New Section R802.10.5, entitled "Truss Identification," shall be inserted as follows: "Each truss shall be labeled or otherwise indelibly marked at the factory with the individual

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truss number as assigned in the truss layout plan. The indelible marking or label shall be located on the bottom chord of the truss, inside the bearing points. When indelible markings are used, each digit shall be not less than one inch high. When labels are used, the label shall be a minimum of five inches by three inches and shall be affixed to the truss by a truss plate. Labels shall remain affixed to the truss."

8. Chapter 9, Roof Assemblies, shall be amended as follows:
  - i. In Section R903.4.1, Secondary (emergency overflow) drains or scuppers, in the last sentence of the first paragraph, "Sections 1106 and 1108 of the International Plumbing Code, as applicable" shall be deleted and "plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted in its place.
  - ii. In Section R905.1.2, Ice barriers, in the first sentence, delete "in areas where there has been a history of ice forming along the eaves causing a back-up of water as designated in table R301.2," and "In areas where the average daily temperature in January is 25°F (-4°C) or less," shall be inserted.
9. Chapter 10, Chimneys and Fireplaces, shall be amended as follows:
  - i. In Section R1001.11, Fireplace clearance, Exception 3, "12 inches" shall be deleted and "six inches" shall be inserted. In addition, in Figure R1001.11, Clearance from combustibles, "12 IN." shall be deleted and "6 IN." shall be inserted.
  - ii. In Section R1003.18, Chimney clearances, Exception 3, "8 inches" shall be deleted and "six inches" shall be inserted.
  - iii. In Figure R1003.18, Clearance from Combustibles, "8 IN." shall be deleted and "6 IN." shall be inserted.
10. Chapter 11, Energy Efficiency, shall be amended as follows:
  - i. Sections N1101.2 (R101.3), Intent, and N1101.5 (R103.2), Information on construction documents, shall be deleted.
  - ii. In Section N1101.6 (R202), Defined terms, the following definitions shall be deleted: Addition, Alteration, Building, Historic Building, Repair, Reroofing, Residential Building, Roof Recover, Roof Repair, and Roof Replacement.
  - iii. Section N1101.12 (R303.3), Maintenance information, shall be deleted.
  - iv. In Section N1101.13 (R401.2), Application, the exception shall be deleted in its entirety.
  - v. In Section N1103.7 (R403.7), Equipment sizing and efficiency rating, "or replacement" shall be deleted in the second sentence.
  - vi. In Section N1103.8 (R403.8), Systems serving multiple dwellings units, delete "Sections C403 and C404 of the IECC--Commercial Provisions" and replace with "Chapters 6 and 7 of the ASHRAE Standard 90.1 referenced by the energy subcode ( [N.J.A.C. 5:23-3.18](#) )."
  - vii. In Section N1104.1.1 (R404.1.1), Exterior lighting, delete "Section C405.4 of the International Energy Conservation Code--Commercial Provision" and replace with "Section 9.4.2 of the ASHRAE Standard 90.1".
  - viii. Sections N1109 (R501), Existing Buildings--General, N1110 (R502), Additions, N1111 (R503), Alterations, N1112 (R504), Repairs, and N1113 (R505), Change of Occupancy or Use, shall be deleted.
11. Chapter 12, Mechanical Administration, shall be amended as follows:
  - i. Section M1202, Existing mechanical systems, shall be deleted in its entirety.

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12. Chapter 13, General Mechanical System Requirements, shall be amended as follows:
- i. In Section M1305.1.2.1, Electrical requirements, "Chapter 39" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
  - ii. In Section M1305.1.3.3, Electrical requirements, "Chapter 39" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
  - iii. Section M1307.4, Hydrogen generating and refueling operations, shall be deleted in its entirety and the following shall be inserted:
 

**M1307.4** Hydrogen generating and refueling operations. The installation of hydrogen fuel cell systems shall be installed in accordance with the applicable requirements of the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code.
  - iv. In Section M1307.5, Electrical appliances, "and 34 through 43" shall be deleted and "and the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted at the end of the sentence.
  - v. Section M1307.6, Plumbing Connections, "Chapters 29 and 30" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted in its place.
  - vi. Add new Section M1307.8 as follows:
 

**M1307.8** Safety devices and controls. Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner, shall be used for other than electrically driven or controlled equipment.
13. Chapter 14, Heating and Cooling Equipment, shall be amended as follows:
- i. Section M1401.3, Equipment and appliance sizing, "When provided" shall be inserted at the beginning of the sentence.
  - ii. In Section M1405.1, General, "Chapters 34 through 43" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
  - iii. In Section M1406.1, General, "Chapters 34 through 43" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
  - iv. In Section M1406.2, Clearances, "Chapters 34 through 43" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
  - v. In Section M1407.1, General, "Chapters 34 through 43" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
  - vi. In Section M1411.3, Condensate disposal, in the first sentence, "in accordance with the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted after "disposal."
  - vii. Section M1411.3.2, Drain pipe materials and sizes, shall be deleted in its entirety.
  - viii. In Section M1413.1, General, "Section P2902" shall be deleted in item #4 and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
14. Chapter 18, Chimney and Vents, shall be amended as follows:

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

- i. In Section M1801.3.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney verification program as provided for in [N.J.A.C. 5:23-2.20\(d\)](#)" shall be inserted.
- 15.** Chapter 20, Boilers/Water Heaters, shall be amended as follows:
- i. In Sections M2004.1, General, and M2005.1, General, "Chapter 28" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- ii. In Section M2005.3, Electric water heaters, "Chapters 34 through 43" shall be deleted and "the electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- 16.** Chapter 21, Hydronic Piping, shall be amended as follows:
- i. In Section M2101.2, System drain down, "Chapters 25 through 32 of this code" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- ii. In Sections M2101.3, Protection of potable water, M2101.25, Protection of potable water, and M2105.18, Protection of potable water, "Section P2902" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- iii. In Sections M2101.16 and M2105.9, both entitled CPVC plastic pipe, "Section P2906.9.1.2" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted. In addition, in Sections M2101.21 and M2105.14, both entitled PVC plastic pipe, "Section P2906.9.1.4" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- iv. In Section M2103.3, Piping joints, in Item #2, "Section P3003.6.1" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- v. In Sections M2101.26, Pipe penetrations, and M2105.19, Pipe penetrations, "Section P2606.1" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 17.** Chapter 22, Special Piping and Storage Systems shall be amended as follows:
- i. In Section M2201.2, Above-ground tanks, in the first sentence and in the exception, "above ground or" shall be deleted and "residential" shall be inserted before "building."
- 18.** Chapter 23, Solar Thermal Systems, shall be amended as follows:
- i. In Section M2301.4, Heat transfer gasses or liquids and heat exchangers, "Section P2902.5.2" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- ii. In Sections M2301.5, Backflow protection, and M2301.7, Solar thermal systems for heating potable water, "Section P2902.5.5" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- iii. In Section M2301.7.1, Indirect systems, "Section P2902.5.2" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- iv. In Section M2301.7.2, Direct systems, "Chapter 29" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 19.** Chapter 24, Fuel Gas, shall be amended as follows:
- i. In Section G2402.3, Terms defined in other codes, "International Building Code, International Fire Code, and International Plumbing Code" shall be deleted and "electrical, building, fire protection, and plumbing subcodes" shall be inserted.
- ii. Section G2403, entitled "General Definitions" shall be amended as follows:

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(1) The definitions of "approved," "approved agency," "code," "code official" and "dwelling unit" shall be deleted.

- iii. In Section G2404.3, Listed and labeled, in the first sentence, "Section R104.11" shall be deleted and " [N.J.A.C. 5:23-3.7](#) " shall be inserted. In addition, the last sentence shall be deleted.
- iv. Section G2404.5, Repair, shall be deleted in its entirety.
- v. In Section G2408.1, General, the second paragraph shall be deleted in its entirety.
- vi. In Section G2410.2, Connections, "Chapters 34 through 43" shall be deleted and "the Electrical subcode ( [N.J.A.C. 5:23-3.16](#) )" shall be inserted.
- vii. Section G2412.2, Liquefied petroleum gas storage, shall be amended to add the following: "Notwithstanding the provisions contained in NFPA 58, the installation of LP-Gas containers on roofs of buildings shall be strictly prohibited."
- viii. Section G2412.3, Modifications to existing system, shall be deleted in its entirety.
- ix. Add new Section G2412.11 as follows:

**"G2412.11**

**(401.9)** Protection from vehicle impact. Gas meters, related regulators and piping that are installed indoors or outdoors and are subject to vehicle impact shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required."

- x. In Section G2413.7.1, Operation below -5°F (21°C), insert the following at the beginning of the section: "The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge)."
  - xi. In Section G2425.15.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney verification program as provided for in [N.J.A.C. 5:23-2.20\(d\)](#) " shall be inserted.
  - xii. In Section G2427.5.5, Inspection of chimneys, "examined to ascertain that it is clear and free of obstructions" shall be deleted and "inspected in accordance with the chimney verification program as provided for in [N.J.A.C. 5:23-2.20\(d\)](#) " shall be inserted.
  - xiii. In Section G2448.1.1, Installation requirements, "this code" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
  - xiv. In Section G2448.2, Water heaters utilized for space heating, "this code" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- 20.** Chapters 25 through 28 shall be deleted in their entirety and "Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode, [N.J.A.C. 5:23-3.15](#) " shall be inserted.
- 21.** Chapter 29, Water Supply and Distribution, shall be deleted except P2904, Dwelling unit fire sprinkler systems. The deleted sections shall have "Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode, [N.J.A.C. 5:23-3.15](#) ." inserted.
- i. Section P2904 shall be amended as follows:

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- (1) In Section P2904.1, General, the last sentence shall be deleted and "A backflow flow preventer shall be required to separate a stand-alone sprinkler system from the water distribution system in accordance with the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )." shall be inserted.
- (2) In Section P2904.2.3, Freezing areas, "Section P2603.5" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
- (3) In Section P2904.8.1, Preconcealment Inspection, item 8, "Section P2503.7" shall be deleted and "the plumbing subcode ( [N.J.A.C. 5:23-3.15](#) )" shall be inserted.
22. Chapters 30 through 33 shall be deleted in their entirety and "Plumbing requirements under the scope of this subcode shall be regulated by the plumbing subcode, [N.J.A.C. 5:23-3.15](#) ." shall be inserted.
23. Chapters 34 through 43 shall be deleted in their entirety and "Electrical requirements under the scope of this subcode shall be regulated by the electrical subcode, [N.J.A.C. 5:23-3.16](#) ." shall be inserted.
24. The Appendices shall be amended as follows:
- i. Appendix AA, Sizing and Capacities of Gas Piping; Appendix AB, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents; and Appendix AC, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems are informative and are not part of the one- and two-family dwelling subcode.
  - ii. Appendix AD, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix AE, Manufactured Housing Used as Dwellings; Appendix AF, Radon Control Methods; and Appendix AG, Piping Standards for Various Applications, are deleted in their entirety.
  - iii. Appendix AH, Patio Covers, and Appendix AK, Sound Transmission, shall be adopted as part of this subcode.
  - iv. Appendix AI, Private Sewage Disposal; Appendix AJ, Existing Buildings and Structures; Appendix AL, Permit Fees; Appendix AM, Home Day Care--R-3 Occupancy; Appendix AN, Venting Methods; Appendix AO, Automatic Vehicular Gates; and Appendix AP, Sizing of Water Piping Systems, shall be deleted.
  - v. Appendix AQ, Tiny Houses; Appendix AR, Light Straw-Clay Construction; and Appendix AS, Strawbale Construction, shall be adopted as part of this subcode.
  - vi. Appendix AT, Solar-Ready Provisions—Detached One- And Two-Family Dwellings and Townhouses, shall be optional at the discretion of the permit applicant.
  - vii. Appendix AV, Board of Appeals, shall be deleted in its entirety.
  - viii. Appendix AW, 3D-Printed Building Construction, shall be adopted as part of this subcode. The Appendix shall be amended as follows:
    - (1) In Section AW103.2, Design approval, in the last line, "Section R104.11" shall be deleted, and "the administrative provisions of the Uniform Construction Code ( [N.J.A.C. 5:23](#) )" shall be inserted in its place.

## History

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### HISTORY:

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



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

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

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

Model subcode revisions.

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

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

Added (c).

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

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

References to 1989 Supplement added; (b)1ii(5), 2, 4, 8 and 9 amended; (b)5, 6 and 7 added; (c) deleted; Table R-201.2 added.

Amended by R.1991 d.571, effective November 18, 1991.

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

Added new (c).

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

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

Code provisions applicable to flood hazard zones clarified.

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

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

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

See: [30 N.J.R. 1377\(a\)](#) , [30 N.J.R. 2421\(b\)](#) .

Rewrote the section.

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

See: [31 N.J.R. 4151\(a\)](#) , [32 N.J.R. 1376\(a\)](#) .

In (c)4, substituted "more pressure than would be exerted by backfill" for "lateral pressure from soils" following "subject to" in ii, and substituted "drainage" for "designated disposal" preceding "system" and added "according to the Unified Soil Classification System, Group I Soils" at the end of iii; and inserted (c)9iv.

Amended by R.2001 d.369, effective October 15, 2001.

See: [33 N.J.R. 2365\(a\)](#) , 33 N.J.R. 3674(a) .

In (b), inserted "that are" following "type 5B construction", "no more" preceding "than 4,800 square feet", and substituted "seven feet" for "7 1/3 feet (2,235 mm.)".

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

See: [34 N.J.R. 4248\(a\)](#) , [35 N.J.R. 1939\(c\)](#) .

Rewrote the section.

Amended by R.2003 d.420, effective November 3, 2003.

See: [34 N.J.R. 4248\(a\)](#) , [35 N.J.R. 5073\(a\)](#) .

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Rewrote (c).

Amended by R.2005 d.403, effective November 21, 2005.

See: [37 N.J.R. 2753\(a\)](#), [37 N.J.R. 4399\(b\)](#).

Rewrote (c).

Amended by R.2006 d.28, effective January 17, 2006.

See: [37 N.J.R. 2750\(a\)](#), [38 N.J.R. 485\(b\)](#).

Rewrote (c)15.

Administrative correction.

See: [38 N.J.R. 926\(a\)](#).

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

See: [37 N.J.R. 3110\(a\)](#), [38 N.J.R. 1183\(a\)](#).

Added (c)10; recodified former (c)10-15 as (c)11-16.

Administrative correction.

See: [38 N.J.R. 1827\(b\)](#).

Amended by R.2007 d.65, effective February 20, 2007.

See: [38 N.J.R. 3348\(a\)](#), [39 N.J.R. 633\(a\)](#).

Rewrote (a) and (c).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

Added new (c)17; and recodified existing (c)17 through (c)22 as (c)18 through (c)23.

Amended by R.2008 d.84, effective April 7, 2008.

See: [39 N.J.R. 5144\(a\)](#), [40 N.J.R. 1827\(a\)](#).

Deleted former (c)3xviii; recodified former (c)3xix through (c)3xxxi as (c)3xviii through (c)3xxx; in the introductory paragraph of (c)4, inserted a comma following "Foundations"; and in (c)4iii, added the second sentence.

Administrative correction.

See: [40 N.J.R. 1829\(a\)](#).

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

In (c)3xxvii, inserted the final sentence; recodified the former second occurrence of (c)3xxiii as (c)3xxviii; added new (c)4iii; recodified former (c)4iii and (c)4iv as (c)4iv and (c)4v; added new (c)4vi; recodified former (c)4v through (c)4vii as (c)4vii through (c)4ix; added (c)5iii; in (c)8i, inserted "( [N.J.A.C. 5:23-3.15](#) )"; in (c)9iii, deleted "Figure R1003.11 and" following "In"; added new (c)19ix; recodified former (c)19ix through (c)19xiii as (c)19x through (c)19xiv; and rewrote (c)23iv.

Amended by R.2009 d.126, effective April 20, 2009.



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See: [41 N.J.R. 16\(a\)](#) , [41 N.J.R. 1725\(a\)](#) .

Added new (c)4ii; and recodified former (c)4ii through (c)4ix as (c)4iii through (c)4x.

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#) , [42 N.J.R. 2043\(a\)](#) .

Rewrote (a) and (c).

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#) , [43 N.J.R. 3008\(a\)](#) .

Added new (c)3vii; deleted former (c)3xxii; recodified former (c)3vii through (c)3xxi as (c)3viii through (c)3xxii; added new (c)19xii; and recodified former (c)19xii through (c)19xv as (c)19xiii through (c)19xvi.

Special amendment, R.2014 d.161, effective October 1, 2014 (to expire May 12, 2015).

See: [46 N.J.R. 2186\(a\)](#) .

Rewrote (c)3.

Adopted concurrent amendment, R.2015 d.077, effective April 15, 2015.

See: [46 N.J.R. 2186\(a\)](#) , [47 N.J.R. 989\(b\)](#) .

Provisions of R.2014 d.161 adopted without change.

Amended by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#) , [47 N.J.R. 2352\(b\)](#) .

Rewrote the section.

Administrative correction.

See: [47 N.J.R. 2753\(a\)](#) .

Amended by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#) , [51 N.J.R. 1269\(a\)](#) .

In (c)3xl, inserted "new" and "and 'relocated' shall be inserted in lieu thereof".

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#) , [51 N.J.R. 1399\(a\)](#) .

Rewrote the section.

Amended by R.2021 d.004, effective January 4, 2021.

See: [52 N.J.R. 385\(a\)](#) , [53 N.J.R. 47\(a\)](#) .

In (c)3ii1, substituted "19-1" for "94-8"; in (c)3ii2, substituted "19-1" for "03-4"; in (c)3ii8, substituted "2'6" " for "2'8" "; deleted (c)3xxiii and recodified (c)3xxiv through (c)3xxv as (c)3xxiii through (c)3xxiv; added (c)3xxv; in (c)3xlii3, deleted 3.9 and recodified 3.10 and 3.11 as 3.9 and 3.10; in (c)4v, substituted "R404.2.5" for "404.2.5"; in (c)4vii, substituted "R404.4" for "404.4"; and in (c)12iv, substituted "M1307.5" for "1307.5".

Amended by R.2022 d.022, effective February 7, 2022.

See: [53 N.J.R. 1133\(a\)](#) , [54 N.J.R. 263\(a\)](#) .

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Recodified the former second occurrence of (c)3xix as (c)3xxxix.

Administrative change, effective July 6, 2022.

See: [54 N.J.R. 1551\(a\)](#).

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#), [54 N.J.R. 1707\(a\)](#).

Rewrote the section.

Administrative correction, effective October 25, 2023.

See: [55 N.J.R. 2322\(b\)](#).

Administrative correction, effective December 6, 2023.

See: [56 N.J.R. 35\(b\)](#).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-3.22](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

#### **§ 5:23-3.22 Fuel gas subcode**

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(a) Rules concerning the fuel gas 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 Fuel Gas Code/2021. This code is hereby adopted by reference as the fuel gas subcode for the State of New Jersey subject to the modifications at (b) below.
  - i. Copies of this code may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.
  - ii. The International Fuel Gas Code/2021 may be known and cited as the "fuel gas subcode."
2. Any references to the International Plumbing Code or the International Existing Building Code listed in Chapter 8 shall be considered a reference to the appropriate plumbing subcode in N.J.A.C. 5:23-3 or rehabilitation subcode in N.J.A.C. 5:23-6.
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 Fuel Gas Code/2021 shall be amended as follows:

1. Chapter 1 of the fuel gas subcode, entitled "Scope and Administration," is deleted in its entirety.
2. Chapter 2 of the fuel gas subcode, entitled "Definitions," is amended as follows:
  - i. In Section 201.3, Terms defined in other codes, delete "International Plumbing Code," and insert "the plumbing subcode ([N.J.A.C. 5:23-3.15](#))."
  - ii. The definition of the term "alteration" is deleted.
  - iii. The definition of the term "approved" is deleted and the following shall be inserted: "Approved refers to approval by the appropriate subcode official or other authority having jurisdiction in accordance with the regulations."
  - iv. In the definition of "approved agency," "or other authority having jurisdiction in accordance with the Uniform Construction Code" shall be inserted after "official."
  - v. The definition of the term "code" is deleted.
  - vi. The definition of the term "code official" is deleted.
  - vii. In the definition of "dwelling unit," "living as a single housekeeping unit" shall be inserted after "persons."
  - viii. The definition of the term "unlisted boiler" is deleted.
3. Chapter 3 of the fuel gas subcode, entitled "General Regulations," shall be amended as follows:
  - i. Section 301.1, Scope, is amended to delete the words "in accordance with Section 101.2."

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- ii. In Section 301.3, Listed and labeled, "in accordance with Section 105," shall be deleted. In addition, the second sentence shall be deleted in its entirety.
  - iii. In Section 301.6, Plumbing connections, "International Plumbing Code," shall be deleted and "the plumbing subcode ([N.J.A.C. 5:23-3.15](#))," shall be inserted.
  - iv. Section 301.9, Repair, is deleted.
  - v. Section 305.1, General, delete the second paragraph in its entirety.
  - vi. Section 307.1, Evaporators and cooling coils, delete "International Mechanical Code" and insert "plumbing subcode ([N.J.A.C. 5:23-3.15](#))."
  - vii. Section 307.2, Fuel-burning appliances, shall be amended to insert "drywell, sump pump, floor drain, or drainage system below floor" after "fixture."
  - viii. Section 307.3, Drain pipe materials and sizes, shall be deleted.
4. Chapter 4 of the fuel gas subcode, entitled "Gas Piping Installation," shall be amended as follows:
- i. Section 401.2, Liquefied petroleum gas storage, shall be amended to add the following: Notwithstanding the provisions contained in NFPA 58, the installation of LP-Gas containers on roofs of buildings shall be strictly prohibited.
  - ii. Add new Section 401.11 as follows:
 

**"401.11** Protection from vehicle impact. Gas meters, related regulators and piping that are installed indoors or outdoors and are subject to vehicle impact shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated.

**(1)** Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required."
  - iii. In Section 402.7.1, Operation below -5[degrees]F (-21[degrees]C), insert the following at the beginning of the section: "The operating pressure for undiluted LP-gas systems shall not exceed 20 psig (140 kPa gauge)."
5. Chapter 5 of the fuel gas code, entitled "Chimneys and vents," shall be amended as follows:
- i. In Section 501.15.2, Flue passageways, in the first sentence, "free of obstructions and combustible deposits" shall be deleted and "inspected in accordance with the chimney verification program as provided for in [N.J.A.C. 5:23-2.20\(d\)](#)" shall be inserted.
  - ii. In Section 503.5.6, Inspection of chimneys, "examined to ascertain that it is clear and free of obstructions" shall be deleted and "inspected in accordance with the chimney verification program as provided for in [N.J.A.C. 5:23-2.20\(d\)](#)" shall be inserted.
6. Chapter 6 of the fuel gas code, entitled "Specific Appliances," shall be amended as follows:
- i. In Section 614.11, Common exhaust systems for clothes dryers located in multistory structures, item 7, insert ", if provided," after the word "and".
  - ii. In Sections 624.1.1, Installation requirements, and 624.2, Water heaters utilized for space heating, "International Plumbing Code," shall be deleted and "plumbing subcode ([N.J.A.C. 5:23-3.15](#))" shall be inserted.
  - iii. Section 627.10, Switches in electrical supply line, shall be deleted.
7. Chapter 7 of the fuel gas code, entitled "Gaseous Hydrogen Systems," shall be amended as follows:

## § 5:23-3.22 Fuel gas subcode

- i. In Section 701.2, Permits, "Section 106" shall be deleted, and "the administrative provisions of the Uniform Construction Code" shall be inserted in its place.
- 8. Chapter 8 of the fuel gas code, entitled "Referenced Standards," shall be amended as follows:
  - i. Under the heading "ICC," amend the following titles:
    - (1) Delete "IPC--21, International Plumbing Code."
- 9. Appendices A, B, and C of the fuel gas subcode are informative and are not part of the subcode itself.
- 10. Appendix D of the fuel gas subcode, entitled "Recommended Procedure for Safety Inspection of an Existing Appliance Installation," is deleted in its entirety.
- 11. Appendix E of the fuel gas subcode, entitled "Board of Appeals," is deleted in its entirety.

## History

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### HISTORY:

New Rule, R.2001 d.196, effective June 18, 2001.

See: [33 N.J.R. 6\(a\)](#), [33 N.J.R. 2090\(a\)](#).

Administrative correction.

See: [33 N.J.R. 3310\(a\)](#).

Amended by R.2004 d.468, effective December 20, 2004.

See: [36 N.J.R. 1858\(b\)](#), [36 N.J.R. 5711\(a\)](#).

In (b), added a new 4i and recodified existing i through ii as ii through iii.

Amended by R.2005 d.35, effective January 18, 2005.

See: [36 N.J.R. 3329\(b\)](#), [37 N.J.R. 267\(a\)](#).

Rewrote the section.

Administrative correction.

See: [37 N.J.R. 885\(a\)](#).

Amended by R.2007 d.65, effective February 20, 2007.

See: [38 N.J.R. 3348\(a\)](#), [39 N.J.R. 633\(a\)](#).

Rewrote the section.

Administrative correction.

See: [40 N.J.R. 1829\(a\)](#).

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Rewrote the section.

Amended by R.2011 d.269, effective November 7, 2011.

## § 5:23-3.22 Fuel gas subcode

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

Added (b)4v.

Amended by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Rewrote the section.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (b)6i, substituted "614.10" for "614.8".

Amended by R.2019 d.095, effective September 3, 2019.

See: [51 N.J.R. 285\(a\)](#), [51 N.J.R. 1399\(a\)](#).

Substituted "Code/2018" for "Code/2015" in the introductory paragraph of (a)1, in (a)1ii, and in the introductory paragraph of (b); substituted "appropriate" for "building" in (b)2iii.; and substituted "IPC-18" for "IPC-15" in (b)7i(1).

Amended by R.2021 d.004, effective January 4, 2021.

See: [52 N.J.R. 385\(a\)](#), [53 N.J.R. 47\(a\)](#).

In (b)4iii, substituted "402.7.1, Operation below -5[degrees]F (-21[degrees]C)" for "402.6.1, Liquefied petroleum gas systems".

Amended by R.2022 d.111, effective September 6, 2022.

See: [54 N.J.R. 677\(a\)](#), [54 N.J.R. 1707\(a\)](#).

Rewrote the section.

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**N.J.A.C. 5:23-3, Appx. 3-A**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3. SUBCODES**

**APPENDIX 3-A**

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APPENDIX  
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS  
CODE CHANGE PROPOSAL  
REHABILITATION SUBCODE (N.J.A.C. 5:23-6)

Proposals must be presented with language proposed for deletion in brackets[].

Proposals must be presented with language proposed for addition underlined:

Mail code change proposals to:	Fax code change proposals to:
Code Development Unit	Code Development Unit
Department of Community Affairs	(609) 633-6729
Division of Codes and Standards	
PO Box 802	
Trenton, New Jersey 08625	

Direct questions to the Code Development or Code Assistance Units at (609) 984-7609.

Section (citation) proposed for change: \_\_\_\_\_

Sections (companion changes) that might also need to be changed:

\_\_\_\_\_

NAME: \_\_\_\_\_

ORGANIZATION (if any): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ E-mail: \_\_\_\_\_

Proposed Code Change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPENDIX 3-A

\_\_\_\_\_  
Supporting Statement (reason for code change):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## History

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### HISTORY:

New Rule, R.2004 d.261, effective July 6, 2004.

See: [36 N.J.R. 1267\(a\)](#), [36 N.J.R. 3275\(a\)](#).

Administrative correction, effective October 3, 2023.

See: [55 N.J.R. 2257\(a\)](#).

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## [N.J.A.C. 5:23-3A.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES***

### **§ 5:23-3A.1 Scope**

---

This subchapter shall govern the enforcement by the Department of Community Affairs of the State Uniform Construction Code, in conjunction with other rules administered by the Department, in facilities and installations for which the Department is the sole enforcing agency, as set forth in [N.J.A.C. 5:23-3.11\(j\)](#).

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## [N.J.A.C. 5:23-3A.2](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 3A. STATE-JURISDICTION SUBCODES***

### **§ 5:23-3A.2 Subcodes established**

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- (a)** All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of carnival-amusement rides or ski lifts shall be designated collectively as the amusement ride subcode.
- (b)** All provisions of adopted model codes that are applicable to the construction, alteration, installation, erection or demolition of high pressure boilers, pressure vessels or refrigeration systems shall be designated collectively as the boiler, pressure vessel and refrigeration subcode.
- (c)** The amusement ride subcode and the boiler, pressure vessel and refrigeration subcode shall be known, and may be designated, as "State-jurisdiction subcodes."

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## [N.J.A.C. 5:23-4.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

### **§ 5:23-4.1 Title; scope; intent**

---

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

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

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

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

### **History**

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#### **HISTORY:**

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Reference to subchapter 4A added to (c).

Amended by R.1994 d.96, effective February 22, 1994.

See: 26 N.J.R. 1073(a).

Amended by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#), [51 N.J.R. 1269\(a\)](#).

In (c), deleted ", 4B, 4C" following "[N.J.A.C. 5:23-4A](#)".

## [N.J.A.C. 5:23-4.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.2 Matters covered; exceptions**

---

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

(b) Rules concerning exceptions are:

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

2. Department of Education:

i. When final plans for the construction or alteration of a public school facility have been submitted to the Department of Education, and approved under the standards for educational adequacy set forth at [N.J.A.C. 6A:26](#), and have been submitted for review to, and released by, either the Department of Community Affairs or a construction official of an enforcing agency, such plans shall be filed with the enforcing agency of the municipality in which the public school facility is located.

ii. The enforcing agency shall inspect any construction or alteration of a public school facility in the same manner as any other building or structure subject to the code for the purpose of determining if there are any violations of the educational enhancement and adequacy requirements as set forth at [N.J.A.C. 5:23-3.11A\(c\)](#) and (d) or any other provision of the State Uniform Construction Code.

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

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

### **History**

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#### **HISTORY:**

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

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

Rule conformed to P.L. 1990 c.23; reference to [N.J.A.C. 6:22](#) added.

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

§ 5:23-4.2 Matters covered; exceptions

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

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

Rewrote (b)2ii.

Administrative change.

See: [34 N.J.R. 1022\(a\)](#).

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## [N.J.A.C. 5:23-4.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.3 Municipal enforcing agencies--establishment**

---

**(a)** Notice of intention to establish:

1. Any municipality seeking to establish and operate an enforcing agency, pursuant to the act and the regulations, shall first notify the department of its intent to establish such an agency by registered and certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that enforcement will be carried out either by the municipal enforcing agency or by interlocal agreement. The resolution shall also state the extent to which the municipality anticipates that private on-site agencies will be utilized. The resolution shall state the address of the enforcing agency and the board of appeals, if different. Such resolution shall additionally state whether a board of appeals will be appointed within the municipality, whether an intermunicipal joint board of appeals will be established or whether appeals will be left to the jurisdiction of the county.
2. Any municipality which shall not choose to establish and operate an enforcing agency pursuant to the act and the regulations shall notify the department of this intent by registered or certified mail, return receipt requested, not later than one month prior to the effective date of the regulations. Such notice, in the form of a resolution of the governing body, shall state that the governing body requests that the department assume the task of administration and enforcement.
3. A municipality may, by resolution, provide for the employment of an elevator subcode official, licensed in accordance with N.J.A.C. 5:23-5, to perform inspections and witness tests within its jurisdiction. If a municipality fails to employ such an official by July 1, 1992, the Department shall have exclusive jurisdiction to review plans and witness tests for, and inspect elevators within, the municipality. Thereafter, a municipality may acquire such jurisdiction by enacting the necessary resolution and employing an elevator subcode official, but the transfer of jurisdiction to the municipality shall not be effective until 120 calendar days after a certified copy of the resolution is received by the Department.

**(b)** Remedies:

1. Whenever the department shall not have received the notice as described in (a)1 of this section, at least one month prior to the effective date of the regulations, it shall forward by certified or registered mail, return receipt requested, to the governing body of any such municipality, a notice of failure to comply with these regulations, a statement detailing the implications of such failure, and a statement of intention to seek the order of a court of competent jurisdiction requiring that the municipality declare its intention with respect to enforcement pursuant to (a)1 of this section or in the alternative that the department be established as the enforcing agency in such municipality.
2. The department may seek an order pursuant to this subsection after the expiration of 10 days from the mailing of such notice.

**(c)** Term; transfer:

## § 5:23-4.3 Municipal enforcing agencies--establishment

1. Whenever a municipality pursuant to (c)2 below, having relinquished its jurisdiction for the administration and enforcement of the code to the department, shall seek to reestablish such jurisdiction, it may do so upon the passage of an ordinance establishing an enforcement agency in accordance with the regulations; provided however, that such ordinance shall not take effect until the expiration of 120 calendar days from the date of certified copy of the ordinance is received by the department in order to give the department sufficient time to reallocate staff assignments.
2. Whenever a municipality having accepted responsibility for administration and enforcement of the regulations shall seek to relinquish such authority to the department, it may do so upon the passage of an ordinance repealing the functions and duties of the enforcing agency and transferring same to the department; provided however, that such ordinance shall not take effect until the expiration of 120 calendar days from the date a certified copy of the ordinance is received by the department, in order to give the department sufficient time to hire any necessary staff and to integrate the municipality's enforcing agency functions within its overall inspection program; provided further that whenever the commissioner shall determine that the interest of public health, safety and welfare cannot be accommodated within this period, the commissioner may notify the municipality that the department will not accept jurisdiction for an additional period to be specified. During this period the municipality shall continue to enforce the regulations.
  - i. Whenever the commissioner shall seek to delay acceptance of jurisdiction pursuant to this section beyond 120 days, such shall be upon notice and opportunity to be heard pursuant to the Administrative Procedures Act, N.J.S.A. 52:14.B-1 et seq.;
  - ii. In any transfer of authority, the department shall succeed to any and all records and files of the enforcing agency, or copies of such records and files, if the municipal enforcing agency so provides, which the department may transport to a location of its choice after the effective date of the repealing ordinance;
  - iii. The department shall be free to phase its procedures and operation in during the interim between the adoption of any repealing ordinance and its effective date;
  - iv. The department's fee schedules, hearing provisions, and any other requirements which pertain when the department acts in its capacity as the enforcing agency, shall come into operation on the effective date of the repealing ordinance. To the extent feasible, the department shall treat the holder of an outstanding construction permit in the same manner as he would have been treated under the municipal enforcing agency;
  - v. Whenever a county board of appeals shall have acted for such municipality, the commissioner shall notify the county board of the transfer and the termination of its jurisdiction.
3. Except as otherwise provided in (a)3 above with regard to enforcement of the elevator safety subcode, the Department shall not assume partial responsibility for the enforcement of the regulations pursuant to this section. Whenever the Department is constituted as the local enforcing agency by the municipality, it shall act as the exclusive enforcing agency with respect to all subcodes and all areas of the regulations within the limits of such municipality.

**(d) Establishment by ordinance:**

1. Any municipality which shall have complied with (a)1 above shall thereafter, but prior to the effective date of the regulations, adopt an ordinance constituting its enforcing agency.
2. Such ordinance shall establish the construction official as the chief administrator of the enforcing agency. It shall establish as many subcode official positions as the Commissioner shall issue types of licenses for subcode officials. Any person who holds more than one subcode official position shall be qualified for each position pursuant to N.J.A.C. 5:23-5. Staffing procedures shall not result in an inadequate municipal inspection force.
3. Such ordinance need not require that the construction official or each of the subcode officials, or any of their assistant and staff, work exclusively for the enforcing agency, or that they be located in one

## § 5:23-4.3 Municipal enforcing agencies--establishment

office or building within the municipality. But such ordinance shall specify that for purposes of the regulations and its enforcement, any such dispersed personnel are subject to the procedures and policies of the enforcing agency and are primarily responsible to the construction official. Further, such ordinance shall indicate that irrespective of any dispersal of personnel, the public shall have the right, unless in the case of emergency, unforeseen or unavoidable circumstance, to do business at one enforcing agency center. Any reorganization necessary to provide for the coordination of dispersed personnel so as to enable the enforcing agency to act within the various time limits established by the act and the regulations shall be provided in such ordinance or may be delegated to the appointing authority.

4. Such ordinance shall, if the municipality has so chosen, establish a construction board of appeals in accordance with [N.J.A.C. 5:23A](#). The municipality may permit the board to hire new staff or to utilize existing municipal staff in addition to such staff as is provided for in [N.J.A.C. 5:23A](#) as it may deem appropriate.

5. Such ordinance shall establish a system of fees in accordance with [N.J.A.C. 5:23-4.17](#).

6. Such ordinance, including any amendments thereto whenever made, shall be forwarded to the department upon adoption.

**(e) Personnel:**

1. Personnel hired or transferred on a full or part-time basis, for purposes of the administration of the act and the regulations, may be hired or transferred by resolution of the governing body, or by such other procedure as is provided by law in the municipality for such purposes.

2. Not later than 30 days after the effective date of the regulations and whenever changed thereafter, the municipality shall file with the department a list containing the names and certification numbers of the construction official and each subcode official.

**(f) Departmental intervention:**

1. Except as otherwise provided in (f)2 below, whenever the Department shall have reasonable cause to believe that a local enforcing agency is not carrying out its functions as intended by the Act and regulations, it shall forward, by certified or registered mail, return receipt requested, to the governing body, to the construction official, and to the municipal manager or administrator, if any, having jurisdiction over the local enforcing agency, a notice stating the nature of the alleged failure of the local enforcing agency to perform, the implications of such failure, and a statement setting forth the corrective action required to be taken by the local enforcing agency.

i. In the case of a local enforcing agency which the Department finds to have repeatedly or habitually failed to enforce the provisions of the State Uniform Construction Code Act, the Department shall issue an order, in the manner, and subject to the requirements, set forth in (f)1 above, to dissolve the local enforcing agency and replace it by the Department.

ii. No local enforcing agency shall be dissolved and replaced by the Department for repeated or habitual failure to enforce the regulations except upon its failure, or the failure of the governing body or official having jurisdiction over it, to comply with a notice issued by the Department setting forth corrective action required to be taken in order to ensure proper administration of the local enforcing agency and enforcement of the Code.

iii. Prior to the issuance of an order for the dissolution of any local enforcing agency and its replacement by the Department, or as an alternative to any such order, the Department shall place the local enforcing agency under the temporary supervision of an administrator employed by the Department. For the first 60 days of any period in which a local enforcing agency is under the temporary supervision of a Department administrator, the local enforcing agency shall retain fee revenue and be responsible for the payment of employee salaries and other expenses, other than the expenses of the administrator, in the same manner as if the local enforcing agency were not under the supervision of a Department administrator. In the event the period of temporary



## § 5:23-4.3 Municipal enforcing agencies--establishment

supervision extends beyond 60 days and the Department has assigned its own personnel to serve as officials and/or inspectors, fee revenue after the sixtieth day shall be paid to the Department and used by the Department to pay the costs of the local enforcing agency.

**iv.** In the event that any municipality having jurisdiction over a local enforcing agency subject to any notice or order issued pursuant to this paragraph is aggrieved by such notice or order, the municipality shall be entitled to an administrative hearing conducted in accordance with the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*. A request for any such hearing must be mailed, within 15 days after receipt of the notice or order being appealed, to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, NJ 08625-0802. The right to a hearing under this paragraph shall also extend to any licensed code enforcement official or inspector who would be adversely affected by any Departmental order.

**2.** In any case in which it may find it necessary to do so, the Department may supplant or replace a local enforcing agency for a specific project.

**(g)** The commissioner may, upon written application by the governing body of a municipality, temporarily waive any administrative requirement of the regulations which because of special circumstances impedes a municipality in the enforcement of the code. Any municipality seeking such a temporary waiver, shall in its written request state the nature of the problem, the relief sought and alternative measures, if any, which might meet the intent of the requirement for which such temporary waiver is sought. The commissioner may grant a hearing pursuant to the Administrative Procedures Act, if a more complete record of the case is deemed necessary.

## History

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### HISTORY:

Amended by R.1989 d.435, effective August 21, 1989.

See: 20 N.J.R. 1764(a), 21 N.J.R. 2474(a).

Deleted (e), which was "Interim Procedures" and recodified (f) "Personnel" as new (e), with no change in text. Deleted (g) "Failure to perform" and reserved subsection as (f). Recodified old (h) as (g).

Amended by R.1989 d.551, effective November 6, 1989.

See: 21 N.J.R. 2436(a), 21 N.J.R. 3460(b).

New subsection (f) added regarding departmental intervention.

Administrative Correction to (d)4.

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

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

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

Elevator plan review provisions added at (a)3.

Amended by R.1992 d.245, effective June 15, 1992.

See: 24 N.J.R. 1148(a), 24 N.J.R. 2244(a).

Exception for elevator safety subcode added to (a)3.

Administrative change.

See: 26 N.J.R. 5007(a).

Amended by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

§ 5:23-4.3 Municipal enforcing agencies--establishment

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

In (f)1iv, changed Division for appeals.

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## [N.J.A.C. 5:23-4.3A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

### **§ 5:23-4.3A Enforcing agency classification**

---

(a) Local enforcing agencies shall be classified as Class 3 or RCS (specialty in residential and small commercial structures), Class 2 or ICS (specialty in industrial and commercial structures) or Class 1 or HHS (specialty in high-rise/hazardous structures). The classification of the enforcing agency shall be as determined by (b) below. The highest class of structures, as defined in (d) below, for which the enforcing agency in a municipality is authorized to do plan review shall correspond to the classification of the enforcing agency as determined by (b) below.

(b) The classification of an enforcing agency is determined by the lowest level of inspector license held by any of the subcode officials appointed to establish such agency and by the highest level of inspector license held by the appointed construction official. In the case of subcode officials, the inspector license used to determine the classification of the agency must be in the subcode area for which that individual is appointed. Enforcing agencies shall be classified as follows:

1. Class 1 agency: The lowest level of inspector license held in accordance with N.J.A.C. 5:23-5 by the construction official or any of the subcode officials appointed to constitute the enforcing agency is an HHS inspector license.
2. Class 2 agency: The lowest level of inspector license held in accordance with N.J.A.C. 5:23-5 by the construction official or any of the subcode officials appointed to constitute the enforcing agency is an ICS inspector license.
3. Class 3 agency: The lowest level of inspector license held in accordance with N.J.A.C. 5:23-5 by the construction official or any of the subcode officials appointed to constitute the enforcing agency is an RCS inspector license.

(c) Any change in the classification of an enforcing agency shall be effective immediately upon a change in the level of licensure of any of the officials appointed to constitute the enforcement agency as described in (a) above. The ability of a municipality to accept an application for plan review shall be determined by the classification of that municipality as of the date of application. Nothing contained herein, however, shall be construed to permit any enforcement agency to continue to review plans submitted if the classification of the agency has changed so as to render the agency no longer eligible to review the plans in question.

(d) Structures shall be classified as follows (group classifications are as per the building subcode, areas are per floor and stories/height are above grade):

1. Class 3 structures:
  - i. Group B less than 7,200 square feet, two stories, 40 feet high;
  - ii. Group M less than 4,800 square feet, one story, 40 feet high;
  - iii. Group S-1 less than 4,200 square feet, one story, 40 feet high;
  - iv. Group S-2 less than 7,200 square feet, two stories, 40 feet high;

## § 5:23-4.3A Enforcing agency classification

v. Group R-3 as permitted in the building subcode and including accessory private garages, radio and television antennae and swimming pools;

vi. Group R-5 as permitted in the one- and two-family dwelling subcode and including accessory private garages, radio and television antennae and swimming pools.

**2. Class 2 structures:**

- i. All plan review activities permitted to class 3 officials;
- ii. Group A-1 less than 4,200 square feet, one story, 40 feet high;
- iii. Group A-2 less than 2,400 square feet, one story, 55 feet high;
- iv. Group A-3 less than 8,400 square feet, two story, 55 feet high;
- v. Group A-4 less than 9,500 square feet, two story, 55 feet high;
- vi. Group A-5 less than 5,000 square feet, one story, 55 feet high;
- vii. Group B less than 37,500 square feet, five story, 65 feet high;
- viii. Group E less than 14,400 square feet, two story, 55 feet high;
- ix. Group F-1 less than 25,000 square feet, four story, 65 feet high;
- x. Group F-2 less than 37,500 square feet, five story, 65 feet high;
- xi. Paint Spray Booths, section 416;
- xii. Group I-1 less than 8,400 square feet, three story, 55 feet high;
- xiii. Group I-2 less than 7,200 square feet, one story, 55 feet high;
- xiv. Group I-3 less than 6,000 square feet, one story, 55 feet high;
- xv. Group I-4 less than 13,000 square feet, three story, 55 feet high;
- xvi. Group M less than 21,500 square feet, four story, 65 feet high;
- xvii. Group R-1 less than 9,600 square feet, three story, 55 feet high;
- xviii. Group R-2 less than 9,600 square feet, three story, 55 feet high;
- xix. Group R-4 less than 9,600 square feet, three stories, 55 feet high;
- xx. Group S-1 less than 26,000 square feet, four story, 65 feet high;
- xxi. Group S-2 less than 39,000 square feet, five story, 65 feet high;
- xxii. Group U as permitted by the building subcode.

**3. Class 1 structures:**

- i. All plan review activities permitted to class 2 and class 3 officials;
- ii. All remaining use groups and categories not reserved to the State.

**(e)** Departmental plan review shall not be required for class 3 work. Departmental plan review prior to the issuance of a permit shall be required for class 2 work, unless the municipal enforcing agency is classified as class 2. Departmental plan review prior to the issuance of a permit shall be required for class 1 work unless the municipal enforcing agency is classified as class 1.

- 1. Reconstruction, changes of use or additions to class 1 or class 2 buildings shall be submitted to the Department when the municipal enforcing agency is not appropriately classified as per (e) above. The Department may, at its discretion, review such plans, or may return such plans to the municipality for review.

## § 5:23-4.3A Enforcing agency classification

2. If an addition would cause a building not previously classified as class 1 or class 2 to be reclassified as class 1 or 2, and the municipal enforcing agency is not appropriately classified as per (e) above, then Departmental plan review shall be required.

(f) The Department shall issue a roster of enforcing agencies and their classification upon request. Copies may be obtained by contacting the Office of Regulatory Affairs, PO Box 818, Trenton, New Jersey 08625-0818.

## History

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### HISTORY:

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

See: [24 N.J.R. 1446\(a\)](#), [24 N.J.R. 2424\(a\)](#).

Text on enforcing agency classification recodified from 3.10; new (a) added.

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

See: [25 N.J.R. 3891\(a\)](#), [25 N.J.R. 5918\(a\)](#).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Rewrote (e).

Amended by R.2001 d.127, effective April 16, 2001.

See: [33 N.J.R. 392\(a\)](#), [33 N.J.R. 1195\(a\)](#).

In (e), deleted "after January 1, 1981" and "as of January 1, 1977 and" in the introductory paragraph, and rewrote 1 and 2.

Amended by R.2003 d.217, effective May 19, 2003.

See: [35 N.J.R. 28\(a\)](#), [35 N.J.R. 2208\(a\)](#).

Rewrote (d).

Administrative correction.

See: [38 N.J.R. 4178\(a\)](#).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

In (d), substituted "(group classifications are as per the building subcode, areas are per floor and stories/height are above grade)" for "(keyed to section 302.1 of the building subcode)"; deleted former (d)1vi; recodified former (d)1vii as (d)1vi; in (d)1vi, substituted "one- and two-family dwelling" for "building"; added new (d)2xix; recodified former (d)2xix through (d)2xxi as (d)2xx through (d)2xxii; and deleted (d)4.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

§ 5:23-4.3A Enforcing agency classification

Rewrote (a) and the introductory paragraphs of (d) and (e); and in the introductory paragraphs of (d)1, (d)2, and (d)3, substituted "structures" for "agencies".

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

In the introductory paragraph of (e), substituted "review" for "reviews"; in (e)1, substituted "use or additions to" for "use, additions to, or the installation or alteration of fire protection systems in"; and in (f) updated the contact information.

NEW JERSEY ADMINISTRATIVE CODE

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End of Document

## [N.J.A.C. 5:23-4.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.4 Municipal enforcing agencies--organization**

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(a) The municipality shall organize its enforcing agency in accordance with the ordinance adopted pursuant to [N.J.A.C. 5:23-4.3](#) and to meet the following additional requirements:

1. Construction official: The construction official shall serve as the chief administrator of the enforcing agency. He shall establish the day to day operating routines of the agency and shall coordinate the activities of the subcode officials. He shall be qualified in accordance with subchapter 5 of this chapter in at least one subcode.
2. Subcode officials: Subcode officials shall enforce the provisions of those subcodes for which they are responsible in accordance with N.J.A.C. 5:23-3 and qualified in accordance with N.J.A.C. 5:23-5 and for which they have been appointed by the appointing authority. Each subcode official shall be responsible for the administration and enforcement of the appropriate subcode, subject to the procedures of the enforcing agency as administered by the construction official. However, each subcode official shall have exclusive decision-making authority with respect to the technical provisions of the subcode for which he has been appointed the official.
3. Interface: Nothing shall prevent one person from serving in more than one position for which he is certified and qualified. However, more than one person shall not be appointed concurrently to the same position.
4. Assistants: The appointing authority may establish positions other than those provided in N.J.A.C. 5:23-5 as is deemed necessary. The commissioner reserves the right to establish categories of certification for such positions. The construction official or appropriate subcode official shall be responsible for the supervision of any such personnel.
5. Whenever the municipality contracts with private on-site inspection agencies for all subcodes, it shall as a minimum appoint a construction official to coordinate activities.
6. Acting appointments: A municipality shall appoint an acting construction official or subcode official any time the absence of such official would impede orderly administration of the Uniform Construction Code and other duties mandated by the municipality. Acting appointments shall be accomplished by any mechanism acceptable to the municipality; providing, however, that a written record shall be kept. Notice to the Department shall be provided within seven days any time an appointment is made for more than 30 days. Acting appointments may not be made for longer than 60 days, nor may they be extended or renewed beyond 60 days unless specific authority to do so is granted in writing by the Department.
  - i. Only an individual licensed as a construction official may be appointed as an acting construction official and only an individual licensed as a subcode official in a particular subcode may be appointed as an acting subcode official for that subcode. The technical license level of an acting construction or subcode official shall be superior or parallel to the enforcing agency classification of the municipality or such municipal classification shall be downgraded to the technical license level of the acting official for the period of time in the position. Employees of private on-site inspection

## § 5:23-4.4 Municipal enforcing agencies--organization

agencies shall not serve as acting construction officials. Employees of private on-site inspection agencies may serve as acting subcode officials, provided that notice of any such appointment shall be given to the Department by the construction official within seven days of the making of the appointment and that such notice shall contain information as to the form and amount of the payment being made to the agency for the services of the acting subcode officials.

**ii.** Acting appointments shall not constitute the statutory four-year term for construction and subcode officials or any portion thereof.

**iii.** Conflict of interest provisions set forth in this subchapter shall apply to acting officials.

**iv.** Nothing in (b) of this section shall be interpreted as prohibiting licensed officials from serving in more than one municipality in regular or acting appointments.

**7.** The municipality shall provide the construction official, each subcode official and each inspector with personal identification which includes at least the name of the municipality, and the name, title and photograph of the individual. The identification shall be validated by the municipality.

**8.** A municipality may, in its discretion, employ a mechanical inspector to perform plan review and mechanical inspections, with oversight by a designated subcode official, for structures of Group R-3 or R-5.

**9.** Provisions concerning reappointment of construction and subcode officials in non-civil service municipalities are as follows:

**i.** At least 30 days prior to the expiration of the statutory four-year term of office of a construction or subcode official, the appointing authority shall give written notice to the official indicating whether or not he or she is going to be reappointed.

**ii.** In the event that the official is neither reappointed, nor given written notice that he or she is not being reappointed, prior to the date of expiration of the statutory four-year term of office, the official shall be deemed to have been appointed to serve in an acting capacity for a period of not more than 60 days, in accordance with (a)6 above. The municipality is not relieved of the obligation, pursuant to (a)6 above, to notify the Department within seven days any time any acting appointment will exceed 30 days.

**iii.** In the event that the official is neither reappointed, nor given written notice that he or she is not being reappointed, prior to the expiration of the 60-day period following the date of expiration of the prior statutory four year term of office, the Department, in such circumstance, shall not extend any such acting appointment and the official shall be deemed to have been reappointed, such reappointment being effective retroactively to the date of expiration of the prior statutory four-year term.

**(b)** The municipality shall establish a central permit office under the direction and supervision of the construction official. This office shall receive applications for construction permits and plan review, issue construction permits and certificates of occupancy, collect fees, penalties, fines and issue notices, and orders. The office shall be open during normal business hours at times to be determined by the municipality. These times shall be posted in a conspicuous place and shall be comparable with the amount of construction activity in the municipality. Nothing herein shall prevent a municipality from establishing branch offices, but the public shall not, unless in the case of an emergency, unforeseen or unavoidable circumstance, be required to do business, except at the central permit office.

**(c)** The construction official and the subcode officials shall be available for consultation and discussion during normal business hours at scheduled times to be determined by the construction official. All inspections may take place between 7:00 A.M. and 6:00 P.M. on business days or on days and at times at which construction is taking place or at such other times as may be acceptable to the owner or the owner's representative, or otherwise in case of emergency.



## § 5:23-4.4 Municipal enforcing agencies--organization

**(d)** The municipality shall ensure that the enforcing agency has adequate staff to review plans, applications, and specifications, and to schedule and perform inspections in a timely manner, or that supplemental arrangements are in place pursuant to (e) below.

1. On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 through December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 through June 30), the construction official shall prepare and submit to the Director of the Division of Codes and Standards, a plan documenting the means the enforcing agency will use to meet the expected demand for service in the coming year in order to conduct the inspections to be performed pursuant to [N.J.A.C. 5:23-2.17A](#) and [2.18](#), as applicable, are conducted within the timeframes required by those sections.

i. The plan shall include an analysis of expected demand for all services including, but not limited to, review of open permits; development projects pending before the planning board; the historic demand for inspections for minor work, alterations, and additions; and the total number of staff hours necessary to perform the work. The plan is to contain details by each code discipline and shall be provided on Form F XX, established by the Department.

ii. The plan shall identify current staffing levels in the enforcing agency and determine whether such staff shall meet the expected demand. If the enforcing agency has entered into a shared services agreement or contracted with an on-site inspection and plan review agency or a private on-site inspection agency, including a supplemental private on-site inspection agency, the plan shall so specify and determine whether such alternative arrangements in addition to enforcing agency staff will meet the expected demand.

iii. If the construction official determines that insufficient resources exist within the enforcing agency to meet the forecasted demand, the construction official shall detail the measures that the enforcing agency plans to take to meet expected demand to comply with the requirements at [N.J.A.C. 5:23-2.17A](#) and [2.18](#) and this subsection.

(1) If additional staffing is proposed, the plan shall include the amount of such staff and the timetable by which such staff will be hired.

(2) If the enforcing agency has entered into a shared services agreement contract or contracted with an on-site inspection and plan review agency or a private on-site inspection agency, including a supplemental private on-site inspection agency, the plan shall so specify.

(3) If the construction official plans to enter into new shared services agreements or contract with an on-site inspection and plan review agency or a private on-site inspection agency, including a supplemental private on-site inspection agency, the report shall describe the functions expected to be undertaken by the additional parties to such anticipated agreements.

**(e)** The municipality shall establish a process for ensuring inspections are performed pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), as applicable. Authorized processes include, but are not limited to, entering into contracts for supplemental shared service agencies pursuant to [N.J.A.C. 5:23-4.6](#) or supplemental private on-site inspection agencies in accordance with [N.J.A.C. 5:23-4.16](#), as a means to offset inspections in order to meet all inspection deadlines.

1. Any contract between a local enforcing agency and another agency for supplemental shared services or supplemental private on-site inspection agencies shall detail the nature and projected number of inspections expected to be undertaken during the valid period of the contract.

2. The process established may include hiring additional staff to meet the demand for inspections.

## History

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### HISTORY:

## § 5:23-4.4 Municipal enforcing agencies--organization

Amended by R.1982 d.23, effective February 1, 1982.

See: 13 N.J.R. 863(a), 14 N.J.R. 142(b).

(a)6: text deleted and replaced with new text through (a)6iv.

Notice of correction: "30 days. Acting appointments may not be made for longer than" was omitted from text in (a)6.

See: 20 N.J.R. 2823(a).

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

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

Added (a)8.

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

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

Amended by R.1996 d.387, effective August 19, 1996 (operative November 1, 1996).

See: [28 N.J.R. 2434\(a\)](#), [28 N.J.R. 3923\(a\)](#).

In (a) added provisions relating to reappointment of construction and subcode officials in non-civil service municipalities.

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a)8, added R-5 to the list of groups.

Amended by R.2007 d.143, effective May 7, 2007.

See: [39 N.J.R. 7\(a\)](#), [39 N.J.R. 1672\(a\)](#).

Rewrote (c).

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In (a)8, deleted ", R-4," following "R-3".

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Rewrote (d); and added (e).

## [N.J.A.C. 5:23-4.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.5 Municipal enforcing agencies--administration and enforcement**

(a) Records and procedures: The municipality shall ensure that the construction official, with the assistance of the subcode officials and other necessary municipal employees, maintains a central file system, by block and lot, for each property in the municipality for which a permit has been issued or requested or for which an action has been taken by the municipal enforcing agency.

1. The files shall contain all information, including inspection reports, correspondence, and so forth, relevant to each application for a construction permit or certificate of occupancy.
2. The files shall contain or indicate the storage location of all plans and specifications too bulky for inclusion in the central file.
3. The files and records of the municipal enforcing agency shall be open to Department review and audit during normal business hours.
  - i. File copies of all documents in connection with building operations shall be retained in the official records as provided by law.
  - ii. Files and records shall be maintained in a manner consistent with the Municipal Procedures Manual established by the commissioner for this purpose.

(b) Forms:

1. The construction official shall ensure that all necessary application forms are available to the public at the central permit office.
2. The following standardized forms established by the Commissioner are required for use by the municipal enforcing agency:

<b>Form No</b>	<b>Name</b>
F100	Construction Permit Application
F101	Consent to Undertake Proposed Work
F102	Application for Annual Permit
F110	Building Subcode Technical Section
F120	Electrical Subcode Technical Section
F130	Plumbing Subcode Technical Section
F140	Fire Subcode Technical Section
F145	Mechanical Inspection Technical Section
F150	Elevator Subcode Technical Section
F155	Elevator Subcode Multiple Devices

## § 5:23-4.5 Municipal enforcing agencies--administration and enforcement

<b>Form No</b>	<b>Name</b>
F160	Application for a Variation
F170	Construction Permit, Required Inspection
F180	Construction Permit Notice
F190	Permit Update
F211	Notice of Violation and Order to Terminate
F212	Notice and Order of Penalty
F213	Notice of Violation and Order to Terminate (Post Certificate of Occupancy - Residential Construction)
F214	Notice and Order of Penalty (Post Certificate of Occupancy - Residential Construction)
F221	Inspection Sticker Approval for Building
F222	Inspection Sticker Approval for Electric
F223	Inspection Sticker Approval for Plumbing
F224	Inspection Sticker Approval for Fire Protection
F225	Inspection Sticker Approval for Elevator
F226	Inspection Sticker Approval for Mechanical
F230	Inspection Sticker Approval--Not Approved
F241	Notice of Unsafe Structure
F242	Notice of Imminent Hazard
F245	Notice to Vacate
F250	Stop Construction Order
F255	Stop Construction Notice
F260	Certificate
F270	Application for Certificate
F310	Elevator Inspection
F320	Elevator Notice
F325	Notice of Elevator Device Sealed Out of Operation
F326	Accident/Incident Report
F350	Cut-In Card
F360	Denial of Permit
F370	Chimney Verification for Replacement of Fuel Fired Equipment
F380	Hydraulic System Data Plate
F390	Framing Checklist
F391	Digital Alarm Communicator Transmitters (DACT) utilizing Managed Facility Voice Networks (MFVN) Verification Form

## § 5:23-4.5 Municipal enforcing agencies--administration and enforcement

<b>Form No</b>	<b>Name</b>
F392	Air Barrier and Insulation Checklist

3. The following standardized forms established by the Commissioner are optional for use by the municipal enforcing agency; provided, however, that where they are not used, equivalent forms or mechanisms are used by the enforcing agency to accomplish the same purpose. These forms, or those equivalent forms used by the enforcing agency, shall be available to the Department for review and audit, upon request:

<b>Form No</b>	<b>Name</b>
F200	Inspection Notice
F280	T.C.O. Control Card
F290	Ongoing Inspections Control Card
F300	Ongoing Inspections Schedule
F375	Tickler/X-Ref Card

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

5. Printing of forms: The municipal enforcing agency shall arrange for the printing of all forms to be used in the office and application forms to be used by the public. Other interested persons may also arrange for the printing of forms or may purchase and use forms printed by others. The municipal enforcing agency may provide for the inclusion of its name and other appropriate identifying information on the forms it has printed. However, the municipal enforcing agency shall accept forms not having municipal identification and shall, in any such case, insert the name of the municipality. All required forms shall be exact replicas of the forms required by the Commissioner, conforming in content, size, format, and colors, except that all multi-part forms may be printed with an additional copy, so long as the additional copy shall be in a color distinct from those specified by the Commissioner. Forms F110, F120, F130, and F140 may have the Subcode Technical Sections printed in any color or colors of ink as desired and Form F310 (Elevator Inspection) may be printed as a multipart form on separate pages with up to four copies of each page.

**(c) Logs:**

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

<b>Log No</b>	<b>Name</b>
L700	Permit Fee Log
L710	Inspection Log
L720	Certificate Log
L730	Ongoing Inspection Log

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

**(d) Monthly reports:**

## § 5:23-4.5 Municipal enforcing agencies--administration and enforcement

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

Report No	Name
R811	Municipal Monthly Activity Report Certificates
R812	Municipal Monthly Activity Report Permits

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

- i. By December 31, 1992, all municipalities issuing 600 or more permits per year as determined by the Department shall submit monthly reports electronically.
- ii. By December 31, 1993, all municipalities issuing fewer than 600, but more than 200, permits per year as determined by the Department shall submit monthly reports electronically.
- iii. All other municipalities shall have the option of submitting monthly reports electronically or by mail. Any municipality which issues more than 200 permits per year as determined by the Department for any future year shall submit monthly reports electronically beginning during the following year.
- iv. A municipality that determines that compliance with this schedule would impose an undue hardship may apply to the Department for an extension of time. A request for an extension shall be in writing and shall set forth the reason(s) for such extension and the period of time for which the extension is sought. The Department shall give the municipality written notice of its determination in response to the extension request.

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

Report No	Name
R840	State Training Fee Report

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

Report No	Name
R800	Inspector's Report

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

(h) Duties of construction officials:

1. The construction official shall enforce the regulations and:
  - i. Provide that applications are available, and assist the public in preparing the applications whenever necessary;

## § 5:23-4.5 Municipal enforcing agencies--administration and enforcement

- ii. Review all applications for completeness as to form and for verification of prior approvals. He may request additional documentation concerning prior approvals whenever it is deemed necessary;
- iii. Upon receipt of the completed application, the construction official shall determine the proper fee for the work required;
- iv. Collect all fees and penalties and ensure that funds are properly accounted for;
- v. Ensure that the proper subcode official shall have an adequate time period to review appropriate applications, plans and specifications;
- vi. Ensure that all requests for variation are properly prepared, documented and referred to the appropriate subcode officials;
- vii. Issue the construction permit upon receiving the approval of all appropriate subcode officials;
- viii. Record all notices of violation upon receiving notification of the appropriate subcode official, and determine all penalties for noncompliance with the penalty notices;
- ix. Ensure that all required inspections are scheduled and performed within three business days of the time for which inspection has been requested;
- x. Ensure that the reports of all inspections are completed and properly filed;
- xi. Record stop construction orders upon notification of the appropriate subcode official or, in the case of a development-wide stop construction order, issue the stop construction order upon recommendation of the appropriate subcode official. Within 24 hours of issuance, a copy of the development-wide stop construction order shall be forwarded to the Department via mail to: Department of Community Affairs, Office of Regulatory Affairs, 101 S. Broad Street, PO Box 818, Trenton, NJ 08625.
- xii. Ensure that all final inspections have been completed prior to the issuance of a certificate of occupancy.
  - (1) Ensure that all inspection required for the purpose, has been completed prior to the issuance of temporary certificate of occupancy;
- xiii. Issue the certificate of occupancy, upon receiving the approval of all appropriate subcode officials.
  - (1) Issue the temporary certificate of occupancy, upon receiving the approval of all appropriate subcode officials;
- xiv. Ensure, in the case of a change of use, or upon a request for a certificate of continued occupancy, that each subcode official gives an approval based on an inspection and the review of all submitted data before issuing a certificate of continued occupancy;
- xv. Prepare and obtain reports required in the regulations;
- xvi. Attend meetings and hearings as required by the regulations;
- xvii. Carry out such other functions as are necessary and appropriate to the position of construction official;
- xviii. Coordinate the activities of the subcode officials in enforcement of the energy radon hazard, elevator safety and mechanical subcodes;
- xix. Reply within three business days to any request from the municipal search officer for information concerning construction permits or certificates of occupancy;
- xx. Within 10 business days of issuance, provide written notice to the fire official for the municipality appointed pursuant to [N.J.S.A. 52:27D-203](#) of all permits issued for installations of roof-mounted photovoltaic systems;

## § 5:23-4.5 Municipal enforcing agencies--administration and enforcement

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

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

**xxiii.** Take or initiate appropriate disciplinary action in the case of any subcode official or inspector failing to properly enforce the UCC. If the action includes suspension or dismissal, the construction official shall report this action to the Office of Regulatory Affairs via mail: Department of Community Affairs, Office of Regulatory Affairs, 101 S. Broad Street, PO Box 818, Trenton, NJ 08625;

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

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

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

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

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

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

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

**(i) Duties of subcode officials:**

1. The subcode official shall enforce the regulations and:

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

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

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

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

v. Review requests for variations as necessary;

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



## § 5:23-4.5 Municipal enforcing agencies--administration and enforcement

- vii.** Issue in the name of the enforcing agency notices of violation and notify the construction official of same. The subcode official may issue verbal orders at the jobsite and shall record such orders in his inspection report;
- viii.** Complete reports of all inspections performed;
- ix.** Issue stop construction orders in the name of the enforcing agency and notify the construction official of same or, in the case of a development-wide stop construction order, make a recommendation to the construction official for issuance of the order;
- x.** Perform final inspection and notify construction official of approval in order that the construction official may issue certificate of occupancy;
- xi.** Make inspection, review submitted data and notify construction official of approval in the case of a change of use, or a request for a certificate of continued occupancy;
- xii.** Assist the construction official in the preparation of all reports required in the regulations;
- xiii.** Attend meetings and hearings as required by the regulations;
- xiv.** Issue documentation and certification, such as cut-in cards to utilities and/or public agencies if required by the regulations;
- xv.** Carry out such other functions as are necessary and appropriate to the position of subcode official.

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

- i.** The fire protection subcode official shall, upon request of the local fire service, allow a designated representative of the local fire service reasonable access to, and opportunity to review, plans submitted to the fire protection subcode official for his approval.
- ii.** The fire protection subcode official shall consult with the local fire service prior to granting any variations from the requirements of the fire protection subcode. If the fire protection subcode official is not himself a member of the local fire service, he shall, upon receipt of an application for a variation, forward a copy thereof to the local fire service and shall not grant a variation until he has received the comments of the local fire service or until 10 business days have passed, whichever comes first.
- iii.** The participation of the local fire service in the code enforcement process shall in no way be construed as reducing the responsibility of the fire protection subcode official for the proper enforcement of the fire protection subcode. Advice rendered by the local fire service shall in no way be binding upon the subcode official.

**(j)** Conflict of interest:

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

- i.** Where an inspection or enforcement procedure is necessary or required in any such property or business, and there is no other person employed by the enforcing agency who is qualified, pursuant to this chapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business,

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the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.

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

iii. Where an inspection or enforcement procedure is performed by another enforcing agency due to a conflict of interest, the fee schedule of the enforcing agency in which the project is located shall be utilized in calculating the fees for the project. The State training fee for the project and the reporting of the project pursuant to Department requirements shall be submitted by the enforcing agency where the project is located. After inspection or enforcement procedures have been performed, the agency that performed such procedures shall provide the information required to be reported to the municipality where the project is located. Permit documentation shall be shared between the local enforcing agencies for timely and accurate reporting. The prior approvals required in the municipality where the project is located shall apply.

2. No person employed by an enforcing agency as a construction or subcode official, assistant to the construction or subcode official, trainee, inspector, or plan reviewer, shall, whether directly or indirectly, be engaged in ownership of, or employment by, or contracting to provide goods or services to, any business furnishing labor, materials, products, or services for the construction, alteration, or demolition of buildings or structures, or for the maintenance of any equipment or building component the maintenance of which is regulated pursuant to this chapter, that is engaged in any such activity within any municipality in which he is so employed by an enforcing agency.

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

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

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

5. No person employed by a supplemental private on-site inspection agency that has a contract with a municipal enforcing agency shall knowingly carry out any inspection or enforcement procedure with respect to any property or business in which he or she, or any close relative or household member, or his or her superior within the enforcing agency, or any close relative or household member of such superior, or any other public official or employee having any direct or indirect control over the funding or operations of the enforcing agency, or any household member of any such public official or employee, has an economic interest. For purposes of this paragraph, "close relative" shall mean and include a spouse, sibling, ancestor, or descendant, or the spouse of any of them.

i. Where an inspection or enforcement procedure is necessary or required in any such property or business, and there is no other person employed by the enforcing agency who is qualified, pursuant to this subchapter, to perform the inspection or enforcement procedure and who is not a subordinate of the person with the direct or indirect economic interest in such property or business, the official or inspector shall arrange for the inspection or enforcement to be carried out either by another local enforcing agency or by the Department.

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ii. A separate log shall be maintained by the enforcing agency of all inspection procedures performed, with regard to any properties or businesses in which any persons working pursuant to a contract with the enforcing agency have a direct or indirect economic interest.

6. This section shall not apply to:

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

ii. Any such business or employment outside the State;

iii. Dual employment by two or more enforcing agencies;

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

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

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

(k) No person employed by an enforcing agency as a construction official, subcode official or inspector shall accept, or continue to hold, employment in one or more other municipalities as a construction official, subcode official or inspector unless the resulting combined workload is such that it can be discharged in a manner consistent with the requirements of this chapter.

## History

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### HISTORY:

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

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

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

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

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

Added (g)2.

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

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

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

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

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

Radon mitigation added to (f)1xviii.

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

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

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

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

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

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

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

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

Form numbers changed in (b).

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

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

Conflict of interest and exception provisions added.

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

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

Report form number changed at (e).

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

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

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

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

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

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

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

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

See: [28 N.J.R. 3697\(a\)](#), [28 N.J.R. 4782\(a\)](#).

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

See: [28 N.J.R. 4695\(a\)](#), [29 N.J.R. 550\(a\)](#).

In (b)2, amended form references.

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

See: [29 N.J.R. 2742\(a\)](#), [29 N.J.R. 4103\(a\)](#).

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

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

See: [29 N.J.R. 3406\(a\)](#), [29 N.J.R. 4287\(a\)](#).

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

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

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

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

See: [32 N.J.R. 2278\(a\)](#), [32 N.J.R. 3783\(a\)](#).

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

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

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See: [35 N.J.R. 2426\(a\)](#), [35 N.J.R. 4281\(a\)](#).

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

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

See: [35 N.J.R. 2423\(a\)](#), [35 N.J.R. 4713\(a\)](#).

In (h), added 3.

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

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

Added (h)1xxii.

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

See: [37 N.J.R. 3110\(a\)](#), [38 N.J.R. 1183\(a\)](#).

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

Administrative correction.

See: [38 N.J.R. 1827\(b\)](#).

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

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

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

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

See: [38 N.J.R. 872\(a\)](#), [39 N.J.R. 370\(b\)](#).

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

Administrative correction.

See: [39 N.J.R. 1249\(a\)](#).

Amended by R.2007 d.143, effective May 7, 2007.

See: [39 N.J.R. 7\(a\)](#), [39 N.J.R. 1672\(a\)](#).

In (j)1, inserted ", or any other public official or employee having any direct or indirect control over the funding or operations of the enforcing agency or any close relative or household member of any such public official or employee,".

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

Added (k).

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Administrative correction.

See: [40 N.J.R. 113\(a\)](#).

Amended by R.2008 d.273, effective September 15, 2008.

See: [40 N.J.R. 2630\(a\)](#), [40 N.J.R. 5195\(c\)](#).

In the introductory paragraph of (j)1, inserted "a" preceding "construction", inserted "knowingly" and inserted a comma following "agency" twice, and deleted "close relative or" preceding the third occurrence of "household member"; and rewrote (j)2.

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (b)2, (b)3, (c)1, (d)1 and (f), updated the tables; in (b)5, deleted "they" preceding "may purchase", and deleted "A" following "F-110", "F-120", "F-130", "F-140" and "F-310"; and in (j)2, inserted ", or for the maintenance of any equipment or building component the maintenance of which is regulated pursuant to this chapter,".

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

In entry F-370 of (b)2, substituted "Verification" for "Certification".

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

In (b)1, substituted "application forms" for "forms and applications"; in the table in (b)2, inserted entries "F391" and "F392"; in (b)5, inserted "to be used in the office and application forms to be used by the public"; added new (h)1xx; and recodified former (h)1xx through (h)1xxv as (h)1xxi through (h)1xxvi.

Administrative correction.

See: [44 N.J.R. 3061\(a\)](#).

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

In (j)2, deleted ",or in any municipality adjacent to any municipality in which he is thus employed. For purposes of the prohibition set forth in this paragraph, it shall be immaterial whether the employment by the business, or the providing of goods and services to the business, occurred within the employing municipality or an adjacent municipality or occurred elsewhere" from the end.

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In the table in (b)2, added entry "F102".

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

In (b)2 and (b)3, updated the tables; in (b)5, inserted a comma following "format" and "copy" and updated all form references to delete the dash following "F"; in (c)1, substituted "L710" for "L-710"; in (d)1, substituted "R811" for "R-811" and "R812" for "R-812"; in the introductory paragraph of (d)2, deleted "using UCCARS I" following "electronically"; deleted (d)3 and (d)4; and in (f), substituted "R800" for "R-800".

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Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

Added (j)1iii.

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

In b(3), inserted second sentence; added new (j)5; and recodified former (j)5 and (j)6 as (j)6 and (j)7.

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## [N.J.A.C. 5:23-4.5A](#)

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### **§ 5:23-4.5A (Reserved)**

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### **History**

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#### **HISTORY:**

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

See: [37 N.J.R. 4106\(a\)](#), [38 N.J.R. 1573\(a\)](#).

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

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## [N.J.A.C. 5:23-4.6](#)

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### **§ 5:23-4.6 Shared service agencies--establishment**

---

(a) Parties: Any two or more municipalities may, by resolution, join to administer and enforce this chapter and any adopted subcode. Any municipalities that are party to an agreement establishing one enforcing agency having jurisdiction for all subcodes may further provide for the establishment of a joint board of appeals.

(b) Agreement: Except as this section may add or substitute requirements, the procedures for the execution of any agreement pursuant to this section shall be governed by the Uniform Shared Services and Consolidation Act ([N.J.S.A. 40A:65-1](#) et seq.).

1. Upon the adoption of a resolution pursuant to the Uniform Shared Services and Consolidation Act, a copy of such resolution, the contract, and any other pertinent information shall be forwarded to the department;
2. The term of any contract entered into pursuant to this section shall be four years.
3. The contract shall stipulate that the term of office of any construction or subcode official shall, except for good cause, be four years.
4. Such contract shall provide a mechanism for administration and enforcement within each of the contracting municipalities by one or more of the contracting municipalities, on an interim or emergency basis, should such agreement be invalidated by a court of competent jurisdiction or prove otherwise unenforceable.
5. The contract shall additionally stipulate the information contained in [N.J.A.C. 5:23-4.7\(b\)](#) and [4.8\(a\)](#).

(c) Any two or more municipalities may enter into a supplemental shared services agreement to conduct on-site inspections for the purpose of meeting all required inspection timeframes, in accordance with [N.J.A.C. 5:23-2.17A](#) or [2.18](#), on a project-specific basis.

### **History**

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#### **HISTORY:**

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

Rewrote (a), the introductory paragraph of (b), and (b)1.

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Section was "Interlocal enforcing agencies--establishment". Added (c).

§ 5:23-4.6 Shared service agencies--establishment

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## [N.J.A.C. 5:23-4.7](#)

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### **§ 5:23-4.7 Shared service agencies--organization**

---

- (a) General: Except as is provided in this section, enforcing agencies organized pursuant to this section shall, insofar as is practicable, be organized in the same manner as are municipal enforcing agencies.
- (b) Exception: Nothing contained in [N.J.A.C. 5:23-4.3](#), with respect to offices, shall require that only one central office be established pursuant to this section. Whenever municipalities join pursuant to this section, they shall establish offices which are reasonably accessible in terms of distance, location and function.

### **History**

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#### **HISTORY:**

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Section was "Interlocal enforcing agencies--organization".

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## [N.J.A.C. 5:23-4.8](#)

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### **§ 5:23-4.8 Shared service agencies--administration and enforcement**

---

(a) General: Enforcing agencies organized pursuant to this article shall administer and enforce the regulations in the same manner as municipal enforcing agencies.

(b) The provisions of [N.J.A.C. 5:23-4.3](#) regarding conflict of interest shall be applicable to interlocal enforcing agencies, including all municipalities party to the interlocal agreement, to the extent that the agreement covers specific subcode activities.

### **History**

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#### **HISTORY:**

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Section was "Interlocal enforcing agencies--administration and enforcement".

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## [N.J.A.C. 5:23-4.9](#)

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### **§ 5:23-4.9 State enforcing agencies--establishment**

---

**(a)** Department of Community Affairs:

1. The Bureau of Local Code Enforcement in the Division of Codes and Standards is constituted as the enforcing agency for the purpose of administering and enforcing the code in those municipalities which have decided, pursuant to [N.J.A.C. 5:23-4.3](#), not to enforce the code.
2. Pursuant to Reorganization Plan No. 004-1996, the Department is constituted as the sole plan review agency for the administration and enforcement of Federal and State standards applicable to the construction, alteration, demolition, or maintenance of health care facilities, as defined in [N.J.A.C. 5:23-1.4](#).

**(b)** Division of Building and Construction, Department of the Treasury:

1. The Division of Building and Construction is constituted as the enforcing agency for the purpose of performing plan review if the Department of Community Affairs cannot approve plans within the 20-day period provided for in [N.J.S.A. 52:27D-131](#), with respect to buildings built under the supervision of the Division of Building and Construction.

## **History**

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### **HISTORY:**

Administrative Correction to (a)1.

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

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

In (a)1, changed enforcing agency and amended N.J.A.C. references; deleted (a)1i and (c); inserted (a)2; and recodified former (d) as (c).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (b)1, substituted "performing plan review" for "administering and enforcing the regulation" following "purpose of"; and deleted a former (c).

Administrative correction.

See: [36 N.J.R. 466\(a\)](#).

§ 5:23-4.9 State enforcing agencies--establishment

Administrative correction.

See: [50 N.J.R. 1714\(c\)](#).

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## [N.J.A.C. 5:23-4.10](#)

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### § 5:23-4.10 State enforcing agencies--organization

(a) Department of Community Affairs: Units of the Division of Codes and Standards enforcing the State Uniform Construction Code shall be organized, insofar as is practicable, in the same manner as are municipal enforcing agencies.

1. Such units shall employ persons qualified and licensed in accordance with N.J.A.C. 5:23-5.

(b) Other State agencies: Code enforcement functions of the Division of Buildings and Construction may be organized as such division may deem appropriate, but not in a manner inconsistent with the intent of this subchapter.

1. The Division shall employ persons qualified and licensed in accordance with N.J.A.C. 5:23-5.

### History

#### **HISTORY:**

Administrative Corrections to (a) and (a)1.

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

Amended by R.1997 d.417, effective October 6, 1997.

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

Substantially amended (b).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (b), deleted references to the Department of Labor throughout.

Amended by R.2001 d.303, effective September 4, 2001.

See: [33 N.J.R. 1991\(a\)](#), [33 N.J.R. 2989\(a\)](#).

In (a), substituted "Units of the Division of Codes and Standards enforcing the State Uniform Construction Code" for "The Construction Code Element" in the introductory paragraph, and substituted "Such units" for "The Element" and "licensed" for "certified" in 1; in (b)1, substituted "licensed" for "certified".

§ 5:23-4.10 State enforcing agencies--organization

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End of Document



## [N.J.A.C. 5:23-4.11](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

### § 5:23-4.11 State enforcing agencies--administration and enforcement

(a) Department of Community Affairs: The Division of Codes and Standards shall administer and enforce this chapter, insofar as is practicable, in the same manner as a municipal enforcing agency.

1. The conflict of interest provisions contained in [N.J.A.C. 5:23-4.5](#) shall be applicable only to personnel responsible for the administration and enforcement of this chapter and shall not extend to persons otherwise employed by the Division.

(b) Division of Building and Construction, Department of the Treasury: The Division of Building and Construction may administer and enforce the rules as the Division may deem appropriate, but not inconsistent with the intent of this subchapter.

1. The conflict of interest provisions contained in [N.J.A.C. 5:23-4.5](#) shall apply to personnel involved in the administration and enforcement of the rules.

### History

#### **HISTORY:**

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

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

Change made to reflect Department organizational changes.

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

See: [29 N.J.R. 3387\(a\)](#), [29 N.J.R. 4285\(a\)](#).

Deleted (c); and recodified former (d) as (c).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

Deleted a former (c).

§ 5:23-4.11 State enforcing agencies--administration and enforcement

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## [N.J.A.C. 5:23-4.12](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.12 Private on-site inspection and plan review agencies; establishment**

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- (a) The Department shall authorize the establishment of private on-site inspection and plan review agencies, hereinafter called "on-site inspection agencies," for the purpose of contracting with municipalities in order to act in the place of a subcode official or inspector(s) for specified subcodes or to provide supplemental private on-site inspections pursuant to [N.J.A.C. 5:23-4.16](#).
1. No person shall undertake the services herein described or enter into any contract pursuant to this chapter without first receiving the authorization of the Department.
    - i. Except that, applicants who have received notice from the department that their application is complete and suitable for processing may begin to promote or otherwise make their anticipated availability known to municipalities, provided that the applicant discloses in writing at the time of undertaking any such activity, that he has not yet been authorized by the department.
- (b) Applicants for authorization as an on-site inspection agency shall submit an application, the required fee, and any additional information the department may require.
- (c) Following a determination by the department that an application is complete and suitable for processing, the department shall review and evaluate the information contained in the application and such other information as the department shall deem necessary to enable it to make an accurate and informed determination of approval or disapproval. Within 90 days following the receipt of a completed application, the department shall make its determination as to whether authorization as an on-site inspection agency shall be granted or denied, and shall notify the applicant. In the event of denial, the department shall provide the applicant with a written explanation of the reasons therefor.
- (d) The application shall contain information relating to:
1. The financial integrity of the applicant and any of its principal officers.
  2. The qualifications of the management and technical personnel of the applicant, including a statement that all technical personnel are certified by the commissioner in accordance with N.J.A.C. 5:23-5.
  3. The range of salaries and other compensation of all of the inspectors and other technical personnel of the applicant.
  4. The policies and procedures of the applicant for the hiring, training and supervision of all technical personnel, including education and training.
  5. The prior experience of the applicant in performing similar or related functions.
  6. The capability of the applicant to review plans and specifications and to inspect construction to insure that the completed work is in compliance with the appropriate subcode.

## § 5:23-4.12 Private on-site inspection and plan review agencies; establishment

7. A statement that the applicant is not affiliated with, influenced or controlled by any producer, manufacturers, supplier or vendor of products, supplies or equipment used in construction, components or assemblies.

(e) Authorization shall be valid for a period of one year.

(f) Applications for reauthorization shall be filed with the Department at least 60 days prior to the scheduled expiration for the current authorization from the Department. The on-site inspection agency shall make current the information previously submitted to the Department. The on-site inspection agency shall provide such additional information as the Department may request. The application shall be accompanied by the fee established by this chapter. The Department may conduct such additional investigations of the applicant as it may deem necessary.

1. Within 30 days following receipt by the Department of an application for reauthorization, the Department shall make its determination as to whether the on-site inspection agency continues to meet the requirements of this chapter. In the event of disapproval, the Department shall provide the on-site inspection agency with a written explanation of the reasons for such disapproval. Each reauthorization shall expire one year from the date of the current authorization from the Department.

2. The department may, on its own motion or at the request of any on-site inspection agency, grant a temporary reauthorization of such agency for a period not to exceed 60 days.

(g) Any person who enters into an agreement, other than a hiring as a bona fide municipal employee, to serve as a municipal subcode official shall be required to be first authorized by the department as an on-site inspection and plan review agency.

1. In order to be deemed a bona fide municipal employee for purposes of this subsection, such person shall receive no compensation for his service other than a fixed salary or hourly wage, which shall be subject to F.I.C.A. and Federal and State income tax withholding, and shall have minimum fixed working hours.

## History

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### HISTORY:

As amended, R.1984 d.481, eff. November 5, 1984.

See: 16 N.J.R. 2031(a), 16 N.J.R. 3006(a).

Amended (a)4iii and (b)4iii.

As amended, R.1984 d.523, eff. November 19, 1984.

See: 16 N.J.R. 2321(a), 16 N.J.R. 3197(a).

(c) added.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text of (b), on private inplant inspection agencies, deleted; (c) recodified to (b).

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

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

Stylistic changes.

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

§ 5:23-4.12 Private on-site inspection and plan review agencies; establishment

Deleted (h)2.

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In the introductory paragraph of (a), inserted "or inspector(s)"; deleted (g), and recodified former (h) as (g).

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

In the introductory paragraph of (a), inserted "or to provide supplemental private on-site inspections pursuant to [N.J.A.C. 5:23-4.16](#)".

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## [N.J.A.C. 5:23-4.13](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.13 Private on-site inspection and plan review agencies; organization**

- (a) An on-site inspection agency may be an individual, partnership, corporation, or other business entity organized for the purpose of enforcing and administering any one or more subcodes under the regulations, in place of a local subcode official or local inspector, in one or more municipalities within the State of New Jersey.
- (b) Each on-site inspection agency authorized by the Department shall organize its operations to effectively fulfill the requirements of this chapter and to provide any municipality with which it contracts all the services that would otherwise be provided by a municipal subcode official or municipal inspector under this chapter. All officers, inspectors and plan reviewers of the "on-site inspection agency" shall be certified by the Department in the appropriate subcode prior to employment thereafter.
- (c) Where an on-site inspection agency serves as a subcode official, the agency shall designate in its contractual agreement with the municipality the name of the employee who shall serve as the responsible official and representative(s) of the "on-site inspection agency" authorized to review and approve all documents related to the administration of the designated subcode.
- (d) The on-site inspection agency shall report to the municipal construction official through their designated responsible official and shall be subject to the orders and directives of the municipal construction official and the Department in matters relating to the enforcement of the regulations. Employees of an on-site inspection agency performing inspections shall report to the appropriate subcode official.
- (e) An on-site agency acting in place of an elevator subcode official in any municipality shall answer to the local construction official, who shall be responsible to the Department for supervising the activities of the elevator subcode official.
- (f) Each on-site inspection agency shall maintain an adequate number of offices for the purpose of meeting with the public and shall maintain records at such offices.
1. The on-site inspection agency shall provide the municipal construction official with a schedule stating when these offices will be open during normal business hours and when the designated responsible official will be in that office.
  2. All inspections may take place between 7:00 A.M and 6:00 P.M. on business days or on days and at times at which construction is taking place, or at such other times as may be acceptable to the owner or the owner's representative, or otherwise in case of emergency.
- (g) Each on-site inspection agency shall employ a sufficient number of certified personnel to perform all administrative, plan review, inspection and reinspection functions required by the regulations.

## **History**

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**HISTORY:**

§ 5:23-4.13 Private on-site inspection and plan review agencies; organization

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text of (b), on private inplant inspection agencies, deleted.

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

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

Chain of responsibility specified at (e).

Amended by R.2007 d.143, effective May 7, 2007.

See: [39 N.J.R. 7\(a\)](#), [39 N.J.R. 1672\(a\)](#).

In the introductory paragraph of (f), substituted "at such offices." for "as follows."; and rewrote (f)2.

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In (a), inserted "or local inspector"; in (b), inserted "or municipal inspector"; in (c), substituted "Where an" for "Each", and inserted "serves as a subcode official, the agency"; and in (d), inserted the last sentence.

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## [N.J.A.C. 5:23-4.14](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

#### **§ 5:23-4.14 Private on-site inspection and plan review agencies; administration and enforcement**

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- (a) Records shall be maintained by the "on-site inspection agency" of all inspections, applications and plans reviewed and any other information that may be required by the municipal construction official or the Department. These records shall be open to Department audit and shall not be destroyed or removed from the offices of the on-site inspection agency without the permission of the Department.
- (b) The on-site inspection agency shall provide the Department with the following:
1. A copy of each executed contract and all amendments thereto, including any attachments containing any terms of the agreement, to be submitted at least 10 days prior to their effective date. Any subsequent amendments shall also be submitted;
  2. A list of the municipalities served, and a current list of names, addresses and telephone numbers of the agency's designated representatives actually serving as subcode officials or inspectors in each municipality, who may be contacted in connection with routine matters during normal working hours and, in the event of emergency, during other than normal working hours;
  3. A list of names, certification numbers, addresses and telephone numbers of all technical personnel employed; and
  4. Monthly reports, due on the 15th of every month covering the period of the previous month, setting forth the following:
    - i. The number of inspections performed under each subcode in each municipality and the number of inspections performed under each subcode in each municipality more than 72 hours after the receipt of an inspection request by the construction official or the subcode official, whichever occurs first.
    - ii. The total number of inspections, broken down by subcode discipline, performed by the private agency during the reporting period and the total number of subcode officials and inspectors available during the reporting period, expressed as full-time equivalent (FTE). For purposes of this report, one FTE shall be the total number of subcode official and inspector hours worked during the reporting period divided by eight, divided by the number of working days in the reporting period. All days other than Saturdays, Sundays and official holidays shall be considered working days;
    - iii. The total payments received from each municipality during the reporting period; and
    - iv. The total amount billed to each municipality during the reporting period.
- (c) Except as stated in the regulations, an executed contract in accordance with the Local Public Contracts Law shall be required between the on-site inspection agency and a municipality prior to the enforcement of any subcode in that municipality by the on-site inspection agency. Supplemental private on-site inspection agencies pursuant to [N.J.A.C. 5:23-4.16](#) shall be considered specialized services allowing for the use of competitive contracting pursuant to *N.J.S.A. 40A:11-4.1*.



## § 5:23-4.14 Private on-site inspection and plan review agencies; administration and enforcement

**(d)** The on-site inspection agency shall not collect fees from the property owner, his or her designated agent, or anyone in his or her employ. The municipal construction official shall be the sole agent for the collection of all fees and penalties. This shall not apply to supplemental private on-site inspection agencies performing inspections for an owner or designated agent pursuant to [N.J.A.C. 5:23-4.16](#).

**(e)** Each on-site inspection agency shall have the following responsibilities:

1. To maintain an adequate number of certified staff to review all plans and specifications for all classes and types of construction not reserved to the State.
2. To act in place of the municipal subcode official or municipal inspector and to perform the duties of a subcode official or inspector as defined in these rules, except all notices of violation and all stop work orders will be issued through the construction official's office.
3. To report to the municipal construction official or subcode official and to be subject to his or her rulings, directives, and orders.
4. To provide adequate supervision, so that its employees are prompt and diligent in discharging their duties.
5. To carry general liability insurance, at least in the amount of \$ 1,000,000 for each person and each occurrence, to satisfy claims or judgments for property damage and/or personal injury.
6. To process and return all documents, plans, specifications, and applications within the time frame specified by the rules or the contract with the municipality, whichever is the lesser.
7. To provide technical assistance to applicants in the preparation of a construction permit application, if requested by the construction official.
8. To perform all required inspections and reinspections.
9. To perform nondestructive tests, if required by the rules.
10. To give testimony at hearings or in court, if required by the construction official.
11. To prepare all reports to the Department as are required by the regulations or as may be required from time to time.
12. To meet its obligations under its contract with the municipal enforcing agency.
13. To issue documentation and certification, such as cut-in cards, to utilities and or public agencies if required by the rules.
14. To ensure the attendance of all technical and supervisory employees at required training and orientation programs.
15. To carry to full completion and receive all fees on all projects initiated prior to the termination of their contract with the municipality by reason of non-renewal, unsuccessful bidding, Department authorization disapproval or other reason except suspension or revocation.

**(f)** Except as otherwise provided in this subsection, no person employed by or associated with an on-site inspection agency as an employee, proprietor, officer, director, partner or manager shall, whether directly or indirectly, be engaged in ownership of, or employment by, or contracting to provide goods or services to, any business or employment furnishing labor, materials, products or services for the construction, alteration or demolition of buildings, or for the maintenance of any equipment or building component the maintenance of which is regulated pursuant to this chapter, that is engaged in any such activity within any municipality in which he or she is so employed. Nor shall any such proprietor, officer, director, partner, manager or employee engage in any other work that conflicts with his or her or the agency's official duties, including, without limitation, employment to testify before any construction board of appeals, or to be involved in any court proceeding within any municipality in which he or she is so employed, as a paid expert witness against any construction official, subcode official, inspector or enforcing agency, or in any other compensated capacity, except on behalf of an enforcing agency, or as a court-appointed witness.

## § 5:23-4.14 Private on-site inspection and plan review agencies; administration and enforcement

1. This prohibition shall not apply to any litigation not involving enforcement of the Code, or as a fact witness; nor shall it apply to any activities unrelated to an action for, or an appeal of, enforcement of the Code.
2. This subsection shall not apply to:
  - i. The ownership of stock or other investment instrument in any corporation listed on any national stock exchange;
  - ii. Any such business or employment outside the State;
  - iii. Any business or employment which is not subject to the regulations.
3. An on-site inspection agency may employ municipal subcode officials and inspectors on a part-time basis. This employment, however, shall be subject to the following conditions:
  - i. The on-site inspection agency can only employ municipal subcode officials and inspectors. A municipal construction official shall not be employed by an agency in any capacity.
  - ii. The written approval of the construction official supervising a municipal subcode official or inspector shall be obtained by the on-site inspection agency prior to hiring such municipal subcode official or inspector.
  - iii. An on-site inspection agency that hires a municipal subcode official or inspector shall thereupon waive the right to bid or contract in the employed subcode official or inspector municipality or municipalities.
  - iv. No person employed by, or associated with, an on-site inspection agency as an employee, proprietor, officer, director, partner or manager shall be permitted to retain such employment or association if he or she accepts employment with a municipality as a subcode official or inspector enforcing a subcode that was the subject of a contract or proposed contract for which the on-site agency was an unsuccessful bidder at any time during the previous 24-month period.

**(g)** The amount charged to a municipality by a private agency for work subject to a minimum fee pursuant to [N.J.A.C. 5:23-4.20\(c\)2](#), or for certificates of occupancy, certificates of approval, and certificates of continued occupancy shall be the percentage set forth in a contract entered into in accordance with [N.J.S.A. 52:27D-124.3](#), times the amount of the minimum fee or fee for a certificate of occupancy or certificate of approval, times the amount determined in accordance with this subsection. For agencies utilizing [N.J.A.C. 5:23-4.16](#) for supplemental private on-site inspection agencies, the fees may be established pursuant to [N.J.A.C. 5:23-4.18](#).

1. In the case of work requiring inspections by four subcode officials or their designees, the allocation of the fee revenue shall be as follows:
  - i. Building subcode: 40 percent;
  - ii. Fire protection subcode: 20 percent;
  - iii. Plumbing subcode: 20 percent; and
  - iv. Electrical subcode: 20 percent.
2. In the case of work requiring inspections by fewer than four subcode officials or their designees, the allocation shall be among or between the subcodes involved in the proportions set forth in (g)1 above. (Thus, for example, in work involving only the building and plumbing subcodes, two-thirds of the fee (40/60) would be allocated to the building subcode and one-third of the fee (20/60) to the plumbing subcode.)

**(h)** Where plan review is performed more than one month before the construction permit is issued, or where a project does not go forward after a private on-site agency has performed plan review, then the municipality shall pay to the private agency 20 percent of the amount that would otherwise be due, which amount shall be determined by multiplying the relevant fee set forth in [N.J.A.C. 5:23-4.20](#) by the percentage

§ 5:23-4.14 Private on-site inspection and plan review agencies; administration and enforcement

set forth in the contract between the municipality and the private agency entered into in accordance with [N.J.S.A. 52:27D-124.3](#).

(i) Private on-site agencies shall bill for their services at least once monthly. Each bill shall specify the billing period and the amount currently due, amounts already paid, and any remaining balances, identified by permit number and totaled for the billing period.

(j) The bid documents and contract shall specify whether the private agency shall be paid for work performed even if the municipality receives no inspection fee for such work.

(k) Private enforcing agencies shall charge no fees other than the fees set forth at [N.J.A.C. 5:23-4.20](#) multiplied by the percentage set forth in the contract between the private agency and the municipality, unless the supplemental private on-site inspection agency is acting pursuant to [N.J.A.C. 5:23-4.16](#). Private enforcing agencies shall furnish no services other than subcode enforcement or inspection services to municipalities and shall not receive any payments from municipalities for any other goods or services whatsoever.

## History

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### HISTORY:

Amended by R.1983 d.642, effective January 17, 1984.

See: 15 N.J.R. 1406(a), 16 N.J.R. 129(a).

Use of municipal subcode officials and inspectors further delineated.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text of (b), on private inplant inspection agencies, deleted.

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

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

Conflict of interest provisions added.

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

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

Amended by R.1996 d.273, effective June 17, 1996 (operative October 1, 1996).

See: [28 N.J.R. 1586\(c\)](#), [28 N.J.R. 3120\(a\)](#).

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

See: [37 N.J.R. 4106\(a\)](#), [38 N.J.R. 1573\(a\)](#).

In introductory paragraphs (g) and (h), replaced "[N.J.A.C. 5:23-4.5A](#)" with new statute citation.

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

Rewrote the introductory paragraph of (f).

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

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In (b)2, inserted "or inspectors"; in (e)2, inserted "or municipal inspector" and "or inspector"; in (e)3, inserted "or subcode official", "or her", and a comma following "directives"; in the introductory paragraph of (f), substituted "any municipality in which he or she is so employed" for "the State" twice; deleted (f)3v; in (j), inserted "bid documents and contract shall specify whether the"; and in (k), inserted "or inspection".

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Rewrote the section.

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## [N.J.A.C. 5:23-4.15](#)

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### **§ 5:23-4.15 Suspension and revocation**

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**(a) General:**

1. In addition to any other remedies provided by the regulations, the Department may suspend or revoke its authorization of any private on-site agency if the Department determines that the authorization or reauthorization was based on the submission of fraudulent or materially inaccurate information, or that the authorization or reauthorization was issued in violation of the regulations, or that a change of facts or circumstances make it unlikely that the inspection agency can continue to discharge its responsibilities under the regulations in a satisfactory manner, or that the inspection agency has violated the regulations.
2. During the period of suspension the affected agency shall not be authorized to discharge any of its responsibilities under the regulations unless otherwise specified in the notice of suspension or order of the department.

**(b) Notice:**

1. The department shall notify such agency of its suspension or revocation in writing. Copies of the notice of suspension shall be forwarded by the department to all manufacturers or municipalities with implementing contracts with the affected inspection agency.
2. The suspension shall be effective on the date the affected inspection agency receives the notice of suspension or on any later date that may be designated in the notice of suspension.

**(c) Revocation without suspension:**

1. The Department may revoke its approval of any inspection agency without previously suspending its authorization. In such event, the Department shall send a written notice to the affected inspection agency of its intention to consider revocation of its authorization, stating the grounds therefor, and establishing a time and a place for a hearing on the question. The notice shall be sent to the affected inspection agency and to all manufacturers or municipalities having contracts with the affected inspection agency.
2. No such agency shall reapply for approval as an on-site agency until the expiration of one year from the date of the order of revocation.

**(d) Termination of contract:** Upon the suspension or revocation of approval of any inspection agency, any municipality or any manufacturer with an implementing contract with the inspection agency shall have the right to terminate its contract with such inspection agency and be free of all obligations thereon and to enter with such inspection agency and be free of all obligations thereon and to enter into an implementing contract with any other inspection agency.

**(e)** In the case of the suspension or revocation of any on-site inspection agency, the department shall, upon the request of any municipality with an implementing contract with the suspended or revoked inspection agency, consult with such municipality to establish a temporary arrangement by which the

## § 5:23-4.15 Suspension and revocation

municipality can continue to enforce the regulations until the suspension or revocation is lifted or an implementing contract entered into with another on-site inspection agency. For these purposes, the department may, at its discretion, discharge some or all of the responsibilities of an on-site inspection agency. The department may also approve any other temporary arrangement which the department determines would best promote the purposes of the act and these regulations under the circumstances.

(f) The department shall provide any person aggrieved by any action of the department pursuant to this section with a hearing in accordance with the applicable provisions of the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq. and *N.J.A.C. 1:1*. The case shall be adjudicated before the Office of Administrative Law and the final decision shall be issued by the Commissioner.

## History

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### HISTORY:

Amended by R.1982 d.436, effective December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Added cases to be heard by the OAL with final decision by the Commissioner.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text on inplant inspection agencies and temporary arrangements deleted.

Notice of Petition to amend section.

See: [27 N.J.R. 3232\(a\)](#).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

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## [N.J.A.C. 5:23-4.16](#)

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### § 5:23-4.16 Supplemental private on-site inspection agencies

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- (a) This section shall not apply for any inspection responsibilities reserved to the State pursuant to [N.J.A.C. 5:23-3.11](#) and [3.11A](#).
- (b) Supplemental private on-site inspection agencies authorized pursuant to [N.J.A.C. 5:23-4.12](#) may perform required, specific inspections for projects or project components pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), or as needed pursuant to a contract between an enforcing agency and the supplemental private on-site inspection agency.
- (c) In addition to the requirements set forth in this section, supplemental private on-site inspection agencies shall also comply with [N.J.A.C. 5:23-4.12](#), [4.13](#), [4.14](#), [4.15](#), and [4.21](#) for those requirements that relate to inspections.
- (d) An enforcing agency may, at its discretion, enter into a contract with private on-site inspection agencies to conduct on-site inspections on a supplemental or project-specific basis.
1. Contracts between enforcing agencies and supplemental private on-site inspection agencies pursuant to this section shall be considered specialized services allowing for the use of competitive contracting pursuant to *N.J.S.A. 40A:11-4.1*.
  2. A copy of this contract shall be provided to the Department upon entering into the contract.
- (e) An enforcing agency may, at its discretion, authorize an owner, agent, or other authorized person in charge of work to directly contract with a private on-site inspection agency authorized pursuant to [N.J.A.C. 5:23-4.12](#) to perform all inspections on a specific project. Such approval shall be confirmed, in writing, as a part of the permit files.
- (f) In the event an enforcing agency is unable to perform a requested inspection pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), as applicable, the agency and the owner, agent, or other authorized person in charge of work may agree to a different date and time, which shall be within 30 days of the request for inspection, and shall be agreed upon, in writing, by both parties.
- (g) In the event an enforcing agency is unable to perform a requested inspection pursuant to [N.J.A.C. 5:23-2.17A](#) or [2.18](#), as applicable, and the agency and the owner, agent, or other authorized person in charge of work do not agree to a different date, the owner, agent, or other responsible person in charge of work may choose to contract with a private on-site inspection agency to conduct the requested inspection or inspections.
1. The owner, agent, or other responsible person in charge of work shall notify the enforcing agency, in writing, of any choice to utilize an authorized private on-site inspection agency to conduct the requested inspection or inspections.
  2. In the event of a project with multiple units in one building, this provision shall apply only to the specific unit or units affected by the inspection delay. The owner, agent, or other responsible person in charge of work may choose to utilize the supplemental private on-site inspection agency for the

## § 5:23-4.16 Supplemental private on-site inspection agencies

remainder of the inspections for the unit or units affected by the inspection delay. The fee for such work shall be agreed upon by the owner, agent, or other responsible person in charge of work and the supplemental private on-site inspection agency.

3. The use of a private on-site inspection agency by an owner, agent, or other responsible person in charge of work, shall be subject to the conflict-of-interest provisions of this subchapter. In addition to those requirements, no private on-site inspection agency shall perform an inspection for any owner, agent, or other responsible person in charge of work if an owner, agent, or other responsible person is currently employed by or affiliated with any individual affiliated with the private on-site inspection agency within the past six months.

4. The enforcing agency shall provide a fee reconciliation to the owner for an inspection completed by a supplemental private on-site inspection agency as a result of a missed inspection.

i. The reconciliation shall be based upon the municipal fee schedule, thus, it shall be based on the fees already paid to the enforcing agency less administrative costs, including the cost entailed in calculating the reconciliation, for the enforcing agency, and shall not exceed the amount already paid for the project, nor shall it exceed the amount that the enforcing agency is authorized to impose for inspections.

ii. This reconciliation shall be performed at the conclusion of the project.

5. In any event, an unforeseen circumstance, such as an illness or accident, shall not be considered a missed inspection so long as the agency performs the inspection as soon as practicable.

**(h)** If an owner, agent, or other responsible person in charge of work believes an enforcing agency has demonstrated a repeated inability to conduct inspections for a construction project within the required timelines, the owner, agent, or other responsible person in charge of work may notify the Department, in writing, to request authorization to utilize an authorized private on-site inspection agency.

1. Within 15 business days of receiving a notification pursuant to this subsection, the Department shall determine whether the enforcing agency has demonstrated repeated inability, and, if the Department so determines, it shall authorize the owner, agent, or other responsible person in charge of work to utilize an authorized private on-site inspection agency for all or a portion of the necessary inspections for the remainder of the project.

2. Any party in interest aggrieved by the decision of the Department may make an appeal to the Hearing Coordinator, Division of Codes and Standards, Department of Community Affairs, PO Box 802, Trenton, NJ 08625, pursuant to the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq., and [52:14F-1](#) et seq.

## History

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### HISTORY:

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

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

Section was "Fire limits".

New Rule, R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

Section was "Reserved".



§ 5:23-4.16 Supplemental private on-site inspection agencies

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End of Document

## [N.J.A.C. 5:23-4.17](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

#### **§ 5:23-4.17 Municipal enforcing agency fees**

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(a) Ordinance: The municipality shall set enforcing agency fees by ordinance for the following activities: plan review, construction permit, certificate of occupancy, certificates of continued occupancy, demolition permit, elevator permit and sign permit.

1. The municipality shall include in any such ordinance all fees pertaining to the operations of the enforcing agency, including those for which the department has not set standards, such as fees for reinstatement of lapsed permit. All minimum fees shall be stipulated. Fees may be rounded to nearest dollar amount if the municipality's ordinance so provides.

(b) On or before February 10 of each year, in a municipality that budgets according to the calendar year (January 1 to December 31), or on or before August 10 of each year, in a municipality that budgets according to the State fiscal year (July 1 to June 30), the construction official shall, with the advice of the subcode officials and in consultation with the municipal finance officer, prepare and submit to the governing body a report detailing the receipts and expenditures of the enforcing agency and indicating his or her recommendations for a fee schedule, based on the operating expense of the agency.

1. The report shall be structured in accordance with (c) below and with such guidelines as shall be issued from time-to-time by the Commissioner so as to accurately portray true enforcing agency expenses in general and for structures of different use groups. This report shall serve as the basis for the ordinance to be enacted by the municipality, as it may deem appropriate, establishing the fee schedule.

2. A copy of the construction official's report recommending a fee schedule and setting forth enforcing agency revenues and expenses shall be filed with the Department when prepared and a copy of the ordinance, together with the fee schedule, shall be filed with the Department when enacted or amended.

3. The appropriation and expenditure of construction code fee revenues generated from the fee schedule established pursuant to (b)1 above shall be audited annually by an independent auditor acceptable to the Department and a copy of the auditor's report shall be provided to the Department when it is issued to the municipality. Submission of a copy of the annual municipal audit required to be submitted to the Division of Local Government Services at the time that it is required to be submitted to that Division shall constitute compliance with this requirement provided, however, that the annual municipal audit tests and contains an opinion that all expenditures of construction code fees have been made for purposes herein permitted.

4. The report shall also include the measures taken by the municipality pursuant to [N.J.A.C. 5:23-4.4\(e\)](#) to ensure inspections are performed in a timely manner. This report shall take into account projected work and agency resource needs for the next budget year.

(c) Costs: The fee schedule shall be calculated to reasonably cover the municipal costs of enforcing the regulations.

## § 5:23-4.17 Municipal enforcing agency fees

1. It is the purpose and intent of this subsection to facilitate the accumulation by municipalities of the funds necessary to offset future construction code enforcement expenses, to ensure that construction code revenue is used only for construction code enforcement purposes, and to provide a means of making such revenue readily available for such purposes from year to year.
2. All fees collected pursuant to the fee schedule established in accordance with (b)1 above shall be appropriated in accordance with the requirements of the Uniform Construction Code Act and the Local Budget Law to be applied solely to meet the municipal costs of enforcing the regulations, which costs shall be defined as including only the following:
  - i. Salaries and employee benefits for licensed code enforcement officials and inspectors and clerical personnel assigned to the enforcing agency, in an amount proportionate to the time spent in performing work for the enforcing agency provided, however, that detailed time records are kept where employees divide their time between Uniform Construction Code and Non-Uniform Construction Code duties;
  - ii. Cost of motor vehicles in an amount proportionate to their use by or for the enforcing agency. Payments for this purpose may be in the form of mileage reimbursement paid to employees for use of their own motor vehicles, cost of purchase of motor vehicles by the municipality for the exclusive use of the enforcing agency (which cost may not be amortized), depreciation and operating expenses of motor vehicles made available to the enforcing agency by another municipal agency, and cost of rental of motor vehicles for use by the enforcing agency;
  - iii. Direct costs in support of the agency such as equipment, supplies, furniture, office equipment maintenance, standardized forms, printing, and safety equipment that are supplied directly to the enforcing agency for its sole use;
  - iv. Professional expenses of enforcing agency personnel that are directly related to the enforcement of the regulations, including publications, membership dues, license fees, and authorized travel to conferences, meetings and seminars;
  - v. Fees for services performed under contract by private on-site inspection agencies;
  - vi. Documented charges for legal services required in connection with construction code enforcement litigation;
  - vii. Fees for the annual audit of the dedicated fund by an independent auditor; and
  - viii. Subject to the limitations set forth in (c)3 below, indirect, overhead, and other expenses of the municipality in support of the enforcing agency, including:
    - (1) Legislative and Executive expenses;
    - (2) Administration, including personnel, payroll, and general training services provided to the agency in common with all other municipal offices;
    - (3) Central services shared jointly with other municipal offices, such as telephone, reproduction, centralized computer services, etc.;
    - (4) Insurance except for group insurance premiums included under employer fringe benefits;
    - (5) General building maintenance expenses;
    - (6) Finance, including bookkeeping, purchasing, and auditing;
    - (7) Office space expenses, including rent or interest and debt service on municipal capital facilities; and
    - (8) Such other expenses as may be properly allocable to construction code enforcement.
3. Indirect and overhead expenses charged to the construction code fee revenues shall not exceed 12 percent of all other costs of the enforcing agency unless the indirect and overhead expenses of the municipality exceed 12 percent of the entire municipal budget, in which case indirect and overhead

## § 5:23-4.17 Municipal enforcing agency fees

expense may be charged to construction code fee revenues in proportion to the general municipal overhead and expense ratio. A detailed written justification for any charge for indirect and overhead expenses in excess of 12 percent shall be prepared and made available for inspection both by the Department and by the public.

4. This subsection shall not be construed as precluding the use of money from the general fund of the municipality to pay costs of code enforcement when the construction code fee revenues generated from the fee schedule established pursuant to (b)1 above are insufficient for that purpose or when necessary to compensate the enforcing agency for work done without fee pursuant to statute or ordinance.

(d) The fee for development-wide inspection of homes after issuance of a certificate of occupancy ordered pursuant to [N.J.A.C. 5:23-2.35](#) shall be an amount equal to twice the hourly base salary paid to any licensed code official performing the work or the hourly fees charged to the municipality by a professional contracted to provide such services pursuant to [N.J.A.C. 5:23-2.35](#), subject to the accounting procedures and limits set forth below.

1. Such charges or fees shall be only those that are reasonable and necessary in order to ascertain whether a violation exists or to verify that any work performed has abated the violation.
2. The municipality shall place in escrow all monies paid by the developer for this purpose. The escrow shall be held in any account maintained by the municipality in the same manner as that established for the deposit of escrow funds paid for professional review services, inspection fees and performance and maintenance guarantees as provided for at [N.J.S.A. 40:55D-53.1](#).
3. The developer shall post an initial deposit in the amount of \$ 200.00 per home or an amount determined by the municipality to be necessary to cover the estimated cost of two months' inspection activity, whichever is greater. At monthly intervals, the developer shall increase the amount in the escrow fund so that it shall be sufficient to pay the cost of the next two months' inspection activity or the cost of completing the inspections, whichever is less.
4. Standards for hourly charges for development-wide inspection of homes after issuance of a certificate of occupancy shall be as follows:
  - i. Hourly charges shall be limited only to municipal or consulting professional charges for inspections, review of plans and supporting documents and preparation of reports and documents and shall accurately reflect the hours engaged in these activities.
  - ii. The only costs that shall be added to any such charges shall be actual out-of-pocket expenses of any consulting professional engineer or registered architect hired for this purpose including normal and typical expenses incurred in performing inspections and reviewing plans and supporting documents for the required corrective work.
  - iii. The developer shall not be billed and no charge shall be made to any escrow account or deposit for any municipal clerical or administrative functions, overhead expenses, meeting room charges, or any other municipal costs and expenses except as provided for in this subsection, nor shall a municipal enforcing agency professional add any such charges to his expenses.
  - iv. Where licensed municipal code officials perform these inspections, the fee shall be 200 percent of the hourly base salary of the inspector(s) multiplied by the number of hours spent on inspections and review of plans and supporting documents for any necessary corrective work.
5. Payments shall be charged to the escrow, and shall be made by the Chief Financial Officer of the municipality, and a final accounting shall be provided, in accordance with the procedure set forth in paragraphs c and d of [N.J.S.A. 40:55D-53.2](#). Payments shall be made from any such escrow by the Chief Financial Officer only upon approval by the Construction Official.

## § 5:23-4.17 Municipal enforcing agency fees

6. Appeals of any charges levied by the municipality pursuant to this subsection shall be made to the construction board of appeals, in accordance with the procedures set forth in [N.J.S.A. 40:55D-53.2a](#) and [N.J.A.C. 5:23A](#).

(e) Interlocal enforcement: When two or more municipalities or a county and one or more municipalities enter into an agreement to administer and enforce this chapter pursuant to [N.J.A.C. 5:23-4.6\(b\)](#) and the Uniform Shared Services and Consolidation Act ([N.J.S.A. 40A:65-1](#) et seq.), there shall be one uniform fee schedule which shall be applied by all parties to the agreement. Said fee shall be collected by the interlocal enforcing agency performing the administration and enforcement of the regulations. No additional fee shall be required to be paid or be paid by an applicant to any municipality or county for any Uniform Construction Code enforcement service. The enforcing agency shall maintain financial records showing for each municipality the amounts of money collected and expended in the enforcement of this chapter.

## History

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### HISTORY:

Amended by R.1982 d.401, effective November 15, 1982.

See: 14 N.J.R. 495(a), 14 N.J.R. 1300(a).

Added (d). Prior to recodification of [N.J.A.C. 5:23](#), this section was codified at 5:23-4.8.

Amended by R.1982 d.402, effective November 15, 1982.

See: 14 N.J.R. 943(a), 14 N.J.R. 1300(b).

Added to (b)2 that copy of report ... must be filed every two years.

Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

In (a): added "certificates of continued occupancy, certificate of approval" and deleted "moving of building permit ...".

In (a)1: added language regarding rounding of dollar amounts in fees.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted without change.

Amended by R.1990 d.115, effective February 5, 1990 (operative March 1, 1990).

See: 21 N.J.R. 3348(a), 22 N.J.R. 352(a).

Requirements added at (c) for the establishment of a mechanism (dedication by rider) to ensure construction fees are used for no other purpose than to fund annual costs for the operation of enforcing agencies.

Amended by R.1990 d.489, effective October 1, 1990.

See: 22 N.J.R. 1871(a), 22 N.J.R. 3147(a).

Amended to state that appropriation of municipal construction code fees may be done by rider or by estimates in advance, in accordance with the Local Budget Law, [N.J.S.A. 40A:4-1](#) et seq.

Amended by R.1992 d.148, effective April 6, 1992.

See: 24 N.J.R. 169(a), 24 N.J.R. 1399(a).

Construction official may report based on the municipality's fiscal year.

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Amended by R.1996 d.544, effective December 2, 1996 (operative February 1, 1997).

See: [28 N.J.R. 3996\(a\)](#), [28 N.J.R. 5071\(a\)](#).

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

Added new (d); and recodified former (d) as (e).

Administrative correction.

See: [38 N.J.R. 5355\(c\)](#).

Administrative correction.

See: [44 N.J.R. 2947\(a\)](#).

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

In the introductory paragraph of (b), inserted "or her"; and added (b)4.

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## [N.J.A.C. 5:23-4.18](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.18 Standards for municipal fees**

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**(a) General:**

1. The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of submission of an application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued; provided however, that the municipality may provide by ordinance that the plan review fee be paid at the time of granting the permit. Plan review fees are not refundable.
2. The fee to be charged for a construction permit will be the sum of the basic construction fee computed in accordance with (c) below herein plus any applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.
3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee;
4. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers employed by the facility and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purposes of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing. Annual permit fees shall be non-refundable.
5. Prior to the issuance of the annual permit, a training registration fee of \$ 140.00 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the municipal construction official, who shall forward the fee and list to the Department of Community Affairs, Bureau of Code Services, Training Section along with a copy of the construction permit (Form F170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.

**(b) Plan review fees:**

1. Plan review fees shall be computed as a percentage of the fee to be charged for the construction permit. This percentage shall, to the extent possible, approximate the actual costs incurred in plan review activities, but in any case shall be not less than five percent nor more than 25 percent of the amount that would be charged for the construction permit. For projects which do not require plan review for all subcodes, the fee shall be the appropriate percentage of the subcode fee which is applicable.
2. When plans have been reviewed and released by the Department or when a plan review is waived by the municipality in accordance with [N.J.A.C. 5:23-2.15\(f\)](#)1x, then the enforcing agency construction permit fee shall be reduced by 20 percent from the amount otherwise specified in the municipal enforcing agency fee schedule.
3. If a municipality has not established a plan review fee by ordinance, 20 percent of the construction permit fee shall be designated as the plan review fee for prototype plans.

## § 5:23-4.18 Standards for municipal fees

4. Whenever a permit application is received based on a released prototype plan, the permit fee shall be reduced by the amount of the plan review fee.

i. For Statewide prototype plans released by the Department or for other prototype plans where the prototype did not include the foundation detail, the construction permit fee shall be reduced by 15 percent from the amount otherwise specified in the municipal enforcing agency fee schedule.

5. The municipality may establish an hourly fee for review of any amendment or change to a plan that has already been released.

(c) Basic construction fee: The basic construction fee shall be computed on the basis of the volume of the building or, in the case of alterations, the estimated construction cost, and the number and types of plumbing, electrical and fire protection fixtures and devices as herein provided.

1. Fees for new construction or alterations shall be as follows:

i. Fees for renovations, alterations, reroofing, repairs, and site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connections for premanufactured construction, shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$ 1,000 of estimated cost.

ii. Fees for renovations, alterations, and repairs shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$ 1,000 of estimated cost.

iii. Fees for additions shall be computed on the same basis as for new construction for the added portion;

iv. Fees for combination renovations and additions shall be computed as the sum of the fees for the addition and alteration computed separately in accordance with (b) and (c) above;

v. The unit rates may vary for different occupancy groups or structures of different sizes within the same occupancy group.

vi. The unit rate for large, open-volume, single story spaces in buildings, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural, and storage-use occupancies, shall be less than the unit rate for other types of buildings and occupancy classifications. This shall be clearly indicated in the ordinance and schedule.

(1) For the purpose of calculating the volume to determine the fee for these spaces, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet;

vii. Temporary structures and all structures for which volume cannot be computed, such as swimming pools and open structural towers, shall be charged a flat rate;

viii. Fees for minor construction work shall be based upon the estimated cost of the work. The fee shall be computed as a unit rate per \$ 1,000 of estimated cost or fraction thereof.

ix. Fees for retaining walls shall be as follows:

(1) A retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall have a flat fee.

(2) A retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall have a flat fee.

(3) A newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

x. A different unit rate may be established for permits for work done in response to Notices of Violation issued pursuant to [N.J.A.C. 5:23-2.35](#).



## § 5:23-4.18 Standards for municipal fees

2. Plumbing fixtures and stacks: Fees shall be based upon the number of plumbing fixtures, devices, plumbing stacks and utility service connections to be installed. Utility service connections include sewer connections and water service connections. The fee shall be a unit rate per fixture, stack, and utility service connection. The unit rate may vary for different types of fixtures and utility service pipes, but this shall be clearly indicated in the ordinance and schedule. There shall be no inspection fee charged for gas service entrances.
  3. Electrical fixtures and devices: Fees shall be based upon the number of electrical fixtures or rating of electrical equipment and devices to be installed. The fee shall be a unit rate per fixture or per kilowatt, horsepower or ampere rating of the device or equipment. The unit rate may vary for different types of fixtures or devices, but this shall be clearly indicated in the ordinance and schedule.
  4. Fees shall be based upon the number of sprinkler heads, standpipes, and detectors (smoke and heat) and shall be reasonable unit charges. Fees may also be charged for the inspection of premanufactured fire suppression systems, for gas and oil fired appliances not connected to the plumbing system, for kitchen exhaust systems and for incinerators, replacement of an existing transmission means as per [N.J.A.C. 5:23-2.17A\(c\)5v](#), and crematoriums. The municipal ordinance shall clearly set forth what fees are to be charged for what devices.
  5. The municipality shall set a flat fee for a mechanical inspection performed by a mechanical inspector or a plumbing inspector in a structure of Group R-3 or R-5. No separate fee shall be charged for gas, fuel oil, or water piping connections, including the bonding conductor (jumper), associated with the mechanical equipment inspected.
  6. Fees for construction permits for individual tenant spaces in multi-tenant buildings shall be applied as follows:
    - i. If full plans and specifications for the space(s) are not part of the original permit application, the fee for permit updates shall be based on the cost of the work. For electrical, fire, and plumbing work, the fees for permit updates shall be based on the equipment installed in accordance with (c)2, 3, or 4 above.
- (d)** Demolition permit fees: Permit fees for demolition of a building or structure shall be a flat fee. This fee may vary according to type of structure or whether there has been a condemnation, but this shall be clearly indicated in the ordinance and schedule.
- (e)** Sign permit fees: The fee for a permit to construct a sign shall be either based upon the square foot area of the surface of the sign, computed on one side only for double-faced signs, or a flat fee per sign.
- (f)** Certificate fees:
1. The fee for a certificate of occupancy for new construction shall be computed as a percentage of the fee to be charged for the construction permit. This percentage shall be an amount sufficient to cover the actual costs for processing the certificate of occupancy. In the alternative, the municipality may establish a flat fee for the certificate of occupancy.
  2. The municipality shall establish a flat fee for certificate of continued occupancy, for certificate of occupancy granted pursuant to a change of use, for multiple certificates of occupancy (as for a shopping center), and similar conditions.
  3. The fee for the first issuance and the renewal of a temporary certificate of occupancy shall not exceed \$ 30.00.
    - i. Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time.
  4. Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (such as prior approvals from state or municipal agencies), the duration of the temporary certificate of occupancy shall be reasonably consistent with the time required for compliance with the conditions of the prior approval.

## § 5:23-4.18 Standards for municipal fees

5. There shall be no fee charged for a certificate of approval issued pursuant to [N.J.A.C. 5:23-2.23\(j\)](#).
  6. There shall be no fee for a certificate of compliance.
- (g)** Elevator, backflow preventer and cross connection fees are as follows:
1. The fee for a permit to install an elevator device shall be a flat fee. The fee may vary for different types of inspections, tests and elevator devices.
  2. The fees for inspections and witnessing of tests for an elevator, escalator, moving walk, dumbwaiter or other elevator device shall be flat fees. These fees may vary for different required inspections and tests, but any variation shall be set forth in the ordinance and the schedule.
  3. The categories of municipal elevator fees shall be identical to the categories of elevator fees listed at [N.J.A.C. 5:23-12.6\(a\)](#) and (b).
  4. For cross-connections and backflow preventers that are subject to annual re-testing, the fee shall be a flat fee.
- (h)** No special fee shall be established for any class or type of work which is undertaken as a part of work authorized by a construction permit, except elevator and sign permits as herein provided. Other special fees may be established for work regulated by the code but not undertaken as a part of the new construction project. Such special fees shall be flat fees.
- (i)** Rules concerning the appeal of fees are:
1. Whenever any person shall believe that the fees established by a municipality, pursuant to this subsection, fail to meet the standards of this section for establishing fees, that person shall be entitled to petition the commissioner for a review of the fee schedule in question.
    - i. Any such petition shall state the name, place of residence and the manner in which the fee schedule affects the petitioner. It shall further state the manner in which the petitioner believes the fees established to be inconsistent with the standards established herein.
    - ii. If, upon investigation, the commissioner determines that there is reason to believe that the fees in question do not meet the standards established herein, then the commissioner shall set a time and the place for a hearing. The purpose of the hearing shall be to determine the facts.
    - iii. No such hearing shall be called except upon 30 days notice to the municipality and the petitioner. The municipality shall be required to furnish such information concerning construction volume, construction activity, and local enforcing agency costs as the commissioner may require in order that a determination may be made.
    - iv. As soon as practical after the conclusion of such a hearing, the commissioner shall make a finding and determination as to whether the fee schedule in question, as a whole or in any of its parts, conforms or fails to conform to the standards established in this section.
  2. In addition to any other actions that he may take upon determining that the fees established by a municipality fail to meet the standards of this section, the commissioner may order the repayment of the excess amount of such fees to the persons who have paid them.
  3. Any appeal of hourly charges imposed pursuant to (f) below shall be made in accordance with [N.J.S.A. 40:55D-53.2a](#) and [N.J.A.C. 5:23A](#).
- (j)** Fees to be charged by municipalities where private on-site inspection and plan review agencies or supplemental private on-site inspection agencies carry out subcode official responsibilities shall not exceed those amounts to be paid to those private agencies for those services, pursuant to the contract between the private agency and the municipality, plus such amount as may be sufficient to cover a proportionate share of administrative costs incurred by the local enforcing agency in connection with inspections performed by private agencies.

## § 5:23-4.18 Standards for municipal fees

(k) The fee charged for the annual electrical inspection of a swimming pool, spa, or hot tub shall be a flat fee and the amount of the fee shall be set to cover the cost. A reduced fee shall be set for each additional swimming pool, spa, or hot tub on a site.

(l) Fees for development-wide inspection of homes after issuance of a certificate of occupancy shall be in accordance with [N.J.A.C. 5:23-4.17\(d\)](#).

## History

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### HISTORY:

Amended by R.1984 d.260, effective July 2, 1984.

See: 16 N.J.R. 3(a), 16 N.J.R. 1714(c).

Section substantially amended.

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

Old (a)4 deleted and new text substituted.

Amended by R.1986 d.213, effective June 16, 1986.

See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Added text to (a)4 "annual permit-fees shall be non-refundable" and (a)5 "Prior to the issuance of the annual permit" and "Bureau of Construction Code Enforcement."

Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

Minor technical changes made throughout section.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989 (operative January 1, 1990 for 4.18(c)-(e)).

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted with change.

Added sections (c)4; (k)1iv and v.

Deleted sections (e), "Removal permit fees"; (l)1ii, "Fire subcode"; and (l)4, "Elevator fees . . .", with renumbering and recodification.

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

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

Uniform flat fees for elevators to be set forth in ordinance and schedule.

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

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

Form numbers changed in (a)5.

Amended by R.1992 d.313, effective August 3, 1992.

See: 24 N.J.R. 1846(a), 24 N.J.R. 2712(b).

No inspection fee for gas service entrances.

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

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

Added (c)5.

Amended by R.1993 d.353, effective July 19, 1993.

See: 25 N.J.R. 1629(a), 25 N.J.R. 3147(a).

Amended by R.1993 d.665, effective December 20, 1993.

See: 25 N.J.R. 4548(a), 25 N.J.R. 5928(a).

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

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

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

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), [27 N.J.R. 3325\(a\)](#).

In (a)(5) added individuals to be trained and registered.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Rewrote (f) and (g).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: [27 N.J.R. 2655\(a\)](#), [27 N.J.R. 4699\(a\)](#).

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.1997 d.418, effective October 6, 1997.

See: [29 N.J.R. 3402\(a\)](#), [29 N.J.R. 4286\(a\)](#).

In (c)5, inserted reference plumbing inspector.

Amended by R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

Rewrote (c)3; and added (l).

Amended by R.2001 d.347, effective October 1, 2001.

See: [32 N.J.R. 3218\(a\)](#), [33 N.J.R. 3430\(a\)](#).

Rewrote (f).

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (c), rewrote 5.

## § 5:23-4.18 Standards for municipal fees

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

In (b), rewrote 2, deleted the N.J.A.C. reference in 3 and added 4; deleted former (i) and recodified former (j) through (l) as (i) through (k).

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

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

Added (c)1viii.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (c)5, added ", including the bonding conductor (jumper),".

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

See: [37 N.J.R. 4106\(a\)](#), [38 N.J.R. 1573\(a\)](#).

In (j), substituted "plus such amount as may be sufficient to cover a proportionate share of administrative costs incurred by the local enforcing agency in connection with inspections performed by private agencies" for "by more than 15 percent".

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

Added (c)1ix, (i)3 and (l).

Amended by R.2007 d.125, effective May 7, 2007.

See: [38 N.J.R. 3707\(a\)](#), [39 N.J.R. 1671\(a\)](#).

Added (c)6.

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

Added (b)5.

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

In (c)4, inserted ", replacement of an existing transmission means as per [N.J.A.C. 5:23-2.17A\(c\)5v](#),".

Amended by R.2012 d.179, effective November 5, 2012.

See: [44 N.J.R. 1679\(a\)](#), [44 N.J.R. 2557\(a\)](#).

Rewrote (c)1v and (k); and in (g)4, substituted "annual re-testing" for "testing and require reinspection".

Amended by R.2016 d.044, effective May 16, 2016.

See: [47 N.J.R. 2696\(a\)](#), [48 N.J.R. 801\(a\)](#).

## § 5:23-4.18 Standards for municipal fees

In the introductory paragraph of (c), inserted a comma following "electrical"; recodified (c)1v in part as new (c)1vi; in (c)1vi, inserted ", single story spaces in", deleted "recreational, " following "agricultural,", substituted "occupancies" for the second occurrence of "buildings", and substituted a period for a semicolon at the end; added (c)1vi(1); and recodified former (c)1vi through (c)1ix as (c)1vii through (c)1x.

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In (c)5, deleted ", R-4," following "R-3".

Amended by R.2024 d.028, effective April 1, 2024.

See: [55 N.J.R. 1595\(a\)](#), [56 N.J.R. 469\(a\)](#).

In (j), inserted "or supplemental private on-site inspection agencies".

NEW JERSEY ADMINISTRATIVE CODE

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End of Document

## [N.J.A.C. 5:23-4.19](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.19 New Jersey State permit surcharge fees**

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(a) In order to provide for the training and certification and technical support programs required by the Act, an enforcing agency, including the Department when acting as the local agency, shall collect a surcharge fee to be based upon the volume of new construction within the municipality. Said fee shall be accounted for and forwarded to the Division of Codes and Standards in the manner herein provided.

(b) Amount: This fee shall be in the amount of \$ 0.00371 per cubic foot volume of new buildings and additions. Volume shall be computed in accordance with [N.J.A.C. 5:23-2.28](#). The fee for all other construction shall be \$ 1.90 per \$ 1,000 of value of construction.

1. No fee shall be collected for preengineered systems of commercial farm buildings.
2. No fee shall be collected for permits to perform asbestos abatement or lead abatement.
3. No fee shall be collected for permits for the construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income, as defined in *N.J.A.C. 5:43-1.5*.
4. No fee shall be collected for demolition of buildings or structures.
5. No fee shall be collected for work consequential to a natural disaster when the local code enforcement agency is waiving its fee.
6. The minimum permit surcharge fee shall be \$ 1.00.

(c) Remitting and reporting:

1. The municipality shall remit fees to the Bureau on a quarterly basis, in conjunction with report number R-840B State Training Fee Report in accordance with [N.J.A.C. 5:23-4.5\(e\)](#). Fees remitted shall be for the quarter. Checks shall be made payable to "Treasurer, State of New Jersey."

## **History**

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### **HISTORY:**

Amended by R.1982 d.220, effective July 19, 1982.

See: 14 N.J.R. 456(a), 14 N.J.R. 755(b).

In (c)3i deleted "state fiscal" and "third and fourth quarter" and added "quarters of the calendar" year. In (c)3ii deleted reporting on an annual basis and added quarterly report. Also added iii and (1). Prior to recodification of [N.J.A.C. 5:23](#), this section was codified at 5:23-4.8(c).

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

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

## § 5:23-4.19 New Jersey State permit surcharge fees

In (c), deleted old 1.-3. and added new 1.

Emergency adoption, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

In (b): changed "will" to "shall" and changed "\$ 0.0006" to "\$ 0.0014" per cubic foot.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted without change.

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

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

At (c)1, monthly reporting and fee submissions changed to quarterly.

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

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

In (b) increased fee amount from \$ 0.0014 to \$ 0.0016 per cubic foot.

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

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

Fees to be paid to Regulatory Affairs.

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

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

Fee amount amended at (b).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: [27 N.J.R. 2655\(a\)](#), [27 N.J.R. 4699\(a\)](#).

Administrative correction.

See: [28 N.J.R. 1981\(b\)](#).

Amended by R.1997 d.303, effective July 21, 1997.

See: [29 N.J.R. 1437\(b\)](#), [29 N.J.R. 3247\(a\)](#).

Subdivided (b); in (b), deleted reference to preengineered systems of commercial farm buildings; and added (b)2.

Amended by R.2001 d.194, effective June 18, 2001.

See: [33 N.J.R. 1041\(a\)](#), [33 N.J.R. 2097\(a\)](#).

In (a), substituted "Division of Codes and Standards" for "Bureau of Regulatory Affairs"; in (b), added 3 and 4.

Amended by R.2002 d.42, effective February 4, 2002.

See: [33 N.J.R. 3713\(a\)](#), [34 N.J.R. 732\(a\)](#).

In (b), added 5.

Amended by R.2002 d.260, effective August 5, 2002.

See: [34 N.J.R. 1572\(a\)](#), [34 N.J.R. 2781\(c\)](#).



## § 5:23-4.19 New Jersey State permit surcharge fees

In (b), substituted "\$ 0.0019" for "\$ 0.0016" and "\$ 0.96" for "\$ 0.80" in the introductory paragraph.

Administrative correction.

See: [35 N.J.R. 2208\(b\)](#).

Amended by R.2003 d.249, effective June 16, 2003.

See: [35 N.J.R. 1361\(a\)](#), [35 N.J.R. 2639\(a\)](#).

In (b), substituted "\$ 0.00265" for "\$ 0.0019" and "\$ 1.35" for "\$ 0.96".

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

In the introductory paragraph of (b), substituted "\$ 0.00334" for "\$ 0.00265" and "\$ 1.70" for "\$ 1.35"; and added (b)6.

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

In the introductory paragraph of (b), substituted "\$ 0.00371" for "\$ 0.00334" and "\$ 1.90" for "1.70".

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-4.20](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

#### **§ 5:23-4.20 Department fees**

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**(a) General:**

1. The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of application for a permit. The amount of this fee shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.
2. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.
3. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.
4. Where the Department, pursuant to [N.J.A.C. 5:23-4.24](#), is designated as the plan review agency, or when the Department has been requested to provide plan review services by a municipality pursuant to [N.J.A.C. 5:23-4.24](#), or when the Department is designated as the local enforcing agency pursuant to [N.J.A.C. 5:23-4.3](#), the following schedule of fees shall pertain.
5. The construction or rehabilitation of residential units that are to be legally restricted to occupancy by households of low or moderate income shall be exempted from the fees set forth in (b) and (c) below and otherwise payable to the Department.
6. No fee shall be collected for work consequential to a natural disaster when the Department is the local enforcing agency.

**(b) Departmental plan review fee:**

1. The plan review fee for new construction shall be based upon the volume of the structure.
  - i. For buildings or structures in Use Groups A, F, or S, the plan review fee shall be \$.014 per cubic foot;
  - ii. For health care facilities in Use Groups B or I, the plan review fee shall be \$.031 per cubic foot; and
  - iii. For all other buildings or structures, the plan review fee shall be \$.022 per cubic foot.
2. The plan review fee for renovations, alterations, repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and external utility connections for pre-manufactured construction shall be based upon the estimated cost of work.
  - i. For health care facilities in Use Groups B or I, the fee shall be \$ 20.00 per \$ 1,000 or part thereof for estimated cost not exceeding \$ 50,000, \$ 16.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 50,000 and not exceeding \$ 100,000, and \$ 13.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 100,000; and

## § 5:23-4.20 Department fees

- ii. For all other buildings or structures, the fee shall be \$ 15.00 per \$ 1,000 or part thereof for estimated cost not exceeding \$ 50,000, \$ 11.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 50,000 and not exceeding \$ 100,000, and \$ 10.00 per \$ 1,000 or part thereof for estimated cost in excess of the first \$ 100,000.
  - 3. The elevator device plan review fee shall be as set forth in (c)6 and 7 below.
  - 4. There shall be an additional fee of \$ 64.00 per hour for review of any amendment or change to a plan that has already been released.
  - 5. In any case where the Department conducts plan review for a local enforcing agency, the fee charged by the local enforcing agency for inspection services shall be 80 percent of the fee that would otherwise be determined under the local fee schedule.
- (c) Departmental (enforcing agency) fees shall be as follows:
- 1. The fee for plan review shall be 20 percent of the amount to be charged for a construction permit.
    - i. The elevator device plan review fee shall be as in (c)6 and 7 below.
    - ii. The fee for plan review for Statewide prototype plans released by the Department or for other prototype plans where the prototype did not include the foundation detail shall be five percent of the amount to be charged for a construction permit.
  - 2. The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and rating of electrical devices, the number of sprinklers, standpipes, and detectors (smoke and heat) at the unit rates, and/or the applicable flat fees as provided in this subchapter plus any special fees.
    - i. Building volume or cost: The fees for new construction or alteration are as follows:
      - (1) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with [N.J.A.C. 5:23-2.28](#). The new construction fee shall be in the amount of \$ 0.038 per cubic foot of volume for buildings and structures of all groups and types of construction as classified and defined in Chapters 3 and 6, respectively, of the building subcode;
      - (2) The fee shall be \$ 0.021 per cubic foot of volume for groups A-1, A-2, A-3, A-4, A-5, F-1, F-2, S-1, and S-2, and the fee shall be \$ 0.0011 per cubic foot for structures on farms, including commercial farm buildings under [N.J.A.C. 5:23-3.2\(d\)](#), with the maximum fee for such structures on farms not to exceed \$ 1,602.
        - (A) For purposes of calculating the volume to determine the fee for large, open-volume, single story spaces in buildings, such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural and storage-use occupancies, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space may be greater than 20 feet.
      - (3) Fees for renovations, alterations, and repairs or site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction, and the external utility connection for premanufactured construction shall be based upon the estimated cost of work. The fee shall be in the amount of \$ 34.00 per \$ 1,000 for the first \$ 50,000, prorated. From \$ 50,001 to and including \$ 100,000, the fee on the amount exceeding \$ 50,000 shall be in the amount of \$ 26.00 per \$ 1,000 of estimated cost, prorated. Above \$ 100,000, the fee on the amount exceeding \$ 100,000 shall be in the amount of \$ 22.00 per \$ 1,000 of estimated cost, prorated. For the purpose of determining estimated cost, the applicant shall submit to the Department such cost data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide

## § 5:23-4.20 Department fees

contractor's bid, if available, shall be submitted. The Department shall make the final decision regarding estimated cost.

- (4)** Fees for additions shall be computed on the same basis as for new construction for the added portion.
- (5)** Fees for combination renovations and additions shall be computed as the sum of the fees computed separately in accordance with (c)2i(3) and (4) above.
- (6)** The fee for tents, in excess of 900 square feet or more than 30 feet in any dimension, shall be \$ 129.00.
- (7)** The fee for roofing and siding work completed on structures of Group R-3 or R-5 shall be \$ 65.00.
- (8)** The fee for an above-ground swimming pool shall be \$ 140.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$ 70.00. The fee for an in-ground swimming pool shall be \$ 210.00 for a pool with a surface area greater than 550 square feet; the fee in all other cases shall be \$ 106.00.
- (9)** Fees for retaining walls shall be as follows:
  - (A)** The fee for a retaining wall with a surface area greater than 550 square feet that is associated with a Class 3 residential structure shall be \$ 210.00;
  - (B)** The fee for a retaining wall with a surface area of 550 square feet or less that is associated with a Class 3 residential structure shall be \$ 106.00; and
  - (C)** The fee for a newly constructed retaining wall of any size at other than a Class 3 residential structure shall be based on the cost of the construction.

**ii.** Plumbing fixtures and equipment: The fees shall be as follows:

- (1)** The fee shall be in the amount of \$ 15.00 per fixture, piece of equipment, or appliance connected to the plumbing system, and for each appliance connected to the gas piping or oil piping system, except as indicated in (c)2ii(2) below.
- (2)** The fee shall be \$ 91.00 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone, and pressure vacuum breaker backflow preventers), steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, sewer pumps, and interceptors. There shall be no inspection fee charged for gas service entrances.

**iii.** Electrical fixtures and devices: The fee shall be as follows:

- (1)** For the first block consisting of one to 50 receptacles, fixtures, or devices, the fee shall be \$ 50.00; for each additional block consisting of up to 25 receptacles, fixtures, or devices, the fee shall be \$ 9.00. For the purpose of computing this fee, receptacles, fixtures, or devices shall include lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light-standards eight feet or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures, and devices rated 20 amperes or less including motors or equipment rated less than one horsepower (hp) or one kilowatt (kw).
- (2)** For each motor or electrical device rated from one hp or one kw to 10 hp or 10 kw; for each transformer or generator rated from one kw or one kilovolt-amperes (kva) to 10 kw or 10 kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage bath tub; for each underwater lighting fixture; for household electric cooking equipment rated up to 16 kw; for each fire, security, or burglar alarm control unit; for each receptacle rated from 30 amperes to 50 amperes; for each light-standard greater than eight

## § 5:23-4.20 Department fees

feet in height including luminaries; and for each communications closet, the fee shall be \$ 15.00.

**(3)** For each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$ 65.00.

**(4)** For each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated from greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated from greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva, the fee shall be \$ 129.00.

**(5)** For each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panel board, switch board, switch gear, motor-control-center, or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva, the fee shall be \$ 640.00.

**(6)** The fee charged for electrical work for each permanently installed private swimming pool as defined in the building subcode, spa, hot tub, or fountain shall be a flat fee of \$ 77.00, which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, and heaters, etc., excepting panelboards and underwater lighting fixtures. For public swimming pools, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with (c)2iii(1) through (5) above.

**(7)** The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar, or security alarm systems in any one or two-family dwelling shall be a flat fee of \$ 33.00 per dwelling unit. For fire, burglar, and security alarm systems and detectors in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iii(1) and (2) above.

**(8)** For installations consisting of multimeter stacks, the fee shall be based on the ampere rating of the main bus and not upon the number of meters or rating of disconnects on the meter stack. Individual loadside panel boards shall be charged in accordance with (c)2iii(3), (4) or (5) above. There shall be no additional fee charged for the concurrent installation of individual feeder conductors.

**(9)** For motors or similar devices requiring concurrent installation of individual controls, relays and switches, the fee shall be based only upon the rating of the motor or device. There shall be no additional fee charged for the concurrent installation of individual circuit components, for example, controllers, starters, and disconnecting means.

**(10)** For electrical work requiring replacement of service entrance conductors or feeder conductors only, the fee shall be based on the designated ampere rating of the overcurrent device of the service or feeder as follows:

**(A)** 225 amperes or less, the fee shall be \$ 65.00;

**(B)** 226 to 1,000 amperes, the fee shall be \$ 129.00; and

**(C)** Greater than 1,000 amperes, the fee shall be \$ 640.00.

**(11)** The fee charged for process equipment shall be based on the ampere rating of the overcurrent device protecting the conductor feeding the process equipment or the cutoff device.

## § 5:23-4.20 Department fees

**(12)** For the purpose of computing these fees, all electrical and communications devices, utilization equipment and motors which are part of premises wiring, except those which are portable plug-in type, shall be counted.

**(13)** For photovoltaic systems, the fee shall be based on the designated kilowatt rating of the solar photovoltaic system as follows:

- (A)** One to 50 kilowatts, the fee shall be \$ 65.00;
- (B)** Fifty-one to 100 kilowatts, the fee shall be \$ 129.00; and
- (C)** Greater than 100 kilowatts, the fee shall be \$ 640.00.

**iv.** For fire protection and hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators, and crematoriums, the fee shall be as follows:

- (1)** The fee for 20 or fewer heads shall be \$ 91.00; for 21 to and including 100 heads, the fee shall be \$ 168.00; for 101 to and including 200 heads, the fee shall be \$ 321.00; for 201 to and including 400 heads, the fee shall be \$ 831.00; for 401 to and including 1,000 heads, the fee shall be \$ 1,150; for over 1,000 heads, the fee shall be \$ 1,469.
- (2)** The fee for one to 12 detectors shall be \$ 50.00; for each 25 detectors in addition to this, the fee shall be in the amount of \$ 17.00.
- (3)** The fee for each standpipe shall be \$ 321.00.
- (4)** The fee for each independent pre-engineered system shall be \$ 129.00.
- (5)** The fee for each gas or oil fired appliance that is not connected to the plumbing system shall be \$ 65.00.
- (6)** The fee for each kitchen exhaust system shall be \$ 65.00.
- (7)** The fee for each incinerator shall be \$ 511.00.
- (8)** The fee for each crematorium shall be \$ 511.00.
- (9)** For single and multiple station smoke or heat detectors and fire alarm systems in any one or two-family dwellings, there shall be a flat fee of \$ 33.00 per dwelling unit. For detectors and fire alarm systems in buildings other than one or two-family dwellings, the fee shall be charged in accordance with (c)2iv(2) above.
- (10)** The fee for replacement of an existing transmission means as per [N.J.A.C. 5:23-2.17A\(c\)5v](#) shall be \$ 35.00.

**3.** Fees for certificates and other permits are as follows:

- i.** The fee for a demolition or removal permit shall be \$ 92.00 for a structure of less than 5,000 square feet in area and less than 30 feet in height, for one- or two-family dwellings (Group R-3 or R-5 of the building subcode), structures on farms, including commercial farm buildings under [N.J.A.C. 5:23-3.2\(d\)](#), and \$ 168.00 for all other Groups.
- ii.** The fee for a permit to construct a sign shall be as follows:
  - (1)** Fees for pylon signs shall be \$ 6.00 per square foot for the first 100 square feet, \$ 4.75 per square foot for the next 400 square feet, and \$ 3.50 per square foot thereafter;
  - (2)** Fees for ground signs or wall signs shall be \$ 3.00 per square foot for the first 100 square feet, \$ 2.10 per square foot for the next 400 square feet, and \$ 1.40 per square foot thereafter;
  - (3)** The minimum fee shall be \$ 65.00.
- iii.** The fee for a certificate of occupancy shall be \$ 39.00.

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- iv. The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$ 168.00.
  - v. The fee for a certificate of continued occupancy issued under [N.J.A.C. 5:23-2.23\(c\)](#) shall be \$ 168.00.
  - vi. The fee for the first issuance and the renewal of a temporary certificate of occupancy shall be \$ 39.00.
    - (1) Exception: There shall be no fee for the first issuance of the temporary certificate of occupancy provided the certificate of occupancy fee is paid at that time.
    - (2) Exception: Where a written request for a temporary certificate of occupancy is made for reasons other than uncompleted work covered by the permit (such as uncompleted work required by prior approvals from state or municipal agencies), no renewal fee shall be charged.
  - vii. The fee for plan review of a building for compliance under the alternate systems and non-depletable energy source provisions of the energy sub-code shall be \$ 383.00 for one- and two-family dwellings (Group R-3 or R-5 of the building subcode), and for light commercial structures having the indoor temperature controlled from a single point, and \$ 1,915 for all other structures.
  - viii. The fee for an application for a variation in accordance with [N.J.A.C. 5:23-2.10](#) shall be \$ 821.00 for class 1 structures and \$ 168.00 for class 2 and class 3 structures. The fee for resubmission of an application for a variation shall be \$ 321.00 for class 1 structures and \$ 91.00 for class 2 and class 3 structures.
  - ix. The fee for a permit for lead hazard abatement work shall be \$ 196.00. The fee for a lead abatement clearance certificate shall be \$ 39.00.
4. For cross connections and backflow preventers that are subject to annual re-testing, the fee shall be \$ 12.00 for each device.
5. Annual permit requirements are as follows:
- i. The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing.
  - ii. Fees for annual permits shall be as follows:
    - (1) One to 25 workers (including foremen) \$ 933.00/worker; each additional worker over 25, \$ 329.00/worker.
    - (2) Prior to the issuance of the annual permit, a training registration fee of \$ 196.00 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Code Services, Education Unit along with a copy of the construction permit (Form F170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.
6. The fee for plan review for elevator devices in structures of Group R-3, R-4, or R-5, and for elevator devices wholly within dwelling units in structures of Group R-2 shall be \$ 70.00 for each device.
7. The fee for plan review for elevator devices in structures of Groups other than R-3, R-4, or R-5 and devices in structures of Group R-2 exempted by (c)6 above shall be \$ 365.00 for each device.
8. The fees for elevator device inspections and tests shall be as set forth in N.J.A.C. 5:23-12.

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**9.** The fee for a mechanical inspection in a structure of Group R-3 or R-5 by a mechanical inspector shall be \$ 60.00 for the first device and \$ 15.00 for each additional device. No separate fee shall be charged for gas, fuel oil, or water piping connections associated with the mechanical equipment inspected.

**10.** The fee for the annual electrical inspection of a swimming pool, spa, or hot tub shall be \$ 50.00. The fee for the annual electric inspection of each additional swimming pool, spa, or hot tub on a site shall be \$ 34.00.

**(d)** The fee for an application by a manufacturer, distributor, owner or any other person for approval of any fixture, appurtenance, material or method, pursuant to [N.J.A.C. 5:23-3.8](#), shall be an amount equal to the cost incurred, or to be incurred, by the Department for such tests as the Department may require, plus an administrative surcharge in the amount of 10 percent of such cost.

**(e)** Hourly charges and fees for development-wide inspection of homes after issuance of a certificate of occupancy shall be in such amount as may be reasonable and necessary in order to ascertain whether a violation exists or to verify that any work performed has abated the violation.

**1.** The hourly charge shall be the same as the hourly charge set forth at [N.J.A.C. 5:23-4.20\(b\)](#) 4 times the number of hours spent by the code official in determining whether a violation exists or verifying that any work performed has abated the violations.

**2.** Any appeal of a charge levied by the Department pursuant to this subsection shall be made in accordance with [N.J.A.C. 5:23-2.38](#).

## History

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### HISTORY:

Amended by R.1982 d.402, effective November 15, 1982.

See: 14 N.J.R. 943(a), 14 N.J.R. 1300(b).

Text substantially amended. Department fees increased approximately 50 percent.

Amended by R.1982 d.463, effective January 3, 1983.

See: 14 N.J.R. 1129(a), 14 N.J.R. 1449(a).

Added (c)10, periodic reinspection fees.

Amended by R.1983 d.548, effective December 5, 1983.

See: 15 N.J.R. 1406(a), 15 N.J.R. 2033(b).

In (c)2., added "mechanical systems and equipment" and "the number of sprinklers and standpipes". Also added iv.-v.

Amended by R.1983 d.641, effective January 17, 1984.

See: 15 N.J.R. 1911(a), 16 N.J.R. 129(b).

Substantial changes in section.

Correction: 16 N.J.R. 2267(a).

Amended by R.1985 d.351, effective July 15, 1985.

See: 17 N.J.R. 1029(a), 17 N.J.R. 1756(b).

(c)11 and 12 added.

Amended by R.1986 d.213, effective June 16, 1986.



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See: 17 N.J.R. 2490(a), 18 N.J.R. 1266(a).

Added text to (a)12 "Prior to the issuance of the annual permit" and "Bureau of Construction Code Enforcement".

Amended by R.1987 d.490, effective November 16, 1987.

See: 19 N.J.R. 1684(a), 19 N.J.R. 2134(a).

Fees raised.

Emergency amendment, R.1989 d.405, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2127(b).

Amended extensively based on an overall increase of approximately 30 percent in fees for code enforcement and planned real estate development, and an increase in the State training fee per cubic foot volume of new construction. Changed fee amounts throughout.

Adopted concurrent proposal, R.1989 d.512, effective September 1, 1989.

See: 21 N.J.R. 2127(a), 21 N.J.R. 3086(a).

Provisions of emergency amendment R.1989 d.405 readopted with change.

Restructured section.

In (a): added new 5.

In (c): deleted (c)2i(5) regarding minor construction work fees.

In (c)2ii(2): added text to specify equipment fees and deleted (c)2ii(3) regarding fixtures.

In (c)2iii: deleted (3)-(5) and added new (3)-(6).

Deleted (c)3-6 regarding fees, and added (c)2iv, with new (3)-(7) on new fee structure.

Added (c)3 and 4 and renumbered (c)7-12 as (c)3-6ii.

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

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

Technical change of Form number in (c)6ii.

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

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

In (b), plan review surcharge increased from 30 to 40 percent; plan review only increased from 20 to 25 percent; minimum fee increased from \$ 33.00 to \$ 43.00.

In (c)2, basic construction fee permit increased from \$ 33.00 to \$ 43.00.

In (c)2i(1), new construction fee increased from \$ 0.019 to \$ 0.025; for use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1, S-2 increased from \$ 0.011 to \$ 0.014; farm structures increased from \$ 0.0005 to \$ 0.0007; maximum farm structures fee increased from \$ 815.00 to \$ 1,060.

In (c)2i(2), fees increased from \$ 17.00 to \$ 22.00; from \$ 13.00 to \$ 17.00 above \$ 50,000; from \$ 11.00 to \$ 14.00 above \$ 100,000.

In (c)2ii(1), fee increased from \$ 7.00 to \$ 9.00 per fixture.

In (c)2ii(2), fee increased from \$ 46.00 to \$ 60.00 per special device.

In (c)2iii(1), fee increased from \$ 25.00 to \$ 33.00 for one to 50 receptacles or fixtures; each 25 additional increased from \$ 4.00 to \$ 5.00.

In (c)2iii(2), fee increased from \$ 7.00 to \$ 9.00.

In (c)2iii(3), fee increased from \$ 33.00 to \$ 43.00.

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In (c)2iii(4), fee increased from \$ 65.00 to \$ 85.00.

In (c)2iii(5), fee increased from \$ 325.00 to \$ 423.00.

In (c)2iv(1), fee increased from \$ 46.00 to \$ 60.00 for 20 or fewer heads; from \$ 85.00 to \$ 111.00 for 21 to 100 heads; from \$ 163.00 to \$ 212.00 for 101 to 200 heads; from \$ 423.00 to \$ 550.00 for 201 to 400 heads; from \$ 585.00 to \$ 761.00 for 401 to 1,000 heads; from \$ 748.00 to \$ 972.00 for over 1,000 heads.

In (c)2iv(2), fee increased from \$ 163.00 to \$ 212.00.

In (c)2iv(3), fee increased from \$ 65.00 to \$ 85.00.

In (c)2iv(4) and (5), fee increased from \$ 33.00 to \$ 43.00.

In (c)2iv(6) and (7), fee increased from \$ 260.00 to \$ 338.00.

In (c)4i, demolition and removal permit increased from \$ 46.00 to \$ 60.00 and for form structure removal from \$ 85.00 to \$ 111.00.

In (c)4ii, fee for permit to construct a sign increased from \$ 0.85 to \$ 1.11 per square foot; minimum fee increased from \$ 33.00 to \$ 43.00.

In (c)4iii, certificate of occupancy fee increased from \$ 85.00 to \$ 111.00; minimum fee for form structures increased from \$ 46.00 to \$ 60.00.

In (c)4iv, fee increased from \$ 124.00 to \$ 161.00.

In (c)4v, fee increased from \$ 85.00 to \$ 111.00.

In (c)4vii, fee increased from \$ 20.00 to \$ 26.00.

In (c)4viii, fees increased from \$ 195.00 to \$ 254.00 for one and two-family homes and from \$ 975.00 to \$ 41,268 for light commercial structures.

In (c)4ix, fees increased from \$ 423.00 to \$ 550.00 for class I structures and from \$ 85.00 to \$ 111.00 for class II and III structures. Resubmission of applications increased from \$ 163.00 to \$ 212.00 for class I structures and from \$ 46.00 to \$ 60.00 for class II and III structures.

In (c)5iii, fees increased from \$ 33.00 to \$ 43.00 for thrice annual testing and from \$ 85.00 to \$ 111.00 for annual testing.

In (c)6ii(1), fees increased from \$ 475.00 to \$ 618.00 for one to 25 workers and from \$ 165.00 to \$ 215.00 per worker over 25.

In (c)6ii(2), fee increased from \$ 100.00 to \$ 130.00.

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

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

Departmental fees set at (c).

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Notice of correction, effective May 18, 1992.

See: 24 N.J.R. 1879(b).

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

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

Form numbers changed in (c).

Amended by R.1992 d.313, effective August 3, 1992.

## § 5:23-4.20 Department fees

See: 24 N.J.R. 1846(a), 24 N.J.R. 2712(b).

No inspection fee for gas service entrances.

Amended by R.1992 d.390, effective October 5, 1992.

See: 24 N.J.R. 1844(a), 24 N.J.R. 3515(b).

Fee for indirect apportionment systems set at (d).

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 throughout.

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

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

Added (c)9.

Amended by R.1994 d.28, effective January 18, 1994.

See: 25 N.J.R. 4546(b), 26 N.J.R. 352(a).

Administrative correction.

See: 26 N.J.R. 796(a).

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

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

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

Amended by R.1994 d.434, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 1911(a), 26 N.J.R. 3706(b).

Amended by R.1995 d.381, effective July 17, 1995.

See: 27 N.J.R. 970(a), [27 N.J.R. 2715\(a\)](#).

Amended by R.1995 d.475, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1716(a), [27 N.J.R. 3325\(a\)](#).

In (c)5ii(2) added individuals to be trained and registered.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Eliminated minimum fee in (b) and rewrote (c).

Amended by R.1995 d.603, effective November 20, 1995 (operative March 20, 1996).

See: [27 N.J.R. 2655\(a\)](#), [27 N.J.R. 4699\(a\)](#).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: [27 N.J.R. 3517\(a\)](#), [27 N.J.R. 5012\(a\)](#).

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

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See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Amended by R.1998 d.35, effective January 5, 1998.

See: [29 N.J.R. 4215\(a\)](#), [30 N.J.R. 194\(a\)](#).

In (c)2.i.(1), added A-5 structures to the fee schedule.

Amended by R.2000 d.47, effective February 7, 2000.

See: [31 N.J.R. 2314\(a\)](#), [32 N.J.R. 443\(a\)](#).

Rewrote (c).

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

See: [31 N.J.R. 4151\(a\)](#), [32 N.J.R. 1376\(a\)](#).

In (c)3i, inserted a reference to group R-4.

Amended by R.2001 d.194, effective June 18, 2001.

See: [33 N.J.R. 1041\(a\)](#), [33 N.J.R. 2097\(a\)](#).

In (a)5, substituted "The construction or rehabilitation of" for "Newly constructed".

Amended by R.2001 d.347, effective October 1, 2001.

See: [32 N.J.R. 3218\(a\)](#), [33 N.J.R. 3430\(a\)](#).

In (c)3, inserted new vi, and recodified former vi through viii as vii through ix.

Amended by R.2002 d.6, effective January 7, 2002.

See: [33 N.J.R. 2570\(a\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 268\(a\)](#).

In (c)5ii(2), substituted "Education Unit" for "Training Section".

Amended by R.2002 d.42, effective February 4, 2002.

See: [33 N.J.R. 3713\(a\)](#), [34 N.J.R. 732\(a\)](#).

In (a), added 6.

Amended by R.2002 d.260, effective August 5, 2002.

See: [34 N.J.R. 1572\(a\)](#), [34 N.J.R. 2781\(c\)](#).

Rewrote (b) and (c)1.

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Added references to Group R-5 throughout.

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

Rewrote (c)1.

Amended by R.2004 d.260, effective July 6, 2004.

See: [35 N.J.R. 3474\(b\)](#), [36 N.J.R. 3274\(a\)](#).

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In (c)3, rewrote ii.

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

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

In (c), added 2i(8).

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

See: [38 N.J.R. 1789\(a\)](#), [38 N.J.R. 4175\(a\)](#).

Added (e).

Amended by R.2007 d.231, effective August 6, 2007.

See: [39 N.J.R. 722\(a\)](#), [39 N.J.R. 3295\(a\)](#).

In (c)2iii(10), deleted "in accordance with (c)2iii(2) through 5above" and inserted "as follows:"; and added (c)2iii(10)(A) through (c)2iii(10)(C) and (c)2iii(13).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

In (c)2iii(6), substituted "\$ 55.00" for "\$ 46.00" and "underwater" for "under-water".

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

In (c)2i(1), substituted "chapters 3 and 6, respectively," for "articles 3 and 4".

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

Updated the fees throughout; in (c)2i(1), substituted "buildings" for "building" following "farm"; in (c)2i(2), inserted "for the first \$ 50,000, prorated" and substituted "fee on the amount exceeding \$ 50,000" for "additional fee", the second occurrence of ", prorated" for "above \$ 50,000", "fee on the amount exceeding \$ 100,000" for "additional fee", and the third occurrence of ", prorated" for "above \$ 100,000"; and in (c)2iii(2), substituted "underwater" for "under-water".

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

Added (c)2iv(10).

Amended by R.2012 d.179, effective November 5, 2012.

See: [44 N.J.R. 1679\(a\)](#), [44 N.J.R. 2557\(a\)](#).

In (c)4, substituted "annual re-testing," for "testing, requiring reinspection annually," and "\$ 10.00" for "\$ 58.00", and deleted "when they are tested" following "device"; and in (c)10, substituted "a swimming pool, spa, or hot tub" for "swimming pools, spas or hot tubs", and inserted the last sentence.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In (c)3viii, substituted "1" for "I", "2" for "II", and "3" for "III".

Amended by R.2014 d.149, effective October 6, 2014.

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See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

Rewrote (b) and (c).

Amended by R.2016 d.044, effective May 16, 2016.

See: [47 N.J.R. 2696\(a\)](#), [48 N.J.R. 801\(a\)](#).

Rewrote (c)2i(1) as (c)2i(1) and (c)2i(2); added (c)2i(2)(A); recodified former (c)2i(2) through (c)2i(8) as (c)2i(3) through (c)2i(9); and in (c)2i(5), substituted "(c)2i(3) and (4)" for "items (2) and (3)".

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## [N.J.A.C. 5:23-4.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### § 5:23-4.21 Private enforcing agency authorization and reauthorization fees

(a) Authorization fee: Any onsite inspection agency submitting an application to the Department under [N.J.A.C. 5:23-4.12](#) for approval as an inspection agency shall pay a fee of \$ 2,800 for each subcode for which authorization is sought.

(b) Reauthorization fee:

1. Any onsite inspection agency submitting an application to the Department under [N.J.A.C. 5:23-4.12](#) for reapproval as an inspection agency shall pay a fee of \$ 1,400 for each subcode for which authorization is sought plus an amount equal to two percent of the gross revenue earned from State Uniform Construction Code enforcement activities during the previous 12-month period.

i. The fee of \$ 1,400 per subcode plus two percent of gross revenue earned from State Uniform Construction Code enforcement activities shall be applicable to all applications for authorization or reauthorization required to be filed on or after November 1, 2005.

2. The fee shall be paid to the Department in 12 equal installments, beginning with the month immediately following the end of the 12-month period for which the fee is calculated. Payment shall be made prior to the last business day of each month.

## History

### **HISTORY:**

Amended by R.1984 d.260, effective July 2, 1984.

See: 16 N.J.R. 3(a), 16 N.J.R. 1714(e).

Section substantially amended.

Amended by R.1985 d.353, effective July 15, 1985.

See: 17 N.J.R. 1032(a), 17 N.J.R. 1758(b).

(b)1: substantially amended.

Public Notice: Notice of Petition to amend section.

See: 17 N.J.R. 2688(a).

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text on inplant inspection agencies deleted.

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

§ 5:23-4.21 Private enforcing agency authorization and reauthorization fees

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

In (a), authorization fee increased from \$ 2,000 to \$ 2,600. In (b), reauthorization fee increased from \$ 1,000 to \$ 1,300.

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.2006 d.207, effective June 5, 2006.

See: [38 N.J.R. 1121\(a\)](#), [38 N.J.R. 2418\(a\)](#).

In (b), added the designations for 1 and 2; in (b)1, substituted "two" for "five" and inserted (i).

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## [N.J.A.C. 5:23-4.22](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.22 (Reserved)**

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### **History**

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#### **HISTORY:**

Amended by R.1984 d.481, effective November 5, 1984.

See: 16 N.J.R. 2031(a), 16 N.J.R. 3006(a).

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

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

Substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Modular unit fee of \$ 100.00 deleted; title changed.

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

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

In (a) and (b), insignia fee increased from \$ 50.00 to \$ 65.00.

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.

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Building element and manufactured home add-on unit insignia of certification fees".

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## **N.J.A.C. 5:23-4.23**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

### **§ 5:23-4.23 Payment of fees**

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(a) All fees paid to the Department under the regulations shall be nonrefundable except as otherwise specifically set forth in the regulations. All fees shall be paid by check or money order, payable to the "Treasurer, State of New Jersey".

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## [N.J.A.C. 5:23-4.24](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

## **§ 5:23-4.24 Plan review by the Department of Community Affairs**

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(a) There is established in the Department of Community Affairs, Division of Codes and Standards, a Bureau of Construction Projects Review, hereinafter "the plan review bureau." The plan review bureau shall review plans, applications and specifications submitted to the Department in its enforcing agency capacity, and as further required or permitted by this section.

(b) Plan review:

1. Plan review shall be required for all uses except as may be otherwise provided in the regulations whenever the department acts as an enforcing agency in any municipality.
2. Special or hazardous uses and types of construction:
  - i. N.J.A.C. 5:23-3 divides all construction into three classes according to its 'complexity and potential hazard to the public health and safety. N.J.A.C. 5:23-5 provides for three levels of subcode official certification which correspond to the three classes in N.J.A.C. 5:23-5.
  - ii. For class 1, department plan review and release shall be required on the effective date of the regulations prior to the issuance of a construction permit unless the municipal enforcing agency is classified as class 1.
  - iii. For class 2, department plan review and release shall be required after January 1, 1981, prior to the issuance of a construction permit unless the municipal enforcing agency is classified as class 1 or class 2.
  - iv. For class 3, departmental plan review shall not be required except when the department acts as the enforcing agency.
  - v. Installations of elevators, escalators, and moving walks, except devices in structures of Group R-3, R-4, or R-5 and those devices in structures of Group R-2 that are otherwise exempted in [N.J.A.C. 5:23-3.11\(b\)](#), shall require Departmental plan review and release.
3. Premanufactured construction: Department plan review and release shall be required for all modular construction other than those authorized to be approved by an inplant inspection agency as provided at [N.J.A.C. 5:23-4A.7](#).

(c) The plan review bureau shall review all applications, plans and specifications for conformance to the regulations.

(d) Plans reviewed by the Department that are judged to be in conformance with the regulations shall be stamped with the word "released" and signed and dated by the reviewing official of the Department.

(e) All plans submitted, and any amendments thereto, accompanied by the required fee, shall be numbered, docketed, and examined promptly after their submission for compliance with the regulations. In the case of plans submitted by an architect or engineer bearing his or her signature, registration number,

## § 5:23-4.24 Plan review by the Department of Community Affairs

and seal, plan examination may, except for compliance with exit requirements, be limited to a supervisory check.

**(f)** If the Department judges a plan not to be in conformance with the regulations, it shall notify the applicant in writing of the reason for rejection.

**(g)** The Department shall provide such technical assistance to the applicant as may be appropriate pursuant to the regulations.

**(h)** The municipal enforcing agency shall perform all field inspections required by the regulations, except that the Department shall have the right to perform partial or complete field inspection services for any project for which it has released plans.

## History

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### HISTORY:

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

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

(a)iii added.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Reference to subchapter 4A added at (a)2iii.

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

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

Text added at (a)2i(5).

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1994 d.96, effective February 22, 1994.

See: 26 N.J.R. 1073(a).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Deleted (a) and (b); recodified (a)1 as (a), (a)2 as (b), and (b)1 through 6 as (c) through (h); in (a), amended agencies referenced, in (a) through (h), deleted titling of subsections; and in (h), substituted "Department shall have the right" for "department deserves the right".

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

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

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Rewrote (b)2ii and (b)2iii, and in (b)2iv, substituted "3" for "three".

§ 5:23-4.24 Plan review by the Department of Community Affairs

Administrative correction, effective January 12, 2021.

See: [53 N.J.R. 250\(a\)](#).

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## [N.J.A.C. 5:23-4.25](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES**

#### **§ 5:23-4.25 Emergency building inspection program**

---

(a) The emergency building inspection program is hereby established, pursuant to section 1 of P.L. 2007, c. 2 ([N.J.S.A. 52:27D-126.3](#)). In accordance with section 5 of P.L. 2007, c. 2 ([N.J.S.A. 52:27D-126.7](#)), participation in the emergency building inspection program is voluntary, but any municipality not enacting and filing a resolution of non-participation by February 15, 2008 shall be deemed to be participating, unless and until an opt-out resolution is later enacted and filed. Municipalities that later choose to participate may do so by enacting and filing a resolution of participation. All such resolutions of non-participation and of participation shall be effective upon filing with the Office of Regulatory Affairs, PO Box 818, Trenton, NJ 08625.

(b) Participating municipalities shall be responsible for the payment of any costs that they incur with regard to their own employees for regular and overtime pay, insurance coverage and liability, and for equipment and supplies used in the course of any assistance or deployment for the benefit of another municipality. In the event of a presidentially-declared disaster, participating municipalities shall, subject to Federal rules, be eligible for Federal reimbursement for costs incurred, even if they are not located within the disaster area.

(c) The Department shall provide the construction official of each participating municipality with contact information for construction officials and subcode officials of all participating municipalities, Department contact persons, and registered architects, licensed professional engineers and persons holding construction code licenses but not employed by participating municipalities who have volunteered to participate in the program. Such information shall be provided through the Department's "Permits NJ" Internet program and shall be a nonpublic record.

1. The list shall include information as to each person's name; home and office addresses; and home and office and cellular telephone numbers which shall have been provided to the Office of Regulatory Affairs, PO Box 818, Trenton, NJ 08625.
2. Licensed professional engineers, registered architects and persons who are licensed as construction officials, subcode officials or inspectors pursuant to this chapter but are not employed by a State or local enforcing agency shall be eligible to participate in the program. Any such individuals who wish to participate in the program shall provide the contact information required in (c)1 above to the Office of Regulatory Affairs for inclusion in the list. If and when such individuals are sent by the Department to assist a local enforcing agency in an emergency situation, they shall be deemed to be temporary employees of the Department.

(d) In the event of an emergency affecting a participating municipality for which assistance is required, the construction official, or any subcode official acting with authorization from the construction official, shall first call code officials in neighboring participating municipalities that are not themselves affected by the emergency. In the event of a regional emergency, or of any other emergency that requires assistance beyond that which would be available from neighboring participating municipalities, the construction official or authorized subcode official shall contact the designated contact person at the Department. The Department shall then deploy code officials in its employ and shall contact participating municipalities and

## § 5:23-4.25 Emergency building inspection program

persons participating in the program pursuant to (b) above and ask them to assist the municipality or municipalities affected by the emergency. In the event that the nature or scope of the emergency is such that voluntary assistance is insufficient, the Department shall first utilize its own employees. If more assistance is needed, the Department may then order the deployment of personnel from any participating municipality that is not itself affected by the emergency.

**(e)** The construction official and subcode officials of the affected municipality shall have jurisdiction over all aspects of construction code enforcement in the affected municipality. The construction official may authorize the issuance of permits within the affected municipality by other licensed construction officials who provide assistance. If so authorized by the construction official of the affected municipality, licensed subcode officials providing assistance may exercise all functions of a subcode official within the affected municipality; if not so authorized, they shall exercise the functions of an inspector. All records of construction code enforcement activity in the affected municipality shall be the property of the affected municipality.

**(f)** The governing bodies of two or more municipalities, whether or not they are participating in the emergency building inspection program, may by resolution enter into agreements with each other for mutual construction code enforcement aid concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency. Such agreements may provide for the reimbursement of the municipality or municipalities rendering such aid, including reimbursement for any damage to property and for payment to any official or employee of a local construction code enforcing agency for injuries sustained while serving pursuant to such agreements, or to a surviving spouse or other dependent in the event of death of that official or employee. A copy of any such agreement shall be filed with the Office of Regulatory Affairs, PO Box 818, Trenton, NJ 08625, by the local enforcing agencies concerned.

## History

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### HISTORY:

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

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

Subsections (b) and (r) recodified as 4.26 through 4.38.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

New Rule, R.2007, d.376, effective December 17, 2007.

See: [39 N.J.R. 3439\(a\)](#), [39 N.J.R. 5212\(a\)](#).

Section was "Reserved".

## [N.J.A.C. 5:23-4.26](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.26 Certification of building elements**

---

(a) Building elements shall be certified in accordance with the following provisions:

1. Building elements, such as fire walls, fire separation walls, wall panels, pre-stressed/prefabricated floor or roof panels, and pre-engineered structural frames, built in accordance with the New Jersey Uniform Construction Code, may be approved by (a)1i or ii below:

i. Approval for both design and construction by a nationally recognized laboratory or a product certification agency. The local municipal subcode official has the authority to accept such approvals based on the evidence, test and/or documentation presented to him or her;

ii. Approval for both design and construction by a professional engineer licensed either in the State of New Jersey or in the state of manufacture. The local municipal subcode official has the authority to accept such approvals based on the evidence, of test and/or documentation presented to him or her;

iii. If applicable, Fabricator Approval per Section 1704.2.5.1 of the building subcode is required for Class 1 buildings in addition to (a)1i or ii above.

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(b) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text at (a), (a)1, (a)2, (b) and (c) deleted; stylistic revisions.

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.2005 d.403, effective November 21, 2005.

See: [37 N.J.R. 2753\(a\)](#), [37 N.J.R. 4399\(b\)](#).

In (a)1, deleted "trusses," preceding "fire walls."

Amended by R.2013 d.081, effective June 3, 2013.



§ 5:23-4.26 Certification of building elements

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In the introductory paragraph of (a)1, substituted "(a)1i or ii below" for "any of the following options"; in (a)1i and (a)1ii, substituted a semicolon for a period at the end; and added (a)1iii.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (a)1, inserted a comma following "panels"; and in (a)1iii, substituted "1704.2.5.1" for "1704.2.2".

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## [N.J.A.C. 5:23-4.27](#)

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### **§ 5:23-4.27 (Reserved)**

---

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(c) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.28](#)

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### **§ 5:23-4.28 (Reserved)**

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### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(d) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.29](#)

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### **§ 5:23-4.29 (Reserved)**

---

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(e) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text at (a)1, 2, 3, 5, (b)1, and (c) through (g) deleted; references to premanufactured system deleted and references to manufactured home add-on units and building elements added.

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Approval of premanufactured systems documentation".

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## [N.J.A.C. 5:23-4.30](#)

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### **§ 5:23-4.30 (Reserved)**

---

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(h)-(j) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.31](#)

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### **§ 5:23-4.31 (Reserved)**

---

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(k) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Text at (a) through (e) and (f)1, 2 and 4 deleted.

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Insignia of certification for manufactured home add-on unit and building element".

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## [N.J.A.C. 5:23-4.32](#)

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### **§ 5:23-4.32 (Reserved)**

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### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(l) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.33](#)

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### **§ 5:23-4.33 (Reserved)**

---

### **History**

---

#### **HISTORY:**

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

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

Recodified from 4.25(m) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.34](#)

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### **§ 5:23-4.34 (Reserved)**

---

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(n) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.35](#)

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### **§ 5:23-4.35 (Reserved)**

---

### **History**

---

#### **HISTORY:**

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

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

Recodified from 4.25(o) and substantially amended.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.36](#)

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### **§ 5:23-4.36 (Reserved)**

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### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(p).

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.37](#)

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### **§ 5:23-4.37 (Reserved)**

---

### **History**

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#### **HISTORY:**

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

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

Recodified from 4.25(q).

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.38](#)

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### **§ 5:23-4.38 (Reserved)**

---

### **History**

---

#### **HISTORY:**

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

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

Recodified from 4.25(r).

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

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## [N.J.A.C. 5:23-4.39](#)

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### **§ 5:23-4.39 (Reserved)**

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### **History**

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#### **HISTORY:**

R.1982 d.42, effective March 1, 1982.

See: 13 N.J.R. 717(a), 14 N.J.R. 233(a).

As amended, R.1982, d.232, effective August 2, 1982.

See: 14 N.J.R. 496(a), 14 N.J.R. 834(e).

Added Federal citation to (e). Prior to recodification of [N.J.A.C. 5:23](#), this section was codified at 5:25-4.10A.

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

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

Recodified from 4.25A.

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

See: 22 N.J.R. 691(a), 22 N.J.R. 1915(b).

Address changed in (a); (l) added.

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Enforcement of Federal manufactured home standards".

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## [N.J.A.C. 5:23-4.40](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4. ENFORCING AGENCIES; DUTIES; POWERS; PROCEDURES***

### **§ 5:23-4.40 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1996 d.236, effective May 20, 1996 (operative January 1, 1997).

See: [27 N.J.R. 4050\(a\)](#), [28 N.J.R. 2586\(a\)](#).

Section was "Construction boards of appeal".

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## [N.J.A.C. 5:23-4A.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

#### **§ 5:23-4A.1 Purpose**

---

(a) The purpose of this subchapter is to implement P.L. 1991, c.457, which made New Jersey a party to the Interstate Compact on Industrialized/Modular Buildings, the commission of which is known as the Interstate Industrialized Building Commission (IBC). The adoption of this subchapter, which is identical in content to the rules adopted by the other states participating in the compact, will create uniformity in the compliance requirements of individual states; promote the use of new technologies, techniques, and materials and increase the availability of safe, decent, and affordable housing and other building occupancies.

(b) No approval, ruling, action, order, or notice issued in accordance with rules in effect prior to July 1, 1990 shall be rendered invalid or unenforceable by reason of either the adoption of this subchapter or the repeal of rules superseded by this subchapter. Any approval issued in accordance with rules in effect prior to July 1, 1990 shall continue in effect for the period for which it was granted, but any subsequent approval shall be in accordance with this subchapter.

#### **History**

---

##### **HISTORY:**

Amended by R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Rewrote (a); and in (b), inserted a comma following "order", substituted "July 1, 1990" for "the effective date of the adoption of this subchapter" twice, and inserted "either".

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## [N.J.A.C. 5:23-4A.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS**

## **§ 5:23-4A.2 Findings; functions of the Commission**

---

(a) The Department, as the administrative agency for the State of New Jersey under the Interstate Compact on Industrialized/Modular Buildings, finds that:

1. Industrialized/modular buildings are constructed in factories in various states and are a growing segment of the nation's affordable housing and commercial building stock.
2. The regulation of industrialized/modular buildings varies from state to state and from locality to locality. This creates confusion and burdens state and local building officials and the industrialized/modular buildings industry.
3. Regulation by multiple jurisdictions imposes additional costs that are ultimately borne by the owners and users of industrialized/modular buildings, that restrict market access and that discourage the development and incorporation of new technologies.

(b) The Industrialized Buildings Commission (IBC) shall:

1. Provide the states that regulate the design and construction of industrialized/modular buildings and building components with a system to coordinate and uniformly administer their rules and regulations for such buildings, all in a manner that will assure mutual acceptance of industrialized/modular buildings and building components; and
2. Provide to Congress assurances that would preclude the need for a voluntary preemptive Federal regulatory system for industrialized/modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for industrialized/modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with cost-effective energy conservation standards; and will promote the lowest total construction and operating costs over the life of such housing.

## **History**

---

### **HISTORY:**

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Objective".

Amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

In (a)3, substituted the first occurrence of "that" for ", which" and ", that" for "and which", and inserted the third occurrence of "that"; in the introductory paragraph of (b), inserted "(IBC)"; in (b)1, substituted "that regulate" for

§ 5:23-4A.2 Findings; functions of the Commission

"regulating", "to coordinate" for "for coordinating" and "administer" for "administering"; and in (b)2, substituted a semicolon for a comma following "safety" and inserted a semicolon following the second occurrence of "standards".

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## [N.J.A.C. 5:23-4A.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS**

#### **§ 5:23-4A.3 Scope**

---

- (a) This subchapter applies to the design, manufacture, handling, storage, delivery, and installation of industrialized/modular buildings and building components intended for installation in this State. Industrialized/modular buildings or building components certified pursuant to this subchapter may be sold for, delivered to, or installed on building sites located in the State. Industrialized/modular buildings that are not required to be labeled or to comply with code approval under this chapter are exempt from the requirements of this subchapter.
- (b) Industrialized/modular buildings or building components certified pursuant to this subchapter shall be deemed to comply with all requirements of this chapter.
- (c) Except as otherwise specifically indicated, this subchapter shall not apply to requirements concerning land use and zoning, building set-backs, side and rear yards, and property lines - generally, this subchapter shall not apply to requirements concerning on-site development, construction, and inspection provided that such requirements are not more stringent than those imposed on other types of buildings in the same zone or area.

#### **History**

---

##### **HISTORY:**

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

In (a), substituted "applies to" for "shall govern", deleted a comma following "installed on", and inserted "to" preceding "comply"; and rewrote (c).

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## [N.J.A.C. 5:23-4A.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

#### **§ 5:23-4A.4 Definitions**

---

The following words and terms, when used in this subchapter, shall have the meanings given, unless a different meaning is clearly indicated by the context:

"Act" means the State Uniform Construction Code Act, P.L. 1975, c.217, as supplemented by P.L. 1991, c.457 and the ratification of the Interstate Compact on Industrialized/Modular Buildings.

"Approved" means approved by the Industrialized Buildings Commission, a participating state or a designated evaluation/inspection agency.

"Building component" means any subsystem, sub-assembly or other system of closed construction that is designed for use in, or as part of, a structure. The component may include structural, electrical, mechanical, plumbing, and fire protection systems and other systems affecting health and safety.

"Building system" means the method of constructing a type of industrialized/modular building or building component that is described by plans, specifications, and other documentation that together establish a set of limits meeting the requirements of this subchapter for that type of industrialized/modular building or building component. The system may include structural, electrical, mechanical, plumbing, fire protection, and other systems affecting health and safety.

"Certification" means the process whereby participating states and local building inspection agencies are assured that elements of closed construction, which are not practical to inspect at building sites, conform to applicable codes.

"Certification label" means an approved insignia or seal evidencing certification in accordance with the Uniform Administrative Procedures of the Industrialized Buildings Commission.

"Closed construction" means any building, building component, assembly, or system that is made or assembled in manufacturing facilities off the building site for installation, or assembly and installation, on the building site such that concealed parts or processes of manufacture cannot be inspected at the building site without disassembly, damage, or destruction. This definition shall not include products, such as structural, electrical, and plumbing fixtures and equipment, that are tested, listed, labeled, and certified by a nationally recognized testing laboratory.

"Code" means the codes, standards, specifications and requirements adopted pursuant to [N.J.A.C. 5:23-4A.5](#).

"Commission" means the Industrialized Buildings Commission.

"Compliance assurance documents" means approved building system documents, an approved compliance assurance manual and approved on-site installation instructions.

## § 5:23-4A.4 Definitions

"Compliance assurance program" means the policies and procedures assuring that industrialized/modular buildings and building components, including their manufacture, storage, delivery, assembly, handling, and installation, conform with this subchapter and with the IBC's Uniform Administrative Procedures.

"Designated" means selected by the Commission to perform one or more of the inspection and/or evaluation functions described under the Uniform Administrative Procedures.

"Evaluation agency" means a designated person or organization, private or public, determined by the Commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to investigate and evaluate industrialized/modular buildings, building components, building systems or compliance assurance programs.

"Independence of judgment" means not being affiliated with or influenced or controlled by building manufacturers by producers, suppliers, or vendors of products or equipment used in industrialized/modular buildings and building components, in any manner which is likely to affect capacity to render reports and findings objectively and without bias.

"Industrialized/modular building" means any building of closed construction, including, but not limited to, modular housing that is factory-built single-family and multi-family housing (including closed-wall, panelized housing) as well as other modular, nonresidential buildings. Industrialized/modular building does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

"Inspection agency" means a designated person or organization, private or public, that is determined by the Commission to be qualified by reason of facilities, personnel, experience and demonstrated reliability and independence of judgment, to monitor compliance assurance programs.

"Installation" means the process of affixing, or assembling and affixing, industrialized/modular buildings or building components on a building site.

"Interim reciprocal agreement" means a formal reciprocity agreement as defined in P.L. 1991, c.457, which is the New Jersey statute ratifying the Interstate Compact on Industrialized/Modular Buildings.

"Module" means a closed wall structure or substantial part of a closed wall structure incorporating one or more rooms used as habitable, occupiable or mechanical/equipment space.

"Nonconformance" means the failure to adhere to the requirements of an approved building system or, where the building system is not specific, to the code.

"Participating state" means any compacting state or any non-compacting state that is acting under an interim reciprocal agreement.

## History

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### HISTORY:

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Rewrote the introductory paragraph and definitions "Closed construction", "Compliance assurance program", "Independence of judgment", "Industrialized/modular building", "Installation", "Interim reciprocal agreement" and "Participating state"; in definition "Act", inserted "ratification of the" and deleted "ratified thereby" following

## § 5:23-4A.4 Definitions

"Buildings"; in definition "Building component", substituted "The component" for " 'Building component' " in the second sentence; in definition "Building system", substituted "the" for "a" following "means", inserted a comma following "specifications", and substituted "The system" for "This", a comma for "and" following "plumbing", and a comma for "systems" following "fire protection"; and in definition "Certification", substituted ", which are" for "that it is" and "building sites, conform to" for "the building site, conform to the".

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## [N.J.A.C. 5:23-4A.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS**

## **§ 5:23-4A.5 Standards**

---

- (a) No person/agency shall be allowed to deliver, sell, lease, or install any industrialized/modular building or building component in the participating state unless such industrialized/modular building or building component is certified in accordance with the requirements of this subchapter.
- (b) Buildings, building components and building systems shall comply with all applicable provisions of the State Uniform Construction Code.
- (c) Alternates: The provisions of this subchapter are not intended to prevent the use of any technologies, techniques, or materials not specifically prescribed by the codes, standards, specifications, and requirements in this subchapter, provided any such alternate has been approved.
1. Applications for such alternates shall be filed in writing with the evaluation agency. The application shall contain the current requirements of the codes, standards or specifications from which an alternate is sought and a statement of how the proposed alternate would adequately protect the health, safety and welfare of both the occupants and the public.
  2. The evaluation agency may approve any such alternate provided that it determines that the proposed design is satisfactory and that the material, method, or work offered is, for the purpose intended, consistent with the adopted codes and standards as to quality, strength, effectiveness, fire resistance, durability, and safety. The evaluation agency shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding the use of any such alternate. The evaluation agency shall notify the applicant of the determination. If the application is denied, the notification shall state the reasons for the denial.

## **History**

---

### **HISTORY:**

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: [25 N.J.R. 5388\(a\)](#), [26 N.J.R. 1073\(a\)](#).

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

See: [30 N.J.R. 1377\(a\)](#), [30 N.J.R. 2421\(b\)](#).

In (b), added a new iii in 1, a new v in 2, and a new iv in 3.

Amended by R.2004 d.132, effective April 5, 2004.

See: [35 N.J.R. 5189\(a\)](#), [36 N.J.R. 1757\(b\)](#).

## § 5:23-4A.5 Standards

In (a), substituted "Buildings, building components and building" for "Building"; deleted former (b); recodified existing (c) as (b).

Amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Added new (a); recodified former (a) through (b) as (b) through (c); in the introductory paragraph of (c), inserted a comma following "techniques" and "specifications" and inserted "in this subchapter"; and in (c)2, deleted a comma following "alternate" and inserted a comma following "method" and "durability".

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## [N.J.A.C. 5:23-4A.6](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.6 Amendments**

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The Department may amend these rules pursuant to the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq.

### **History**

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#### **HISTORY:**

Amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Deleted designation (a); and deleted (b).

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## [N.J.A.C. 5:23-4A.7](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS**

## **§ 5:23-4A.7 Uniform Administrative Procedures**

---

(a) The Uniform Administrative Procedures of the Industrialized Building Commission, hereby incorporated by reference, shall constitute the procedures by which the Department shall assure itself and the Commission of the compliance of industrialized/modular building construction with the State Uniform Construction Code, assess the adequacy of the building systems and verify and assure the competency and performance of evaluation and inspection agencies.

(b) Copies of the Uniform Administrative Procedures may be obtained from the Industrialized Building Commission, Suite 210, 505 Huntmar Park Drive, Herndon, VA 22070. Copies are also available on the IBC's website, [www.interstateibc.org](http://www.interstateibc.org).

(c) The Department shall approve evaluation or inspection agencies that the Commission designates as meeting the requirements of Part VI, Section 1, of the Uniform Administrative Procedures and that the Commission finds otherwise qualified to perform the functions delegated to the agencies.

(d) The Department shall take such enforcement action against a manufacturer, inspection agency or evaluation agency as recommended by the Commission if, pursuant to the Uniform Administrative Procedures, the Commission determines that such manufacturer, inspection agency or evaluation agency has failed to fulfill its responsibilities under the Uniform Administrative Procedures.

(e) Any notice or order issued pursuant to this subchapter shall be in writing and shall be served upon the respondent party by certified mail, return receipt requested.

## **History**

---

### **HISTORY:**

*The following annotation applies [N.J.A.C. 5:23-4A.7](#) prior to its repeal by R.2013 d.064:*

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Administration and enforcement".

*The following annotations apply to [N.J.A.C. 5:23-4A.7](#) subsequent to its recodification from [N.J.A.C. 5:23-4A.10](#) by R.2013 d.064:*

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Inspection by the Department or by an approved agency".

§ 5:23-4A.7 Uniform Administrative Procedures

Recodified from [N.J.A.C. 5:23-4A.10](#) and amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

In (b), inserted the last sentence; and in (c), deleted "those" preceding "evaluation", inserted a comma following "1" and substituted "the agencies" for "it". Former [N.J.A.C. 5:23-4A.7](#), Certification required, repealed.

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## [N.J.A.C. 5:23-4A.8](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS**

#### **§ 5:23-4A.8 Appeals**

---

- (a) Any person, firm, or corporation aggrieved by any decision or action undertaken pursuant to this subchapter may file an appeal.
- (b) The appellant shall file the appeal within 30 calendar days after receipt of the decision or action that is the basis of the appeal.
- (c) The appeal may be filed either in person or by mail and shall be addressed to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802.
- (d) The appeal shall be in writing and shall contain sufficient information as set forth in (e) below to apprise the Department of the decision or action being appealed and the facts and circumstances surrounding the decision or action.
- (e) The appeal shall include, where applicable, the following information and documentation:
  - 1. A copy of the decision or action that is the subject of the appeal;
  - 2. A description of the industrialized/modular building or building component affected and, if available, a copy of the building system plans or design, compliance assurance program, or other document involved;
  - 3. A statement of the relief sought by the appellant; and
  - 4. If the Commission has made a prior decision or completed another action on this appeal (or one like it) and a hearing has already been conducted pursuant to the Uniform Administrative Procedures, the appellant shall include a copy of the prior decision or information on the other action with this appeal. In the event of an appeal from an action or decision of an evaluation and inspection agency, the application shall contain a copy or, if that is unavailable, a written statement of the prior decision or other action of the agency being appealed.

#### **History**

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##### **HISTORY:**

*The following annotations apply to [N.J.A.C. 5:23-4A.8](#) prior to its repeal by R.2013 d.064:*

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.1993 d.662, effective December 20, 1993.

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

## § 5:23-4A.8 Appeals

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Approvals of building systems and compliance assurance programs".

*The following annotations apply to [N.J.A.C. 5:23-4A.8](#) subsequent to its recodification from [N.J.A.C. 5:23-4A.11](#) by R.2013 d.064:*

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

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

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Enforcing agency procedures and inspections".

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Recodified from [N.J.A.C. 5:23-4A.11](#) and amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Rewrote the section. Former [N.J.A.C. 5:23-4A.8](#), Product control and identification, repealed.

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## [N.J.A.C. 5:23-4A.9](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS**

## **§ 5:23-4A.9 Hearings**

---

Hearings in contested cases shall be conducted by the Office of Administrative Law pursuant to the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq., and the Uniform Administrative Procedure Rules (UAPR), [N.J.A.C. 1:1](#). A proprietary version of the UAPR may be accessed at <http://nj.gov/oal>.

## **History**

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### **HISTORY:**

*The following annotation applies to [N.J.A.C. 5:23-4A.9](#) prior to its repeal by R.2013 d.064:*

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Certification".

*The following annotations apply to [N.J.A.C. 5:23-4A.9](#) subsequent to its recodification from [N.J.A.C. 5:23-4A.12](#) by R.2013 d.064:*

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

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

In (a)1, label fee increased from \$ 100.00 to \$ 130.00.

In (a)2, label fee increased from \$ 50.00 to \$ 65.00.

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.

Repeal and New Rule, R.1994 d.96, effective February 22, 1994.

See: 25 N.J.R. 5388(a), 26 N.J.R. 1073(a).

Section was "Fees for labels; labels".

Recodified from [N.J.A.C. 5:23-4A.12](#) and amended by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Section was "Conduct of hearings". Inserted "(UAPR)" and inserted the last sentence. Former [N.J.A.C. 5:23-4A.9](#), Compliance assurance documents, repealed.

§ 5:23-4A.9 Hearings

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## [N.J.A.C. 5:23-4A.10](#)

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### **§ 5:23-4A.10 (Reserved)**

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### **History**

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#### **HISTORY:**

Recodified to [N.J.A.C. 5:23-4A.7](#) by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Section was "Uniform Administrative Procedures".

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## [N.J.A.C. 5:23-4A.11](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.11 (Reserved)**

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### **History**

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#### **HISTORY:**

Recodified to [N.J.A.C. 5:23-4A.8](#) by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Section was "Appeals".

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## [N.J.A.C. 5:23-4A.12](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.12 (Reserved)**

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### **History**

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#### **HISTORY:**

Recodified to [N.J.A.C. 5:23-4A.9](#) by R.2013 d.064, effective April 15, 2013.

See: [45 N.J.R. 6\(a\)](#), [45 N.J.R. 891\(a\)](#).

Section was "Conduct of hearings".

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## [N.J.A.C. 5:23-4A.13](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.13 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Notification of changes in name, address, ownership or location".

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## [N.J.A.C. 5:23-4A.14](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.14 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Proprietary information".

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## [N.J.A.C. 5:23-4A.15](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.15 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Requirements for submission of compliance assurance programs".

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## [N.J.A.C. 5:23-4A.16](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.16 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Building system documentation, quality control program requirements and on-site installation instructions requirements".

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## [N.J.A.C. 5:23-4A.17](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.17 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Approval of evaluation and inspection agencies".

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## [N.J.A.C. 5:23-4A.18](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.18 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Procedures for approving evaluation and inspection agencies and delegating authority to them".

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## [N.J.A.C. 5:23-4A.19](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.19 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Continued approval of evaluation and inspection agencies".

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## [N.J.A.C. 5:23-4A.20](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.20 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Suspension and revocation; evaluation and inspection agencies".

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## [N.J.A.C. 5:23-4A.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.21 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Reciprocity".

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## [N.J.A.C. 5:23-4A.22](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.22 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Procedures for granting or refusing reciprocity to another jurisdiction".

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## [N.J.A.C. 5:23-4A.23](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.23 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Procedures for reciprocal certification of industrialized modular buildings or building components".

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## [N.J.A.C. 5:23-4A.24](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.24 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Suspension and revocation; reciprocal certification".

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## [N.J.A.C. 5:23-4A.25](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.25 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "State licensure and training".

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## [N.J.A.C. 5:23-4A.26](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.26 (Reserved)**

---

### **History**

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#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Appeals".

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## [N.J.A.C. 5:23-4A.27](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4A. INDUSTRIALIZED/MODULAR BUILDINGS AND BUILDING COMPONENTS***

### **§ 5:23-4A.27 (Reserved)**

---

### **History**

---

#### **HISTORY:**

Repealed by R.1994 d.96, effective February 22, 1994.

See: 25 New Jersey Register 5388(a), 26 New Jersey Register 1073(a).

Section was "Conduct of hearings".

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## **N.J.A.C. 5:23-4B**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23.  
UNIFORM CONSTRUCTION CODE > SUBCHAPTERS 4B AND 4C. (RESERVED)***

### **Title 5, Chapter 23, Subchapters 4B and 4C. (RESERVED)**

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## [N.J.A.C. 5:23-4D.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS**

### **§ 5:23-4D.1 Scope**

---

(a) This subchapter shall govern the design, manufacture and installation of recreational park trailers intended for installation in this State.

1. Recreational park trailers shall be installed on site using the anchoring system specified in the recreational park trailer subcode adopted in this subchapter. The recreational park trailer shall be anchored to withstand the local design wind load.
2. Any additions, decks, porches, roofs or modifications to a recreational park trailer shall be subject to the permit requirements of [N.J.A.C. 5:23-2.14](#) and to the applicable requirements of the adopted subcodes. No addition or modification shall impose any additional structural loads on the recreational park trailer unless the plans and specifications, submitted pursuant to [N.J.A.C. 5:23-2.14](#), demonstrate that the recreational park trailer is capable of accepting those additional loads. Additionally, no site-built construction shall have a roof height higher than that of the recreational park trailer unless the plans and specifications document that the recreational park trailer is capable of accepting any additional snow load.

## [N.J.A.C. 5:23-4D.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS***

### **§ 5:23-4D.2 Definition of "recreational park trailer"**

---

(a) "Recreational park trailer" means a trailer type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

1. Is built on a single chassis mounted on wheels;
2. Has a gross trailer area not exceeding 400 square feet (37.15 square meters) in set-up mode, and, if less than 320 square feet (29.72 square meters) in the setup mode, would require a special movement permit for highway transit; and
3. Is certified by the manufacturer as complying with ANSI A119.5.

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## [N.J.A.C. 5:23-4D.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS***

#### **§ 5:23-4D.3 Standards**

---

**(a)** Regulations concerning recreational park trailers are follows:

1. Pursuant to authority of P.L. 1975 c. 217, as supplemented by P.L. 1991, c. 457, the Commissioner hereby adopts the standard of the American National Standard Institute A119.5 Standard for Park Model Recreational Vehicles, 2015 edition, known as "ANSI A119.5." This standard is hereby adopted by reference as the recreational park trailer subcode for New Jersey subject to the modifications stated in (c) below.

i. Copies of this standard may be obtained from the Recreational Park Trailer Industry Association, 30 Greenville Street, 2nd Floor, Newnan, GA 30263.

ii. The ANSI A119.5, 2015 edition, may be known and cited as the "recreational park trailer subcode."

**(b)** The provisions of this subcode shall apply to the construction, alteration, repair or increase in size of recreational park trailers.

**(c)** The following chapters, sections or pages of "ANSI A119.5 Standard for Park Model Recreational Vehicles, 2015 Edition" are amended as follows:

1. Chapter 1, General, shall be amended as follows:

i. In Section 1-3, delete the definition of "Porch."

ii. In Section 1-5, "Electrical Requirements," delete "NFPA 70, National Electrical Code," and insert "the electrical subcode of the Uniform Construction Code, [N.J.A.C. 5:23-3.16](#)."

2. Chapter 3, Health, Fire and Life Safety Special Provisions, shall be amended as follows:

i. Delete text of section 3-6 entitled "Carbon Monoxide" and insert the following in its place. "Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any dwelling unit if the dwelling unit contains a fuel-burning appliance or has an attached garage.

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."

3. Chapter 5, Construction Requirements, shall be amended as follows:

i. Delete the text of section 5-1 entitled "General Requirements" and insert the following in its place: "Park model recreational vehicles shall be constructed in accordance with the requirements of this chapter."

ii. In Section 5-2.4, delete the second sentence.

iii. In Section 5-2.5, delete the second sentence.

## § 5:23-4D.3 Standards

- iv. In Section 5-3.1, in the first sentence, delete the words "exceeding eight feet, six inches (8'-6" (25.908m) in width while in the travel mode."
  - v. In Section 5-3.5.2, delete the fourth sentence.
  - vi. In Section 5-3.5.3, delete the fourth sentence.
  - vii. In Section 5-3.6.1, delete the third sentence.
  - viii. In Section 5-3.6.2, delete the second sentence.
  - ix. In Section 5-4.4, delete the second sentence.
  - x. In Section 5-5.1, entitled "General," in the first sentence insert the words "and lateral" after the word "vertical."
  - xi. Delete the text of Section 5-8.4 and insert the following: "The park model recreational vehicle shall be anchored to withstand the design wind load for the location."
  - xii. In Section 5-9 delete the second sentence.
4. Appendix C, Referenced Publications, shall be amended to delete the references to NFPA 70.

## History

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### HISTORY:

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

Rewrote the section.

Administrative correction, effective November 29, 2021.

See: [54 N.J.R. 40\(b\)](#).

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## [N.J.A.C. 5:23-4D.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS**

### **§ 5:23-4D.4 Certification**

---

(a) A Recreational Vehicle Industry Association (RVIA) label or an approved equivalent label or certification for each recreational park trailer indicating that the unit has been manufactured in compliance with the adopted recreational park trailer subcode shall be permanently attached thereto in an accessible and visible location. The location of the label shall be indicated on the approved building system documentation.

(b) An approved label for a recreational park trailer shall bear the following information:

1. The name and seal of the Recreational Vehicle Industry Association or such other organization with a quality assurance program as may be approved by the Department; and
2. The label serial number.

### **History**

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#### **HISTORY:**

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

In (a) and (b)1, substituted "Recreational Vehicle Industry Association" for "Recreational Park Trailer Industry Association" twice; and in (a), substituted "(RVIA)" for "(RPTIA)".

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## **N.J.A.C. 5:23-4D.5**

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23.  
UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS**

### **§ 5:23-4D.5 (Reserved)**

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## [N.J.A.C. 5:23-4D.6](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS**

### **§ 5:23-4D.6 Approval of compliance assurance documents**

---

(a) The manufacturer shall not start production of any recreational park trailer unless the building systems documents, compliance assurance program and on-site installation instructions have been approved by the Department or an approved evaluation and inspection agency.

(b) Approved evaluation agencies shall be permitted to approve building systems documents, compliance assurance programs and the on-site installation instructions for the recreational park trailers provided that documents, programs, and instructions conform to the standards established at [N.J.A.C. 5:23-4A.7](#).

### **History**

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#### **HISTORY:**

Administrative correction, effective April 26, 2021.

See: [53 N.J.R. 999\(a\)](#).

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## [N.J.A.C. 5:23-4D.7](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS***

### **§ 5:23-4D.7 Enforcement**

---

- (a) The Department shall enforce the design and manufacture provisions of this subchapter.
- (b) The Department shall monitor the activities of the evaluation and inspection agencies for the purpose of ensuring conformance to the provisions of this subchapter and shall take appropriate enforcement actions whenever necessary.
- (c) The installation of recreational park trailers shall be the responsibility of the local enforcing agencies established pursuant to the Code. Construction permits shall be required for installation and for the construction of appurtenances.

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## [N.J.A.C. 5:23-4D.8](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS**

### **§ 5:23-4D.8 Appeals: State**

---

- (a) Any person, firm or person aggrieved by a notice, order, ruling, decision or action of any evaluation and inspection agency or of the Commissioner may file an appeal.
- (b) An application for a hearing must be filed within 20 business days of receipt by the applicant of the notice, order, ruling, decision or action complained of.
- (c) The notice of appeal may be filed either in person or by mail and shall be addressed to the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, NJ 08625.
- (d) The application shall be in writing and shall set forth the rule under which the appeal is being brought and the facts and circumstances of the case.
- (e) The application shall include, where appropriate, the following information and documentation:
  - 1. A copy of the notice, order, ruling, decision or action that is the subject of the appeal;
  - 2. A copy of the building system, compliance assurance program or other document involved;
  - 3. A description of the recreational park trailer(s) affected;
  - 4. A statement of the relief sought by the appellant; and
  - 5. In the event of an appeal from an action or decision of an evaluation and inspection agency, the application shall contain a copy or, if that is unavailable, a written statement, of the prior decision or other action of the agency being appealed.
- (f) Conduct of hearings: Hearings in contested cases shall be conducted by the Office of Administrative Law pursuant to the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

## [N.J.A.C. 5:23-4D.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 4D. RECREATIONAL PARK TRAILERS**

### **§ 5:23-4D.9 Appeals: Local**

---

Any person, firm or person aggrieved by a notice, order, ruling, decision of a local enforcing agency shall file an appeal in accordance with [N.J.A.C. 5:23A](#).

### **History**

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#### **HISTORY:**

Administrative correction, effective March 4, 2021.

See: [53 N.J.R. 513\(a\)](#).

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## [N.J.A.C. 5:23-5.1](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

#### **§ 5:23-5.1 Title; scope; intent**

---

- (a) This subchapter of the regulations adopted pursuant to authority of the Uniform Construction Code Act, entitled "Licensing of Code Enforcement Officials", shall be known and may be cited throughout the regulations as subchapter 5, and when referred to in this part of the regulations may be cited as "this subchapter."
- (b) Unless otherwise specifically provided, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.
- (c) This subchapter shall control all matters relating to qualifications for and licensing of all subcode enforcement officials engaged in or to be engaged in the administration and enforcement of the New Jersey Uniform Construction Code, including types of licensed code enforcement officials; procedures for application, issuance, denial and revocation of licenses; the approval of testing and/or educational programs offered to meet the requirements for licensing of code enforcement officials or construction board of appeal members; application fees for a license; and enforcement of penalties for violations of this subchapter. Additional provisions regarding the licensing of elevator subcode officials are contained in N.J.A.C. 5:23-12.
- (d) The Uniform Construction Code has been adopted to ensure public safety, health, and welfare insofar as they are affected by building construction. In order for the code to be enforced adequately and effectively, code officials will need to have sufficient knowledge and competence to administer and interpret the code's standards. This can best be achieved through the creation of an education and training program and the development of licensing requirements.
1. It is the purpose of this subchapter to establish standards and procedures for the licensing of Uniform Construction Code enforcement officials, and to require all persons performing duties with respect to the inspection of building construction for any political subdivision within this State, or in a private capacity, to be licensed as provided in this subchapter.

#### **History**

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##### **HISTORY:**

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

See: 23 New Jersey Register 805(a), 23 New Jersey Register 2046(a).

Reference to Subchapter 12 added.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

§ 5:23-5.1 Title; scope; intent

Stylistic changes.

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## [N.J.A.C. 5:23-5.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.2 Licensing unit; hearings**

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- (a) There is hereby established in the Bureau of Code Services, Division of Codes and Standards, a Licensing Unit. The unit shall enforce this subchapter.
- (b) The unit shall have the following responsibilities in addition to all others provided in this subchapter:
1. To issue such licenses or certifications as may be called for herein when warranted;
  2. To keep accurate records of all applications for a license or certification and any official action thereon and to make such records available for inspection by the public at all reasonable times;
  3. To suspend or revoke a license or certification provided for herein upon the establishment of good cause.
- (c) Any person aggrieved by any notice, action, ruling or order of the Commissioner, with respect to this subchapter, shall have a right to a hearing before the Office of Administrative Law. The final decision in any such case shall be issued by the Commissioner.
1. The aggrieved person must request a hearing in writing. The request must be filed within 15 days after receipt of the notice, order, action or ruling being appealed.
  2. The request shall be filed with the Hearing Coordinator, Division of Codes and Standards, PO Box 802, Trenton, NJ 08625-0802.
  3. The request for hearing shall set forth all issues that will be raised at the hearing.

#### **History**

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##### **HISTORY:**

As amended, R.1980 d.316, eff. July 17, 1980.

See: 12 N.J.R. 303(b), 12 N.J.R. 452(d).

As amended, R.1981 d.134, eff. May 7, 1981.

See: 13 N.J.R. 119(a), 13 N.J.R. 258(c).

(b)2 concerning licensure advisory board deleted and (b)3 renumbered as (b)2.

As amended, R.1982 d.436, eff. December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Added to (b)1 that cases to be heard by the OAL with final decision by the Commissioner. Deleted old text concerning hearings.

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

§ 5:23-5.2 Licensing unit; hearings

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

Deleted text in (b)2i "Responsibility to request ...".

Administrative Corrections to section heading, (a), (a)1, (b)2i.

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

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

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

Stylistic changes.

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Substantially amended section.

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

In (b)1, inserted "or certifications"; and in (b)2 and (b)3, inserted "or certification".

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## [N.J.A.C. 5:23-5.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

#### **§ 5:23-5.3 Types of licenses and certifications**

---

(a) Rules concerning code enforcement licensure and certification categories are:

1. Technical licenses: Subject to the requirements of this subchapter, persons may apply for and may be licensed in the following specialties:

i. Building inspector: Building inspectors are authorized to carry out field inspection and plan review work pursuant to the regulations subject to the limitations specified herein.

(1) Building inspector with a specialty in high-rise and hazardous structures (H.H.S.): Building inspectors H.H.S. are authorized to review plans and carry out field inspection activities for structures in classes 1, 2, and 3.

(2) Building inspector with a specialty in industrial and commercial structures (I.C.S.): Building inspectors I.C.S. are authorized to review plans for structures in classes 2 and 3, and to carry out field inspection activities for structures in classes 1, 2, and 3.

(3) Building inspector with a specialty in residential and small commercial structures (R.C.S.): Building inspectors R.C.S. are authorized to review plans for structures in class 3 and to carry out field inspection activities for structures in classes 1, 2, and 3.

ii. Electrical inspector: Electrical inspectors are authorized to carry out field inspection and plan review work pursuant to the regulations subject to the limitations specified herein.

(1) Electrical inspector with a specialty in high-rise and hazardous structures (H.H.S.): Electrical inspectors H.H.S. are authorized to review plans and carry out field inspection activities for structures in classes 1, 2, and 3.

(2) Electrical inspector with a specialty in industrial and commercial structures (I.C.S.): Electrical inspectors I.C.S. are authorized to review plans for structures in classes 2 and 3, and to carry out field inspection activities for structures in classes 1, 2, and 3.

iii. Fire protection inspector: Fire protection inspectors are authorized to carry out field inspection and plan review work pursuant to the regulations subject to the limitations specified herein.

(1) Fire protection inspector with a specialty in high-rise and hazardous structures (H.H.S.): Fire protection inspectors H.H.S. are authorized to review plans and carry out field inspection activities for structures in classes 1, 2, and 3.

(2) Fire protection inspector with a specialty in industrial and commercial structures (I.C.S.): Fire protection inspectors I.C.S. are authorized to review plans for structures in classes 2 and 3, and to carry out field inspection activities for structures in classes 1, 2, and 3.

(3) Fire protection inspector with a specialty in residential and small commercial structures (R.C.S.): Fire protection inspectors R.C.S. are authorized to review plans for structures in class 3 and to carry out field inspection activities for structures in classes 1, 2, and 3. This license will

## § 5:23-5.3 Types of licenses and certifications

no longer be available after July 31, 1991, and all licenses issued on or before that date shall cease to be valid after July 31, 1993.

- iv. Plumbing inspector: Plumbing inspectors are authorized to carry out field inspection and plan review work pursuant to the regulations subject to the limitations specified herein.
    - (1) Plumbing inspector with a specialty in high-rise and hazardous structures (H.H.S.): Plumbing inspectors H.H.S. are authorized to review plans and carry out field inspection for structures in classes 1, 2, and 3.
    - (2) Plumbing inspector with a specialty in industrial and commercial structures (I.C.S.): Plumbing inspectors I.C.S. are authorized to review plans for structures in classes 2 and 3, and to carry out field inspection activities for structures in classes 1, 2, and 3.
  - v. Inplant inspector: Inplant inspectors are authorized to carry out field inspections and plan review work of premanufactured components pursuant to this subchapter.
  - vi. Elevator inspector with a specialty in high-rise and hazardous structures (H.H.S.): Elevator inspectors H.H.S. are authorized to review plans and carry out the elevator device inspections, or to witness tests required by this chapter in all structures.
  - vii. Mechanical inspector: Mechanical inspectors are authorized to carry out field inspection and plan review work for all work under the mechanical subcode in existing structures of Group R-3 or R-5. Only a person already holding a valid inspector's license may apply for a mechanical inspector's license.
2. Administrative licenses: In addition to the basic required technical licenses specified in [N.J.A.C. 5:23-5.3\(b\)](#)<sup>1</sup>, a person may apply for the administrative licenses specified herein.
- i. Construction official: A construction official is authorized to act as the chief administrator of the enforcing agency as required by [N.J.A.C. 5:23-4.4](#).
  - ii. Building subcode official: A building subcode official is authorized to act as the administrator of the building subcode as required by [N.J.A.C. 5:23-4.4](#).
  - iii. Electrical subcode official: An electrical subcode official is authorized to act as the administrator of the electrical subcode as required by [N.J.A.C. 5:23-4.4](#).
  - iv. Fire protection subcode official: A fire protection subcode official is authorized to act as the administrator of the fire protection subcode as required by [N.J.A.C. 5:23-4.4](#).
  - v. Plumbing subcode official: A plumbing subcode official is authorized to act as the administrator of the plumbing subcode as required by [N.J.A.C. 5:23-4.4](#).
  - vi. Elevator subcode official: An elevator subcode official is authorized to act as the administrator of the elevator safety subcode, as required by [N.J.A.C. 5:23-4.4](#).
3. State-jurisdiction licenses: Subject to the requirements of this subchapter, persons may apply for and may be licensed in the following specialties:
- i. Amusement rides subcode official: An amusement rides subcode official is authorized to act as an administrator in the enforcement by the Department of the amusement rides subcode;
  - ii. Amusement ride inspector H.H.S.: An amusement ride inspector H.H.S. is authorized to carry out field inspection, accident investigation and plan review work in the enforcement by the Department of the amusement rides subcode;
  - iii. Amusement ride inspector I.C.S.: An amusement ride inspector I.C.S. is authorized to carry out field inspection and plan review work in the enforcement by the Department of the amusement rides subcode;

## § 5:23-5.3 Types of licenses and certifications

- iv.** Boiler, pressure vessel and refrigeration subcode official: A boiler, pressure vessel and refrigeration subcode official is authorized to act as an administrator in the enforcement by the Department of the boiler, pressure vessel and refrigeration subcode;
  - v.** Boiler, pressure vessel and refrigeration inspector H.H.S.: A boiler, pressure vessel and refrigeration inspector H.H.S. is authorized to carry out field inspections and shop inspections and plan review work in the enforcement by the Department of the boiler, pressure vessel and refrigeration subcode;
  - vi.** Boiler, pressure vessel and refrigeration inspector I.C.S.: A boiler, pressure vessel and refrigeration inspector I.C.S. is authorized to carry out field inspections and plan review work in the enforcement by the Department of the boiler, pressure vessel and refrigeration subcode;
  - vii.** Boiler, pressure vessel and refrigeration inspector R.C.S.: A boiler, pressure vessel and refrigeration inspector R.C.S. is authorized to carry out field inspections and plan review work in the enforcement by the Department of the boiler, pressure vessel and refrigeration subcode.
- 4.** Special inspector certifications: Subject to the requirements of this subchapter, persons may apply for and may be certified in the following specialties:
- i.** Structural welding special inspector: Structural welding special inspectors are authorized to carry out field inspections pursuant to sections 1705.2.1, 1705.2.2, and 1705.3.1 of the building subcode.
  - ii.** Structural steel and bolting special inspector: Structural steel and bolting special inspectors are authorized to carry out field inspections pursuant to section 1705.2.1 of the building subcode.
  - iii.** Concrete placement special inspector: Concrete placement special inspectors are authorized to carry out field inspections pursuant to Section 1705.3 (excluding Section 1705.3.1) and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 (excluding shotcrete inspections), 8, 10, 13, and 14 of the building subcode.
  - iv.** Reinforced concrete special inspector: Reinforced concrete special inspectors are authorized to carry out field inspections pursuant to Section 1705.3 (excluding Section 1705.3.1), Section 1705.8 and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 (excluding shotcrete inspections), 8, 10, 13, and 14 of the building subcode.
  - v.** Prestressed concrete special inspector: Prestressed concrete special inspectors are authorized to carry out field inspections pursuant to Section 1705.3 (excluding Section 1705.3.1) and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 (excluding shotcrete inspections, 8, 9, 10, 11, 12, 13, and 14 of the building subcode.
  - vi.** Structural masonry special inspector: Structural masonry special inspectors are authorized to carry out field inspections pursuant to section 1705.4 of the building subcode.
  - vii.** Mass timber construction special inspector: Mass timber construction special inspectors are authorized to carry out field inspections pursuant to Section 1705.5.3 of the building subcode.
  - viii.** Soils special inspector: Soils special inspectors are authorized to carry out field inspections pursuant to Section 1705.6 of the building subcode.
  - ix.** Spray-applied fireproofing special inspector: Spray-applied fireproofing special inspectors are authorized to carry out field inspections pursuant to section 1705.14 of the building subcode.
  - x.** Exterior insulation finish system (EIFS) special inspector: EIFS special inspectors are authorized to carry out field inspections pursuant to section 1705.16 of the building subcode.
- 5.** Technical assistant certifications: Subject to the requirements of this subchapter, a person may apply for, and be certified as, a technical assistant. A technical assistant is recognized to act as an assistant to a construction or subcode official in the processing of requests for construction permits and other duties pertaining to the operation of a construction code enforcement agency.

## History

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### HISTORY:

Amended by R.1977 d.435, effective December 15, 1977.

See: 9 N.J.R. 456(c), 9 N.J.R. 558(b).

Amended by R.1981 d.462, effective December 7, 1981.

See: 13 N.J.R. 390(a), 13 N.J.R. 885(d).

(b): Renumbering; (b)4 and 4i added.

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

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

RCS license to be phased out, effective July 31, 1993.

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

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

Elevator inspector classification and authority added at (b).

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

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

Text deleted at (a); (b) recodified.

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

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

Added (b)1vii.

Amended by R.2001 d.303, effective September 4, 2001.

See: [33 N.J.R. 1991\(a\)](#), [33 N.J.R. 2989\(a\)](#).

Added (a)3.

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a)1vii, substituted "subcode in structures of Group R-3 or R-5" for "subcode in Use Group R-3 or R-4 structures".

Amended by R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

Added (a)4.

Amended by R.2008 d.337, effective November 3, 2008.

See: [40 N.J.R. 4269\(a\)](#), [40 N.J.R. 6437\(b\)](#).

In (a)4i, deleted "steel and" following "Structural" twice and substituted "1704.3.1" for "1704.3"; added new (a)4ii, (a)4iv and (a)4v; recodified former (a)4ii as (a)4iii and former (a)4iii through (a)4v as (a)4vi through (a)4viii; rewrote (a)4iii; and in (a)4vii, substituted "1704.10" for "1704.11".

Amended by R.2011 d.269, effective November 7, 2011.

## § 5:23-5.3 Types of licenses and certifications

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

In (a)4iii and (a)4iv, inserted ", section 1704.9"; and in (a)4vi, inserted "and section 1704.11".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In (a)1, substituted "1, 2, and 3" for "I, II and III", "2 and 3" for "II and III", and "3" for "III" throughout; in (a)4iii, substituted "7, 8, 10, 11, and 12" for "7, 9, 10 and 11"; in (a)4iv, substituted "7, 8, 10, 11, and 12" for "7, 9 and 11"; and in (a)4v, substituted "10, 11, and 12" for "10 and 11".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

Section was "Types of licenses". In the introductory paragraph of (a), inserted "and certification".

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In (a)1vii, inserted "existing"; and rewrote (a)4.

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (a)4iii through v, substituted "(excluding" for ", except", inserted a close parenthesis following "1705.3.1", and inserted "excluding shotcrete inspections"); and in (a)4iii, deleted ", section 1705.7" preceding "and Table".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (a)4iii through (a)4v, substituted "Section" for "section" throughout and updated row numbers throughout; added new (a)4vii and (a)4viii; and recodified former (a)4vii and (a)4viii as (a)4ix and (a)4x.

Amended by R.2023 d.058, effective May 1, 2023.

See: [54 N.J.R. 1898\(a\)](#), [55 N.J.R. 826\(b\)](#).

Inserted (a)5.

## [N.J.A.C. 5:23-5.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.4 Licenses and certifications required**

---

(a) No person shall be appointed to, or shall hold, the position of construction official or subcode official unless that person has received a license required for that position pursuant to this subchapter. No person shall be appointed to, or hold the position of, technical assistant to the construction official unless that person has received a certification required for that position pursuant to this subchapter.

(b) No person shall be appointed to, or shall hold, a technical inspector position in an enforcing agency for which a license requirement has been established by this chapter unless that person has received the license required by these rules for that position.

(c) No person shall act to enforce any special technical provision or article of the rules for which the Commissioner shall have established in [N.J.A.C. 5:23-5.3](#) a requirement for an additional special technical license, unless such person shall have received the required special technical license within one year following the effective date of the requirement for such license.

(d) Enforcing agencies may establish code enforcement trainee positions subject to the following rules:

1. Persons applying for a trainee position with an enforcing agency must be officially registered with the Department of Community Affairs on the form provided by the Licensing Unit of the Bureau of Code Services prior to being hired as a trainee.
  - i. Trainees shall renew their registration yearly and shall notify the Department of Community Affairs, Bureau of Code Services, Licensing Unit, of any change in employment status or address within one month of the change.
  - ii. A nonrefundable processing fee of \$ 20.00 is required for the initial Trainee Registration Request and for each subsequent renewal request.
2. Persons meeting the following experience requirements shall be eligible to register as trainees:
  - i. Fire protection inspector trainee--a minimum of one year of experience in the fire service (other than as an apprentice or person in training) with fire prevention, fire protection or firefighting responsibilities, or with one year experience in building construction as a journeyman, contractor, or design draftsman relative to the fire protection subcode.
  - ii. Building inspector trainee--a minimum of one year of experience in building construction as a journeyman, inspector, contractor or design draftsman relative to the building subcode.
  - iii. Plumbing inspector trainee--a minimum of one year of experience as a journeyman plumber, contractor or design draftsman relative to the plumbing subcode.
  - iv. Electrical inspector trainee--a minimum of one year of experience as a journeyman electrician, contractor or design draftsman relative to the electrical subcode.
  - v. Persons who have graduated from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other

## § 5:23-5.4 Licenses and certifications required

major area of study significantly related to building construction, or who possess an associate's degree in code enforcement, or have a current New Jersey registration/license as an architect or engineer shall be exempt from the experience requirement for trainee employment.

3. Trainees shall be evaluated by their supervisors on a quarterly basis. This evaluation shall include a brief description of the trainee's code enforcement activities and an assessment of the trainee's performance in these activities. Trainees who receive satisfactory evaluation ratings by their supervisors and who occupy enforcing agency trainee positions while registered with the Department may use the trainee experience toward satisfying the experience requirement for licensure in accordance with this subchapter. The effective date of the trainee experience begins at the time the person is hired as a registered trainee by an authorized agency.
  4. The following conditions apply to work performed by a trainee:
    - i. Trainees may perform inspections required by [N.J.A.C. 5:23-2.18](#) only under the direct supervision of an official or inspector licensed in the subcode area in which the trainee position has been approved. The licensed supervisor must be on site with the trainee during the performance of all required inspections.
    - ii. Trainees may perform an inspection of a singular specific point on a project, or a repetitive singular specific point on one or more projects, if directed to do so by a licensed supervisor where no code interpretation is required. In any such case, the inspection report shall be completed and signed by the trainee and reviewed and countersigned by the licensed supervisor.
    - iii. Trainees shall not act as subcode or construction officials or sign any permits, stickers, approved plans or inspection reports except as otherwise permitted by (d)5i and ii above.
  5. The supervisor of the trainee shall possess a valid code enforcement license in the same subcode as the registered trainee working under his or her direct supervision.
    - i. A qualified licensed inspector shall not supervise more than one trainee.
    - ii. Failure of a supervisor to properly oversee a registered trainee in accordance with the provisions of the rules may result in disciplinary action against the supervisor.
  6. To remain employed by an enforcing agency, a trainee must enroll in, and successfully complete, the appropriate approved course within two years of the effective date of his or her employment. Trainees who fail to successfully complete the appropriate course within two years of the effective date of their employment shall not be permitted to renew their registration until successful completion is achieved.
  7. To remain employed by an enforcing agency, a trainee must pass the appropriate modules of the National Certification Test in his specific code area within two years of the effective date of employment.
- (e) Enforcing agencies may establish code enforcement intern positions subject to the following:
1. Persons applying for an intern position with an enforcing agency must be officially registered in accordance with this subchapter with the Department of Community Affairs on the form provided by the Licensing Unit of the Bureau of Code Services prior to being hired as an intern.
    - i. Interns shall renew their registration yearly and shall notify the Department of Community Affairs, Bureau of Code Services, Licensing Unit within one month of any change in employment status prior to accepting any new position and of any change of address.
    - ii. A nonrefundable processing fee of \$ 20.00 is required for the initial Intern Registration Request and for each subsequent renewal request.
  2. Persons meeting the following requirements shall be eligible to be employed as interns:
    - i. Fire protection inspector intern: possession of an associate degree in code enforcement with a major in the fire protection subcode;



## § 5:23-5.4 Licenses and certifications required

- ii. Building inspector intern: possession of an associate degree in code enforcement with a major in the building subcode area;
  - iii. Plumbing inspector intern: possession of an associate degree in code enforcement with a major in the plumbing subcode area; and
  - iv. Electrical inspector intern: possession of an associate degree in code enforcement with a major in the electrical subcode area.
3. Interns shall be evaluated by their supervisors on a quarterly basis.
- i. The evaluation must include a brief description of the intern's code enforcement activities and an assessment of the intern's performance in these activities.
  - ii. Interns who receive satisfactory evaluation ratings from their supervisors and who occupy enforcing agency intern positions while registered with the Department may use the intern experience toward satisfying the experience requirement for licensure.
  - iii. The period of intern experience begins at the time a person is hired as a registered intern by an authorized agency.
4. The following conditions apply to work performed by interns:
- i. Interns may perform all inspections allowed for a trainee as described in (d)5i and ii above.
  - ii. In addition, with the written approval of an intern's supervisor, the intern may perform the following types of inspections without the supervisor being present during the inspection:
    - (1) Reinspections of previously failed documented inspections for one and two family dwellings;
    - (2) Footing inspections as described in [N.J.A.C. 5:23-2.18\(b\)](#)1i(1) for one and two family dwellings (building inspector interns with written approval of their supervisors only).
  - iii. An intern shall not act as a subcode or construction official nor sign any permits, stickers, approved plans or inspection reports, except as permitted in (e)4i and ii above.
5. The supervisor of the intern must possess a valid code enforcement license in the same subcode as the registered intern working under his or her supervision.
- i. A qualified licensed inspector shall not supervise more than one intern.
  - ii. Failure of a supervisor to properly oversee a registered intern in accordance with the provisions of this subsection may result in disciplinary action against the supervisor.
  - iii. The supervisor must complete the quarterly reports and keep a written file on the progress of the intern. This file must include written authorization to perform inspections as listed in [N.J.A.C. 5:23-5.4\(e\)](#)4. At the end of one year of full time internship, the supervisor shall forward notice to the Department of Community Affairs, Bureau of Code Services, Licensing Unit of successful completion of the internship. If the internship is not for a full year, or is part time, that time may also be documented.
6. To remain employed by an enforcing agency, an intern must pass the appropriate module(s) of the National Certification Test in his or her specific code area within one year of the effective date of employment.
- (f) Effective November 6, 2008, special inspectors shall be certified in accordance with the administrative provisions of the Uniform Construction Code. No person shall act as a special inspector to enforce any provision of the building subcode for which this chapter has established a certification requirement unless that person has received the certification required by these rules for that specialty.
- (g) Violations:



## § 5:23-5.4 Licenses and certifications required

1. It shall be a violation of these regulations for any construction or subcode official or technical inspector to represent himself or herself to be qualified for a position that the person does not currently hold, or to use a title or otherwise represent himself or herself to be qualified for a position that the person does not currently hold, or to use a title or otherwise represent himself or herself as licensed or authorized to act under the code if that person does not possess the required license or certification. In addition to any other remedy available under law, such shall be deemed a violation of this section subject to a penalty of not more than \$ 2,000 for each offense.
2. It shall be a violation of these rules for any person to hold or perform the duties of an office for which a license or certification is required herein, or for any person to represent himself or herself as qualified for such position, or to use any title or otherwise represent himself or herself as licensed, certified, or authorized to act under the code if the person does not possess that license or certification. In addition to any other remedy available under law, such action shall be deemed a violation of this section and subject to a penalty of not more than \$ 2,000 for each offense.
3. It shall be a violation of these rules in the case of construction and subcode officials and technical inspectors for any enforcing agency, including private on-site inspection and plan review agencies, to offer employment to or to retain for employment any person who is not licensed in accordance with these rules if such person has not been previously and continuously employed by such agency. Further, it shall be a violation of these rules for an enforcing agency to continue an individual in employment in a position for which a license is required pursuant to these rules, or to hire an individual for such a position, if such person is not licensed in accordance with this subchapter. Violation of this section shall be deemed a failure to perform within the meaning of [N.J.A.C. 5:23-4.3\(f\)](#), and the Department may exercise the remedies provided therein.
4. It shall be a violation of the State Uniform Construction Code Act for any agency of the State of New Jersey, which is charged with enforcing agency responsibilities pursuant to the act or these rules, to fail to comply with paragraphs 1, 2 and 3 of this subsection.

## History

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### HISTORY:

Amended by R.1984 d.494, effective November 5, 1984.

See: 16 N.J.R. 1643(a), 16 N.J.R. 3007(a).

(d) substantially amended.

Amended by R.1985 d.85, effective March 4, 1985.

See: 16 N.J.R. 3372(a), 17 N.J.R. 579(a).

(d) amended.

Amended by R.1985 d.231, effective May 20, 1985.

See: 17 N.J.R. 341(a), 17 N.J.R. 1258(a).

(d)1i added.

Amended by R.1985 d.353, effective July 15, 1985.

See: 17 N.J.R. 1032(a), 17 N.J.R. 1758(b).

Subsection (d) substantially amended.

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

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

(d)3 substantially amended.

## § 5:23-5.4 Licenses and certifications required

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

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

Substantially amended.

Administrative Corrections to (c), (d)2 and (d)2ii.

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

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

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

Trainee registration required; processing fee raised to \$ 20.00; "directly" broadened to "significant".

Amended by R.1992 d.292, effective July 20, 1992.

See: 24 N.J.R. 1669(b), 24 N.J.R. 2557(a).

Provision to license interns added.

Amended by R.1993 d.105, effective March 1, 1993.

See: 24 N.J.R. 4309(a), 25 N.J.R. 920(b).

Added subsection (g).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Amended internal citations throughout; in (a) and (b), deleted October 1, 1978 trigger date; in (f)3, inserted ", or to hire an individual for such a position,"; and deleted (g), relating to interim rules.

Amended by R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

Added new (f); and recodified former (f) as (g).

Emergency amendment, R.2007 d.362, effective October 25, 2007 (to expire December 24, 2007).

See: [39 N.J.R. 4958\(a\)](#).

In (f), substituted "2008" for "2007".

Concurrent adopted amendment, R.2008 d.27, effective December 21, 2007.

See: [39 N.J.R. 4958\(a\)](#), [40 N.J.R. 614\(a\)](#).

Provisions of R.2007 d.362 adopted without change.

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

Section was "Licenses required". In (g)1 and (g)2, inserted "or herself" and "or certification" throughout, and substituted "\$ 2,000" for "\$ 500.00"; and in (g)2, inserted ", certified,".

Amended by R.2023 d.058, effective May 1, 2023.

See: [54 N.J.R. 1898\(a\)](#), [55 N.J.R. 826\(b\)](#).

Rewrote (a).

§ 5:23-5.4 Licenses and certifications required

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## [N.J.A.C. 5:23-5.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.5 General license requirements**

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(a) A candidate for a license or certification of any type issued pursuant to this subchapter shall submit an application to the Licensing Unit, Bureau of Code Services, accompanied by the required nonrefundable application fee established in [N.J.A.C. 5:23-5.22](#). The application shall include such information and documentation as the Commissioner may require pursuant to this subchapter.

(b) After receipt of the required nonrefundable fee, the Department shall determine, by examination of the application and review of the supporting documents, including substantial evidence of acceptable experience, successful test results, training and/or education submitted, whether an applicant is qualified for a license or certification of the type and specialty for which the application has been made. If the application is satisfactory, the Commissioner shall issue a license or certification to the applicant. This license or certification will show that the person has met the established requirements and is eligible to be employed in this State in accordance with the provisions of this chapter.

1. The Commissioner may deny or refuse to issue a license or certification to an applicant if the application is incomplete or upon proof that there has been any act or omission which would constitute grounds for revocation under this subchapter, or if an application was denied within the prior three years by reason of any act or omission that would constitute grounds for revocation.
2. Upon receipt of an incomplete application, the non-refundable application fee shall be collected and a letter of acknowledgment forwarded to the applicant setting forth the manner in which the application is incomplete.
3. The applicant shall submit a complete application within 18 months of receipt of the letter of acknowledgment. If a complete application is not submitted within the 18 month period, the application shall be deemed abandoned, no further action shall be taken on it by the Department and a new application and non-refundable fee shall be required if the applicant desires to reapply.
4. Only test results for test modules or other examination requirements specified in [N.J.A.C. 5:23-5.23A](#) and [5.23B](#) passed within three years prior to, or at the time of, application shall be accepted toward fulfilling the requirement for the license or certification sought.
5. Only those approved courses completed within a five-year period immediately preceding the time of application for a license or certification shall be considered acceptable toward fulfilling the requirements for the technical or administrative license or certification sought.
  - i. Persons who have completed an approved course shall be eligible for tuition reimbursement when funds for such reimbursement are available; provided, however, that persons who repeat a course for any reason, and have previously received tuition reimbursement for the course, shall not again be eligible for reimbursement for that course.
6. No credit shall be given by the Department for any experience not involving the construction or alteration of buildings, or its equivalent, as determined by the Department.

## § 5:23-5.5 General license requirements

7. No credit shall be given by the Department for any journeyman experience unless documentation of the completion of a formal or informal apprenticeship program, or its equivalent, as determined by the Department, is provided. In general, the Department makes reference to the U.S. Department of Labor's National Apprenticeship Program for assigning the length of time required to complete an apprenticeship program in a given trade.

8. Credit for part-time work experience shall be given by the Department on a proportional basis. The Department has established a 35-hour work-week as the standard full time equivalent. No additional credit will be given for hours in excess of 35 per week, regardless of any amount of overtime which an applicant claims to have worked.

(c) A person licensed by the Department on the basis of having had a license, tenure or permanent civil service status prior to January 1, 1978 who subsequently loses his or her license as a result of revocation or of failure to renew within three years of lapsing must reapply for licensure under the requirements in effect at the time of reapplication.

(d) Special provisions:

1. An applicant who is licensed as a building inspector, electrical inspector, fire protection inspector or plumbing inspector shall be eligible for licensure as an inspector at the same level or lower in any other subcode, other than the elevator safety subcode or a State-jurisdiction subcode, upon satisfactory completion of the approved educational program, if applicable, and the examination for licensure as an inspector in that other subcode, provided that the applicant has at least the number of years experience required for that other subcode inspector's license.

2. An applicant licensed as an inspector may apply for a mechanical inspector's license to perform mechanical inspections in structures of Group R-3 or R-5.

3. An applicant who is licensed as an elevator inspector H.H.S. and who holds valid certification by the National Association of Amusement Ride Safety Officials (NAARSO) as a Level I (Basic) Inspector shall be eligible to be licensed as an amusement ride inspector I.C.S.

i. Licensed elevator inspectors H.H.S. may, however, perform operational inspections of amusement rides pursuant to [N.J.A.C. 5:14A](#) without having the NAARSO certification.

4. Amusement rides subcode officials licensed pursuant to this subchapter may perform routine six-month inspections of elevator devices, as specified in N.J.A.C. 5:23-12, provided that they have successfully completed the approved educational program for the elevator inspector H.H.S. license as detailed at [N.J.A.C. 5:23-5.20\(n\)](#).

## History

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### HISTORY:

Amended by R.1981 d.462, effective December 7, 1981.

See: 13 N.J.R. 390(a), 13 N.J.R. 885(d).

(b)9 through 9ii added.

Amended by R.1981 d.463, effective December 7, 1981.

See: 13 N.J.R. 635(a), 13 N.J.R. 886(c).

(c) added "no credit shall be given ... building".

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

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

## § 5:23-5.5 General license requirements

(b)1iii and v: "such" added after "provided that"; "24" was "12"; and deleted "and further provided that's"; (b)5iii(3) deleted.

Amended by R.1982 d.19, effective February 1, 1982.

See: 13 N.J.R. 801(a), 14 N.J.R. 143(b).

(b) Substantially amended.

(c) "and" added between "application" and "review"; "alternative" deleted before "experience"; "pursuant to ... [N.J.A.C. 5:23-5.9](#)" deleted.

Amended by R.1982 d.56, effective March 1, 1982.

See: 14 N.J.R. 8(a), 14 N.J.R. 237(a).

(b)1i: added "provided ... 52:27D-126(b);".

Amended by R.1983 d.641, effective January 17, 1984.

See: 15 N.J.R. 1911(a), 16 N.J.R. 129(b).

Substantially amended.

Amended by R.1984 d.425, effective October 1, 1984.

See: 16 N.J.R. 1644(a), 16 N.J.R. 2520(b).

Section substantially amended.

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

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

Substantially amended.

Amended by R.1986 d.255, effective July 7, 1986.

See: 18 N.J.R. 594(a), 18 N.J.R. 1373(a).

Deleted "satisfies the experience requirements for licensure" and substituted "is licensed" in (d)5.

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

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

Substantially amended.

Administrative Correction to (a).

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

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

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

Test result and licensure requirements specified further at (b)4 and (c)3.

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

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

Work week set at 35 hours; (d)1-4 deleted.

Amended by R.1993 d.105, effective March 1, 1993.

See: 24 N.J.R. 4309(a), 25 N.J.R. 920(b).

Persons serving as elevator inspectors when licensing rules proposed have an opportunity to qualify for licenses.

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

## § 5:23-5.5 General license requirements

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

Added (d)2.

Administrative correction.

See: 26 N.J.R. 1495(a).

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.544, effective December 2, 1996 (operative February 1, 1997).

See: [28 N.J.R. 3996\(a\)](#), [28 N.J.R. 5071\(a\)](#).

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

See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

In (b)4, deleted exception for tests taken prior to July 1, 1991; and substantially amended (c).

Amended by R.2001 d.303, effective September 4, 2001.

See: [33 N.J.R. 1991\(a\)](#), [33 N.J.R. 2989\(a\)](#).

In (d)1, inserted "or a State-jurisdiction subcode" following "safety subcode"; added (d)3.

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

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (d)2, substituted "mechanical inspections in structures of Group R-3 or R-5" for "mechanical inspections of Use Group R-3 or R-4 structures".

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

In (b)1, inserted ", or if an application was denied within the prior three years by reason of any act or omission that would constitute grounds for revocation".

Amended by R.2013 d.087, effective June 17, 2013.

See: [44 N.J.R. 1311\(a\)](#), [45 N.J.R. 1509\(a\)](#).

In (d)3, inserted "H.H.S."; and added (d)3i and (d)4.

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

In (a) and (b), inserted "or certification" throughout; and in (b)4, inserted "or other examination requirements specified in [N.J.A.C. 5:23-5.23A](#) and [5.23B](#)".

## [N.J.A.C. 5:23-5.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

## **§ 5:23-5.6 Construction official requirements**

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- (a) A candidate for a license as a construction official shall meet the following qualifications:
1. Possession of the qualifications established for at least one of the following subcode official licenses: building, fire protection, electrical, plumbing or elevator; provided, however, that any person qualified as a fire protection subcode official must also have experience for the applicable period of time specified by [N.J.S.A. 52:27D-126b](#); and
  2. Successful completion of an approved construction official educational program as required by [N.J.A.C. 5:23-5.20](#) prior to application.
  3. A provisional license shall be issued to any person provided that such person is licensed or is simultaneously licensed as a subcode official. Such person shall have successfully completed the educational program required herein within 24 months of issuance of the provisional license.

## **History**

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### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)1.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Deleted text in (a)1 "in the specialty ... license is sought".

Administrative Correction to (a)2.

See: 22 New Jersey Register 2503(b).

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Simultaneous license accepted.

Amended by R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

In (a), substituted "following" for "five" following "at least one of the" and inserted ": building, fire protection, electrical, plumbing or elevator" following "subcode official licenses".



§ 5:23-5.6 Construction official requirements

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## [N.J.A.C. 5:23-5.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.7 Subcode official requirements**

---

(a) A candidate for a license as a building, electrical, fire protection, plumbing or elevator subcode official shall meet the following qualifications:

1. Possession of the qualifications established herein for a technical inspector license in at least the same specialty as the subcode official license being applied for; and
2. Successful completion of an approved subcode official educational program as established in [N.J.A.C. 5:23-5.20](#) prior to, or at the time of, application; and
3. Completion of such additional experience in the subcode of qualification as may be required, beyond that needed for licensure as a technical inspector, to provide at least the following total experience:
  - i. Ten years in construction, design or supervision as a journeyman in a skilled construction trade currently regulated by the Uniform Construction Code; or 10 years as a technical inspector; or 10 years as a construction contractor in a field of construction currently regulated by the construction code; or
  - ii. Five years of experience in construction, design or supervision in building construction work, provided that such persons possess, prior to this experience, at least a bachelor's degree from an accredited institution of higher education in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction; or
  - iii. Three years of experience in construction, design or supervision as a licensed engineer or registered architect, provided that such person possess a license as an engineer or architect issued by the State of New Jersey at the time of application.
4. Exceptions to experience requirements follow:
  - i. A candidate for a license as a fire protection subcode official shall possess at least the following experience:
    - (1) Three years of experience as a fire prevention official; or
    - (2) Three years of experience as a fire protection official; or
    - (3) Three years of experience as a firefighter.
  - ii. A candidate for a license as a building, plumbing or electrical subcode official who obtained the technical license in that subcode area under the provisions of [N.J.A.C. 5:23-5.5\(d\)](#)<sup>1</sup> shall possess the following experience:
    - (1) Three years of experience as an inspector in that specific subcode area; or
    - (2) Three years of experience in a skilled trade directly related to that specific subcode area; or

## § 5:23-5.7 Subcode official requirements

**(3)** Two years of experience in that specific subcode area as an inspector or in construction, design or supervision with at least a bachelor's degree from an accredited institution of higher education in architecture or engineering or in architecture or engineering technology or in a major area of study directly related to building construction; or

**(4)** One year of experience in that specific subcode area as an inspector or in construction, design or supervision as a licensed engineer or registered architect, provided that such person possesses a license as an engineer or architect issued by the State of New Jersey at the time of application.

**5.** A provisional license shall be issued to any person who possesses the required experience listed above provided that such person is licensed or is simultaneously licensed as a technical inspector in the same subcode area. Such person shall have successfully completed the educational program required herein within 24 months of issuance of the provisional license.

**6.** A person who is already licensed as a fire protection subcode official must have the total years of experience as described in (a)3 above to satisfy the experience requirement for any other subcode official license.

**(b)** A candidate for a license as a State-jurisdiction subcode official shall hold an H.H.S. level license in the State-jurisdiction subcode of licensure and shall meet the requirements of (a)2 and 3 above.

## History

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### HISTORY:

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5.5(b)2.

Amended by R.1986 d.255, effective July 7, 1986.

See: 18 New Jersey Register 594(a), 18 New Jersey Register 1373(a).

Added text to (a)6 "other than fire protection subcode official license".

Correction: Added "experience" to text in (a)6.

See: 18 New Jersey Register 1963(b).

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

Administrative Correction to (a)2.

See: 22 New Jersey Register 2503(b).

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

See: 23 New Jersey Register 805(a), 23 New Jersey Register 2046(a).

Elevator subcode official added.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Experience to be prior to application; simultaneous licensing accepted.

Amended by R.1992 d.393, effective October 5, 1992.

§ 5:23-5.7 Subcode official requirements

See: 24 New Jersey Register 2661(a), 24 New Jersey Register 3525(a).

Experience requirements for reciprocal subcode license added to (a)4; (a)6 deleted.

Amended by R.1996 d.544, effective December 2, 1996 (operative February 1, 1997).

See: [28 New Jersey Register 3996\(a\)](#), [28 New Jersey Register 5071\(a\)](#).

Amended by R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

Added (b).

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## [N.J.A.C. 5:23-5.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

#### **§ 5:23-5.8 Building inspector H.H.S. requirements**

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(a) A candidate for a license as a building inspector H.H.S. shall meet one of the following educational and/or experience requirements:

1. Seven years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the building subcode; or
  - ii. Experience as a building or housing inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the building subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, and two years of subsequent experience in construction, design, inspection or supervision in a field of construction currently regulated by the building subcode; or
3. Possession of an associate's degree in code enforcement from an accredited institution of higher education, and three years of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the building subcode; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a building inspector H.H.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for building inspector H.H.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer shall be exempted from the educational program requirements for building inspector H.H.S.
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).
3. Possession of, or eligibility for, the building inspector I.C.S. license.

#### **History**

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##### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

§ 5:23-5.8 Building inspector H.H.S. requirements

Was 5:23-5.5(b)3i.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Architects or engineers added.

**HISTORICAL NOTE:**

Original rules to 5:23-5.8 concerning substitution of alternative education, training or experience, which were filed as part of R.1977 d.304, effective October 1, 1977. See: 9 New Jersey Register 257(b), 9 New Jersey Register 413(b). These rules were repealed by R.1982 d.10, effective February 1, 1982. See: 13 New Jersey Register 801(a), 14 New Jersey Register 143(b).

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## [N.J.A.C. 5:23-5.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

### **§ 5:23-5.9 Building inspector I.C.S. requirements**

---

(a) A candidate for a license as a building inspector I.C.S. shall meet one of the following educational and/or experience requirements:

1. Five years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the building subcode; or
  - ii. Experience as a building or housing inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the building subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology or in any other major area of study significantly related to building construction, and one year of subsequent experience in construction, design, inspection or supervision in a field of construction currently regulated by the building subcode; or
3. Possession of an associate degree in code enforcement from an accredited institution of higher education and two years of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the building subcode; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a building inspector I.C.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for building inspector I.C.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for building inspector I.C.S.
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).
3. Possession of, or eligibility for, the building inspector R.C.S. license.

### **History**

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**HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

§ 5:23-5.9 Building inspector I.C.S. requirements

Was 5:23-5.5(b)3ii.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(b).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

"Directly" replaced with "significant".

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## [N.J.A.C. 5:23-5.10](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.10 Building inspector R.C.S. requirements**

---

(a) A candidate for a license as a building inspector R.C.S. shall meet one of the following educational and/or experience requirements:

1. Three years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the building subcode; or
  - ii. Experience as a building or housing inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the building subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction; or
3. Possession of an associate's degree in code enforcement from an accredited institution of higher education, and one year of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the building subcode; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a building inspector R.C.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for building inspector R.C.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for building inspector R.C.S.; and
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).

## **History**

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### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)3iii.

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

§ 5:23-5.10 Building inspector R.C.S. requirements

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(b).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Architects or engineers added; "directly" replaced with "significant".

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## [N.J.A.C. 5:23-5.11](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.11 Electrical inspector H.H.S. requirements**

---

(a) A candidate for a license as an electrical inspector H.H.S. shall meet one of the following educational and/or experience requirements:

1. Seven years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the electrical subcode; or
  - ii. Experience as an electrical inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the electrical subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, and two years of subsequent experience in construction, design, inspection or supervision in a field of construction currently regulated by the electrical subcode; or
3. Possession of an associate's degree in code enforcement from an accredited institution of higher education and three years of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the electrical subcode; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as an electrical inspector H.H.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for electrical inspector H.H.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or in engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for electrical inspector H.H.S.; and
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).
3. Possession of, or eligibility for, the electrical inspector I.C.S. license.

#### **History**

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##### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

§ 5:23-5.11 Electrical inspector H.H.S. requirements

Was 5:23-5.5(b)4i.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Architects or engineers added; "directly" replaced with "significant".

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## [N.J.A.C. 5:23-5.12](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.12 Electrical inspector I.C.S. requirements**

---

- (a) A candidate for a license as an electrical inspector I.C.S. shall meet one of the following educational and/or experience requirements.
1. Five years of experience consisting of one of the following, or a combination thereof:
    - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the electrical subcode; or
    - ii. Experience as an electrical inspector; or
    - iii. Experience as a construction contractor in a field of construction currently regulated by the electrical subcode; or
  2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, and one year of subsequent experience in construction, design, inspection or supervision in a field of construction currently regulated by the electrical subcode; or
  3. Possession of an associate's degree in code enforcement from an accredited institution of higher education, and two years of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the electrical subcode; or
  4. Possession of a current New Jersey registration/license as an architect or engineer.
- (b) A candidate for a license as a electrical inspector I.C.S. shall also meet the following requirements:
1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for electrical inspector I.C.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for electrical inspector I.C.S.; and
  2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).

#### **History**

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##### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)4ii.

§ 5:23-5.12 Electrical inspector I.C.S. requirements

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Architects or engineers added; "directly" replaced with "significantly".

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## [N.J.A.C. 5:23-5.13](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.13 Fire protection inspector H.H.S. requirements**

---

(a) A candidate for a license as a fire protection inspector H.H.S. shall meet one of the following educational and/or experience requirements:

1. Seven years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in the fire service (other than as an apprentice or as a person in training), with fire prevention, fire protection or firefighting responsibilities; or
  - ii. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the fire protection subcode; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the fire protection subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in fire science or fire science technology, or in architecture or engineering, or in architectural or engineering technology or in any other major area of study significantly related to building construction or fire science, and two years of subsequent experience in responsibilities regulated by the fire protection subcode and/or experience in the fire service with fire prevention, fire protection or firefighting responsibilities; or
3. Possession of an associate's degree from an accredited institution of higher education in code enforcement, fire science, or fire science technology, and three years of subsequent experience in responsibilities regulated by the fire protection subcode and/or experience in the fire service with fire prevention, fire protection or firefighting responsibilities; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a fire protection inspector H.H.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for fire protection inspector H.H.S.; provided, however, that persons having an associate's degree in code enforcement, fire science, or fire science technology, or a bachelor's degree in fire science, architecture or engineering, or in architectural, engineering or fire science technology, or in any other major area of study significantly related to building construction or fire science, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for fire protection inspector H.H.S.
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).
3. Possession of, or eligibility for, the fire protection inspector I.C.S. license.

## **History**

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§ 5:23-5.13 Fire protection inspector H.H.S. requirements

**HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)5i.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Architects and engineers added; "directly" replaced by "significantly".

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## [N.J.A.C. 5:23-5.14](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.14 Fire protection inspector I.C.S. requirements**

---

(a) A candidate for a license as a fire protection inspector I.C.S. shall meet one of the following educational and/or experience requirements:

1. Five years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in the fire service (other than as an apprentice or as a person in training) with fire prevention, fire protection, or firefighting responsibilities; or
  - ii. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the fire protection subcode; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the fire protection subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in fire science or fire science technology, or in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction or fire science, and one year of subsequent experience in responsibilities regulated by the fire protection subcode and/or experience in the fire service with fire prevention, fire protection or firefighting responsibilities; or
3. Possession of an associate's degree from an accredited institution of higher education in code enforcement, fire science, or fire science technology, and two years of subsequent experience in responsibilities regulated by the fire protection subcode and/or experience in the fire service with fire prevention, fire protection or firefighting responsibilities; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a fire protection inspector I.C.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for fire protection inspector I.C.S.; provided, however, that persons having an associate's degree in code enforcement, fire science or fire science technology, or a bachelor's degree in fire science, architecture or engineering, or in architectural, engineering or fire science technology, or in any other major area of study significantly related to building construction or fire science, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for fire protection inspector I.C.S.
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).

## **History**

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**HISTORY:**

§ 5:23-5.14 Fire protection inspector I.C.S. requirements

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

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

Was 5:23-5.5(b)5ii.

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

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

Substantially amended.

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

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

Experience to be subsequent to degree; fire science added; architects and engineers added.

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## [N.J.A.C. 5:23-5.15](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.15 Fire protection inspector R.C.S. requirements**

Issuance of the fire protection inspector R.C.S. license shall be discontinued after July 31, 1991. All licenses issued on or before that date shall cease to be valid after July 31, 1993.

## **History**

### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)5iii.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 23 New Jersey Register 1085(a), 23 New Jersey Register 1923(a).

RCS license to be phased out, effective July 31, 1993.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Text at (b) deleted.

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## [N.J.A.C. 5:23-5.16](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.16 Plumbing inspector H.H.S. requirements**

---

(a) A candidate for a license as a plumbing inspector H.H.S. shall meet one of the following educational and/or experience requirements:

1. Seven years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the plumbing subcode; or
  - ii. Experience as a plumbing inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the plumbing subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, and two years of subsequent experience in construction, design, inspection or supervision in a field of construction currently regulated by the plumbing subcode; or
3. Possession of an associate's degree in code enforcement from an accredited institution of higher education, and three years of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the plumbing subcode; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a plumbing inspector H.H.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for plumbing inspector H.H.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for plumbing inspector H.H.S.
2. Successful completion of an examination as required by 5:23-5.23.
3. Possession of, or eligibility for, the plumbing inspector I.C.S. license.

## **History**

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### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

§ 5:23-5.16 Plumbing inspector H.H.S. requirements

Was 5:23-5.5(b)6i.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Architects and engineers added; "significantly" replaced "directly".

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## [N.J.A.C. 5:23-5.17](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.17 Plumbing inspector I.C.S. requirements**

---

(a) A candidate for a license as a plumbing inspector I.C.S. shall meet one of the following educational and/or experience requirements:

1. Five years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the plumbing subcode; or
  - ii. Experience as a plumbing inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the plumbing subcode; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, and one year of subsequent experience in construction, design, inspection or supervision in a field of construction currently regulated by the plumbing subcode; or
3. Possession of an associate's degree in code enforcement from an accredited institution of higher education, and two years of subsequent experience in the construction, design, inspection or supervision of construction work regulated by the plumbing subcode; or
4. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as a plumbing inspector I.C.S. shall also meet the following requirements:

1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for plumbing inspector I.C.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for plumbing inspector I.C.S.
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).

## **History**

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### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)6ii.

§ 5:23-5.17 Plumbing inspector I.C.S. requirements

Amended by R.1987 d.509, effective December 6, 1987.

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Experience subsequent to study; architects and engineers added; "significantly" replaced "directly".

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## [N.J.A.C. 5:23-5.18](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

## **§ 5:23-5.18 Inplant inspector requirements**

---

(a) A candidate for a license as an inplant inspector shall meet one of the following educational and/or experience requirements:

1. Five years of experience consisting of one of the following, or a combination thereof:
  - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the building, electrical, fire protection or plumbing subcode, or a combination thereof; or
  - ii. Experience as a building, electrical, fire protection or plumbing inspector, or a combination thereof; or
  - iii. Experience as a construction contractor currently regulated by any of the four above enumerated subcodes, or a combination thereof; or
2. Graduation from an accredited institution of higher education with a bachelor's degree in fire science or fire science technology, or in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction or fire science, and three years of subsequent experience in any one or more of the fields regulated by the above enumerated subcodes; or
3. Possession of a current New Jersey registration/license as an architect or engineer.

(b) A candidate for a license as an inplant inspector shall have successfully completed examinations as required by [N.J.A.C. 5:23-5.23](#).

## **History**

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### **HISTORY:**

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)7.

Correction: (a)2 was inadvertently omitted from Section.

See: 18 New Jersey Register 1963(c).

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Substantially amended.



§ 5:23-5.18 Inplant inspector requirements

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Fire science added.

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## [N.J.A.C. 5:23-5.19](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.19 Elevator inspector H.H.S. requirements**

---

- (a) A candidate for a license as an elevator inspector of high-rise and hazardous structures (H.H.S.) shall meet the following educational and/or experience requirements:
1. Seven years of experience consisting of one of the following, or combination thereof:
    - i. Experience in construction, design or supervision as a journeyman in a skilled trade currently regulated by the elevator subcode;
    - ii. Experience as an elevator inspector; or
    - iii. Experience as a construction contractor in a field of construction currently regulated by the elevator subcode; or
  2. Graduation from an accredited institution of higher education with a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, and two years of subsequent experience in construction, design, inspection or supervision in a field of construction regulated by the elevator subcode; or
  3. Possession of an associate's degree in code enforcement from an accredited institution of higher education and three years of subsequent experience in the construction, design, inspection, or supervision of construction work currently regulated by the elevator subcode; or
  4. Possession of a current New Jersey registration/license as an architect or engineer.
- (b) A candidate for licensure as an elevator inspector H.H.S. shall also meet the following requirements:
1. Successful completion of an approved educational program meeting the requirements established in [N.J.A.C. 5:23-5.20](#) for elevator inspector H.H.S.; provided, however, that persons having a bachelor's degree in architecture or engineering, or in architectural or engineering technology, or in any other major area of study significantly related to building construction, or who possess a current New Jersey registration/license as an architect or engineer, shall be exempted from the educational program requirements for elevator inspector H.H.S. Additionally, any individual who has successfully completed an educational program determined by the Department as equivalent to that established in [N.J.A.C. 5:23-5.20](#) shall also be exempted from the educational program requirements for elevator inspector H.H.S., provided application for licensure is received by the Department on or before June 30, 1992.
  2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23](#).
- (c) No person shall work either as an elevator inspector or as a subcode official who does not hold an Elevator Inspector HHS License or an Elevator Inspector Interim License.
1. For an Elevator Inspector Interim License, an applicant shall document that he or she was employed as an elevator inspector on June 30, 1992, provide documentation of any additional relevant

## § 5:23-5.19 Elevator inspector H.H.S. requirements

experience, and satisfy the educational and examination requirements set forth in (b)1 and 2 above. This license shall be renewable, subject to the requirements of [N.J.A.C. 5:23-5.21](#).

i. An Elevator Inspector Interim License with Subcode Official endorsement shall be issued to any applicant for such endorsement who has satisfied the requirements for the Elevator Inspector Interim License; provided that, if the applicant has not successfully completed an approved subcode official educational program, as set forth in [N.J.A.C. 5:23-5.20](#), the endorsement shall be issued on a provisional basis, pursuant to [N.J.A.C. 5:23-5.7\(a\)](#) 5, and shall be valid for a period of 24 months only.

## History

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### HISTORY:

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.5(b)8.

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

See: 23 New Jersey Register 805(a), 23 New Jersey Register 2046(a).

Elevator inspector requirements specified.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

"Significantly" replaced "directly".

Amended by R.1992 d.394, effective October 5, 1992.

See: 24 New Jersey Register 2662(a), 24 New Jersey Register 3525(b).

Experience must be in title of elevator inspector.

Amended by R.1994 d.435, effective September 6, 1994 (operative January 1, 1995).

See: 26 New Jersey Register 1912(a), 26 New Jersey Register 3706(c).

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

See: [29 New Jersey Register 2736\(a\)](#), [29 New Jersey Register 4281\(a\)](#).

In (c), deleted January 1, 1995 trigger date, deleted N.J.A.C reference, and deleted reference to Elevator Inspector Certification; deleted (c)1; and recodified (c)2 as (c)1.

## [N.J.A.C. 5:23-5.19A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

### **§ 5:23-5.19A Mechanical inspector requirements**

---

- (a) A person validly licensed as an inspector in any subcode may apply for a mechanical inspector's license qualifying such person to perform mechanical inspections in structures of Group R-3 or R-5, if that person successfully completes the examinations required by [N.J.A.C. 5:23-5.23](#).
- (b) Notwithstanding the three-year time limit set forth in [N.J.A.C. 5:23-5.5\(b\)](#)<sup>4</sup>, results from any of the examinations already successfully completed and currently used for licensure may be submitted at the time of application and, in such case, examinations need not be re-taken.

### **History**

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#### **HISTORY:**

New Rule, R.1993 d.187, effective May 3, 1993.

See: 25 New Jersey Register 624(a), 25 New Jersey Register 1875(a).

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

See: [35 New Jersey Register 4627\(a\)](#), [36 New Jersey Register 949\(b\)](#).

In (a), substituted "mechanical inspections in structures of Group R-3 or R-5" for "mechanical inspections of Use Group R-3 or R-4 structures".

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## [N.J.A.C. 5:23-5.19B](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

### **§ 5:23-5.19B Amusement ride inspector I.C.S. requirements**

---

(a) A candidate for a license as an amusement ride inspector I.C.S. shall meet one of the following educational and/or experience requirements:

1. Three years of experience in the design, manufacture, operation, repair or inspection of carnival-amusement rides; or
2. Graduation from high school and one year of experience in the design, manufacture, operation, repair or inspection of carnival-amusement rides.

(b) A candidate for a license as amusement rides inspector I.C.S. shall have successfully completed an examination as required by [N.J.A.C. 5:23-5.23A](#).

### **History**

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#### **HISTORY:**

New Rule, R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

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## [N.J.A.C. 5:23-5.19C](#)

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### **§ 5:23-5.19C Amusement ride inspector H.H.S. requirements**

---

(a) A candidate for a license as an amusement ride inspector H.H.S. shall meet the following experience requirements:

1. Five years of experience in the design, manufacture, operation, repair or inspection of carnival-amusement rides.

(b) A candidate for a license as amusement rides inspector I.C.S. shall have successfully completed an examination as required by [N.J.A.C. 5:23-5.23A](#).

### **History**

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#### **HISTORY:**

New Rule, R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

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## [N.J.A.C. 5:23-5.19D](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

### **§ 5:23-5.19D Boiler, pressure vessel and refrigeration inspector R.C.S. requirements**

---

**(a)** A candidate for a license as a boiler, pressure vessel and refrigeration inspector R.C.S. meet one of the following experience requirements:

1. Five years of experience as an operator of high pressure boilers;
2. Five years of experience as a boiler maker; or
3. Five years of experience as an insurance inspector of boilers.

**(b)** A candidate for a license as a boiler, pressure vessel and refrigeration inspector R.C.S. shall have successfully completed an examination as required by [N.J.A.C. 5:23-5.23A](#).

### **History**

---

#### **HISTORY:**

New Rule, R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

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## [N.J.A.C. 5:23-5.19E](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

### **§ 5:23-5.19E Boiler, pressure vessel and refrigeration inspector I.C.S. requirements**

---

(a) A candidate for a license as a boiler, pressure vessel and refrigeration inspector I.C.S. shall meet the following experience requirements:

1. Five years as an inspector of high pressure boilers; or
2. Ten years as a grade A (gold seal) or grade B (red seal) operator of high pressure boilers.

(b) A candidate for a license as a boiler, pressure vessel and refrigeration inspector I.C.S. shall also meet the following requirements:

1. Possession for not less than one year of a class 1 grade A (gold seal) operator's license; and
2. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23A](#).

### **History**

---

#### **HISTORY:**

New Rule, R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

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## [N.J.A.C. 5:23-5.19F](#)

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### **§ 5:23-5.19F Boiler, pressure vessel and refrigeration inspector H.H.S. requirements**

---

(a) A candidate for a license as a boiler, pressure vessel and refrigeration inspector H.H.S. shall meet the following experience requirements:

1. Five years as an inspector of high pressure boilers; or
2. Ten years as a grade A (gold seal) or grade B (red seal) operator of high pressure boilers.

(b) A candidate for a license as a boiler, pressure vessel and refrigeration inspector H.H.S. shall also meet the following requirements:

1. Possession for not less than one year of a class 1 grade A (gold seal) operator's license; and
2. Successful completion of examinations as required by [N.J.A.C. 5:23-5.23A](#).

### **History**

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#### **HISTORY:**

New Rule, R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

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## [N.J.A.C. 5:23-5.19G](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.19G Special inspector requirements**

---

(a) A candidate for a structural welding special inspector certification, structural steel and bolting certification, concrete placement special inspector certification, reinforced concrete special inspector certification, prestressed concrete special inspector certification, structural masonry, or soils special inspector certification shall meet one of the following educational or experience requirements:

1. Graduation from an accredited institution of higher learning with an associate's degree (two years) in engineering or in engineering technology, or in any other major area of study significantly related to structural engineering; and two years of experience in a skilled trade directly related to the specific specialty. There is no substitution for the two years of experience. Applicants who do not possess the required education may substitute additional experience in a skilled trade directly related to the specific specialty as indicated on a year-for-year basis;
2. Graduation from an accredited institution of higher learning with a bachelor's degree in engineering or in engineering technology, or in any other major area of study significantly related to structural engineering and one year of experience in a skilled trade directly related to the specific specialty; or
3. Possession of a current New Jersey license as an engineer.

(b) A candidate for a spray-applied fireproofing special inspector certification shall meet one of the following educational or experience requirements:

1. Graduation from an accredited institution of higher learning with an associate's degree (two years) in architecture or engineering or in architecture technology or engineering technology, or in any other major area of study significantly related to fire protection; and two years of experience in a skilled trade directly related to the specific specialty. There is no substitution for the two years of experience. Applicants who do not possess the required education may substitute additional experience in a skilled trade directly related to the specific specialty as indicated on a year-for-year basis;
2. Graduation from an accredited institution of higher learning with a bachelor's degree in architecture or engineering or in architecture technology or engineering technology, or in any other major area of study significantly related to fire protection and one year of experience in a skilled trade directly related to the specific specialty;
3. Possession of a current New Jersey license as an engineer; or
4. Licensed as a building inspector with a specialty in high-rise and high hazard structures (H.H.S.) or as a fire protection inspector H.H.S.

(c) A candidate for an exterior insulation finish system (EIFS) or mass timber construction special inspector certification shall meet one of the following educational or experience requirements:

1. Graduation from an accredited institution of higher learning with an associate's degree (two years) in architecture or engineering or in architecture technology or engineering technology, or in any other major area of study significantly related to construction; and two years of experience in a skilled trade

## § 5:23-5.19G Special inspector requirements

directly related to the specific specialty. There is no substitution for the two years of experience. Applicants who do not possess the required education may substitute additional experience in a skilled trade directly related to the specific specialty, as indicated, on a year-for-year basis;

2. Graduation from an accredited institution of higher learning with a bachelor's degree in architecture or engineering or in architecture technology or engineering technology, or in any other major area of study significantly related to construction and one year of experience in a skilled trade directly related to the specific specialty;
  3. Possession of a current New Jersey registration/license as an architect or engineer; or
  4. Licensed as a building inspector with a specialty in high-rise and high hazard structures (H.H.S.).
- (d) A candidate for a special inspector's certification shall also meet one of the following requirements:
1. Successful completion of an examination as required by [N.J.A.C. 5:23-5.23B](#) where applicable; or
  2. Possession of a current New Jersey license as an engineer with one year of experience in the field for which special inspection certification is being sought. The experience necessary to meet this requirement may be a portion of the experience required to obtain the professional engineer's license.

## History

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### HISTORY:

New Rule, R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

Amended by R.2008 d.337, effective November 3, 2008.

See: [40 N.J.R. 4269\(a\)](#), [40 N.J.R. 6437\(b\)](#).

Rewrote the section.

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (a), substituted "certification, structural masonry, or soils" for "certification or structural masonry"; and in (c) inserted "mass timber construction".

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## [N.J.A.C. 5:23-5.19H](#)

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### § 5:23-5.19H Technical assistant to the construction official requirements

(a) A candidate for certification as a technical assistant to the construction official shall meet the following requirements:

1. Successful completion of an approved technical assistant to the construction official educational program, as required pursuant to [N.J.A.C. 5:23-5.20\(p\)](#), prior to application.
2. Candidates already certified pursuant to the Department's voluntary certification program who have completed the prescribed educational program shall not be required to repeat this program to become certified.

### History

#### **HISTORY:**

New Rule, R.2023 d.058, effective May 1, 2023.

See: [54 N.J.R. 1898\(a\)](#), [55 N.J.R. 826\(b\)](#).

## [N.J.A.C. 5:23-5.20](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.20 Standards for educational programs**

---

(a) To carry out their responsibilities, code enforcement officials must be fully knowledgeable about code standards and adequately prepared to administer and enforce them properly. Code enforcement officials have the necessary technical and administrative training to effectively enforce the Uniform Construction Code at the local level. This article adopts explicit guidelines and standards for code enforcement official educational programs. Procedures governing the approval of such educational programs set forth in [N.J.A.C. 5:23-5.24](#).

(b) This subsection covers the organizational, administrative and operational functions that support the code enforcement educational programs.

1. Purposes and objectives: Programs for the effective education of code enforcement officials are expected to operate with appropriate purposes and objectives. An institution seeking initial and continuing approval of education programs should include in its category clearly defined statements of such purposes and objectives.
2. Organization: Sound educational programs can be operated effectively only when supported by adequate institutional arrangements. Accordingly, only programs offered by or under the auspices of institutions of higher education, licensed by the New Jersey Commission on Higher Education can be considered for approval.
  - i. The provisions of (b)2 above notwithstanding, the Commissioner may approve other training programs, such as those conducted by an evaluation or inspection agency authorized to enforce standards adopted pursuant to the Interstate Compact on Industrialized/Modular Buildings, where the students are solely code enforcement officials employed by the agency or by national model code organizations. The educational program proposal by any such evaluation or inspection agency must be submitted to the Department in the form specified in [N.J.A.C. 5:23-5.24](#).
3. Admission, retention and evaluation policies and practices:
  - i. Admission to code enforcement official education programs: Provision should be made within the institution for orderly methods of obtaining and filing information relative to candidates applying for admission to code enforcement official education programs.
  - ii. Grading: An institution shall have evaluation procedures, including a mid-term and final examination, to assess the quality of its students when they complete programs and, at the very least, establish and apply pass/fail criteria.
  - iii. Retention: The nature of professional code enforcement studies calls for achievement and growth in technical competence. An institution should determine as objectively and systematically as possible specific strengths and weaknesses of the student as these effect the continuation of the student in code enforcement education programs.
  - iv. Evaluation: The institution should design and implement a well-defined plan for continuing evaluation of students enrolled in code enforcement programs. Measures of academic ability,

## § 5:23-5.20 Standards for educational programs

observation by faculty (in courses, laboratories and field experiences) and other modes of appraisal should be utilized to assess specific strengths and weaknesses as they affect the student's retention within the education programs, readiness to assume a professional role in code enforcement.

**4. Student personnel:**

i. Supporting student services: Each student should know where to secure guidance and who is officially responsible for this program. Attention must be given to a plan for maintaining desirable student-faculty relationships.

ii. Student records: It is the responsibility of the institution to maintain an adequate system of student personnel accounting, including a permanent cumulative record of each student enrolled. To facilitate ready interpretation by licensing authorities, the graduate is entitled to an intelligible and adequate transcript of record, including a statement of course titles.

**5. Faculty:** Faculty members should be competent in their fields and have contacts with code enforcement environments and other sources so their teaching and research are current and relevant.

i. Faculty competence: The quality of the faculty is one of the more important factors in judging the effectiveness of an institution. Appraisal of the faculty should be made in terms of its competence to provide the program for which approval is being sought. Each faculty member, in subject matter and in professional fields, should have a high degree of competency in his area. The faculty consists of those instructors who teach in the curriculums and all personnel who direct students in all types of activities included as part of the curriculums. Those who teach courses should be familiar with practices in the code enforcement professional and/or building construction technology generally.

ii. Part-time faculty: The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its educational programs, should make provision for the use of part-time or adjunct faculty.

(1) No individual who has ever had a license suspended for a period of six months or more or has ever had a licensed revoked for any reason set forth in [N.J.A.C. 5:23-5.25](#) shall be eligible to instruct code enforcement educational programs.

iii. Instruction: The institution will be expected to evaluate instruction systematically based on the performance of its students within the institution. Consideration will be given to such items as the performance of the student in class tests, the quality of their subsequent work, and the degree to which the institution as a whole attains its goals in the preparation of code enforcement personnel. The institution should show that it utilizes a variety of appropriate instructional procedures which contribute to the effectiveness of the student's preparation, such as class discussions, lectures, laboratory work, and newer media.

**6. Facilities and instructional materials:** The institution shall provide physical facilities, instructional materials and other resources essential for conducting education programs.

i. Building and grounds: An institution should have a physical plant designed to serve effectually its defined purposes for education.

ii. Library: The library, as the principal materials resource center of the institution, should be adequate for the instructional research and other services pertinent to the code enforcement educational programs.

iii. Laboratories: Each institution should be provided with laboratory equipment sufficient for instructional purposes for each program offered.

iv. Inspection experiences: Each institution should establish a field experience center or centers either as part of the institution or in cooperation with nearby code enforcement agencies. These may be organized for field inspection experiences.

## § 5:23-5.20 Standards for educational programs

**(c)** All courses for credit toward a code enforcement official license should be designed to meet the following general standards:

1. Standard I, Institutional responsibility: Each institution is responsible for developing its code enforcement courses within the general policies relating to education and licensure of code enforcement officials in the State.
2. Standard II, Statement of objectives: Each course should be built upon a clear-cut statement of its purpose and objectives. These statements should be prepared by the instructors concerned, should be based on analysis of current practices and recommendations of the professional organizations representing this field, and should be available in writing.
3. Standard III, Statement of competencies: Each code enforcement course should be built on a clearly formulated statement of the competencies needed in the area.
4. Standard IV, Evaluation and recommendation of the student: Each course should include provision for a systematic program of evaluation procedures to determine the degree of the student's attainment of competency. These evaluation procedures should serve as the basis for recommending the student for credit toward the appropriate license.
5. Standard V, Supporting facilities and schedule: Each course should be supported by plant, facilities, equipment, library, and media resources and should include opportunities for field or laboratory experiences. Meeting-time adequate to implement a schedule course, including appropriate field and laboratory experiences, should be provided.
6. Standard VI, Staff: Each course should be staffed by instructors well-qualified by training and experience in the subject matter of the particular course area.

**(d)** Building inspector R.C.S.: The program designed to satisfy the educational requirements for licensure as a building inspector R.C.S. shall consist of a minimum of 90 hours of instruction in the following subject areas. The program shall provide instruction in the following technical and administrative areas with the specified texts as they apply to the plan review of class 3 buildings and the inspection of all structures as established at N.J.A.C. 5:23-3.

1. Area 1 shall consist of the following:
  - i. Administration (N.J.A.C. 5:23-2);
  - ii. Subcodes (N.J.A.C. 5:23-3);
  - iii. An overview of the New Home Warranty Program ([N.J.A.C. 5:25](#)); and
  - iv. Legal and ethical aspects of code enforcement.
2. Area 2 shall consist of the building provisions of the one and two-family dwelling code adopted at N.J.A.C. 5:23-3, as follows:
  - i. Definitions;
  - ii. Building planning;
  - iii. Foundations;
  - iv. Floors;
  - v. Wall construction;
  - vi. Wall covering;
  - vii. Roof-ceiling construction;
  - viii. Roof coverings; and
  - ix. Chimneys and fireplaces.

## § 5:23-5.20 Standards for educational programs

3. Area 3 shall consist of the mechanical provisions of the one and two-family dwelling code adopted at N.J.A.C. 5:23-3, as follows:
  - i. Definitions;
  - ii. General mechanical system requirements;
  - iii. Vented floors and heaters;
  - iv. Exhaust systems;
  - v. Duct systems;
  - vi. Chimneys and vents; and
  - vii. Special fuel burning equipment.
4. Area 4 shall consist of the building subcode adopted at N.J.A.C. 5:23-3, as follows:
  - i. Use groups;
  - ii. Construction types;
  - iii. General building limitations;
  - iv. Structural loads;
  - v. Foundation and retaining walls;
  - vi. Concrete;
  - vii. Masonry;
  - viii. Wood;
  - ix. Steel;
  - x. Roof and roof structures;
  - xi. Exterior wall coverings;
  - xii. Glass and glazing;
  - xiii. Fire resistant materials and construction;
  - xiv. Interior finishes;
  - xv. Gypsum board and plaster;
  - xvi. Interior environment;
  - xvii. Means of egress; and
  - xviii. Special use and occupancy.
5. Area 5 shall consist of the mechanical subcode adopted at N.J.A.C. 5:23-3, as follows:
  - i. Air distribution;
  - ii. Chimneys and vents;
  - iii. Fireplaces; and
  - iv. Ventilation.
6. Area 6 shall consist of the Rehabilitation Subcode (N.J.A.C. 5:23-6), including:
  - i. Scoping;
  - ii. Mixed uses;
  - iii. Special technical requirements, all uses;



## § 5:23-5.20 Standards for educational programs

- iv. Change of use;
  - v. Additions; and
  - vi. Historic buildings.
7. Area 7 shall consist of the Barrier Free Subcode ([N.J.A.C. 5:23-7](#)).
8. Area 8 shall consist of the Radon Subcode (N.J.A.C. 5:23-10);
9. Area 9 shall be field and laboratory experience which shall include the following:
- i. The review of plans for a class III building using a model checklist; and
  - ii. The inspection of a structure using a model checklist.
10. The texts to be used in the building inspector R.C.S. program shall include, but not be limited to, the model codes adopted at N.J.A.C. 5:23-3 as the building subcode, the one-and two-family dwelling subcode, and the mechanical subcode, the Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.), and the Uniform Construction Code rules ([N.J.A.C. 5:23](#)).
- (e)** Building inspector I.C.S.: The program designed to satisfy the educational requirements for licensure as a building inspector I.C.S. shall consist of a minimum of 75 hours of instruction in the following areas. The program shall provide instruction in the following technical areas with the specified texts as they apply to the plan review of class 2 buildings and the inspection of all structures as established at N.J.A.C. 5:23-3.
- 1. Completion of an educational program meeting the requirements for building inspector R.C.S. shall be a prerequisite for registration in the educational program for building inspector I.C.S.
  - 2. Area 1 shall consist of the building subcode adopted at N.J.A.C. 5:23-3, as follows:
    - i. Use groups;
    - ii. Construction types;
    - iii. Special use and occupancy;
    - iv. General building limitations;
    - v. Structural loads, including:
      - (1) Wind loading;
      - (2) Snow loads; and
      - (3) Seismic loads;
    - vi. Foundation and retaining walls;
    - vii. Concrete;
    - viii. Masonry;
    - ix. Wood;
    - x. Steel;
    - xi. Elevators and conveying systems;
    - xii. Special construction;
    - xiii. Roofs and roof structures;
    - xiv. Fire protection systems;
    - xv. Exterior wall coverings;
    - xvi. Glass and glazing;
    - xvii. Fire resistant materials and construction;

## § 5:23-5.20 Standards for educational programs

- xviii.** Interior finishes;
  - xix.** Gypsum board and plaster;
  - xx.** Interior environments; and
  - xxi.** Means of egress.
3. Area 2 shall consist of the mechanical subcode adopted at N.J.A.C. 5:23-3, as follows:
    - i. Air distribution;
    - ii. Chimneys and vents; and
    - iii. Ventilation.
  4. Area 3 shall consist of the Uniform Construction Code, as follows:
    - i. Administration (at N.J.A.C. 5:23-2);
    - ii. Subcodes (N.J.A.C. 5:23-3);
    - iii. Rehabilitation Subcode (N.J.A.C. 5:23-6), including:
      - (1) Scoping;
      - (2) Mixed uses;
      - (3) Special technical requirements, all uses;
      - (4) Change of use;
      - (5) Additions; and
      - (6) Historic buildings; and
    - iv. Barrier Free Subcode ([N.J.A.C. 5:23-7](#)).
  5. Area 4 shall consist of the following field and laboratory experience:
    - i. The review of plans for a Class 2 structure using a model checklist;
    - ii. The inspection of a Class 2 structure using a model checklist; and
    - iii. An overview of standard forms ([N.J.A.C. 5:23-4.5](#)).
  6. The texts to be used in the building inspector I.C.S. program shall include, but not be limited to, the model codes adopted at N.J.A.C. 5:23-3 as the building subcode and mechanical subcode, the Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.), and the Uniform Construction Code rules ([N.J.A.C. 5:23](#)).
- (f)** Building inspector H.H.S.: The program designed to satisfy the educational requirements for licensure as a building inspector H.H.S. shall consist of a minimum of 60 hours of instruction in the following technical and administrative areas with the specified texts as they apply to the plan review of class 1 structures and the inspection of all structures as established at N.J.A.C. 5:23-3.
1. Completion of an educational program meeting the requirements for building inspector I.C.S. shall be a prerequisite for registration in the educational program for building inspector H.H.S.
  2. Area 1 shall consist of the building subcode adopted at N.J.A.C. 5:23-3, as follows:
    - i. Use groups;
    - ii. Construction types;
    - iii. Special use and occupancy, including:
      - (1) Covered malls;
      - (2) High rise buildings;

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- (3)** Hazardous production materials (HPM) facilities;
  - (4)** Hazardous materials; and
  - (5)** Use Group H (Hazardous);
  - iv.** General building maintenance;
  - v.** Structural loads, including:
    - (1)** Wind loading;
    - (2)** Seismic loads; and
    - (3)** Snow loads;
  - vi.** Foundation and retaining walls;
  - vii.** Concrete;
  - viii.** Masonry;
  - ix.** Wood;
  - x.** Steel;
  - xi.** Elevators and conveying systems;
  - xii.** Special construction;
  - xiii.** Roofs and roof structures;
  - xiv.** Fire protection systems;
  - xv.** Exterior wall coverings;
  - xvi.** Glass and glazing;
  - xvii.** Fire resistant materials and construction;
  - xviii.** Interior finishes;
  - xix.** Gypsum board and plaster;
  - xx.** Interior environments; and
  - xxi.** Means of egress.
- 3.** Area 2 shall consist of the mechanical subcode adopted at N.J.A.C. 5:23-3, as follows:
- i.** Air distribution; and
  - ii.** Ventilation.
- 4.** Area 3 shall consist of the following:
- i.** Administration (N.J.A.C. 5:23-2);
  - ii.** Subcodes (N.J.A.C. 5:23-3);
  - iii.** Rehabilitation Subcode (N.J.A.C. 5:23-6), including:
    - (1)** Scoping;
    - (2)** Basic and supplemental requirements of Use Groups B, M, R, and S;
    - (3)** Mixed uses;
    - (4)** Special technical requirements, all uses;
    - (5)** Additions; and

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- (6) Historic buildings; and
- iv. Barrier Free Subcode ([N.J.A.C. 5:23-7](#));
- 5. Area 4 shall consist of the following field and laboratory experience:
  - i. The review of plans for a Class 1 structure using a model checklist;
  - ii. The inspection of a Class 1 structure using a model checklist; and
  - iii. An overview of the standard forms ([N.J.A.C. 5:23-4.5](#)).
- 6. The texts to be used in the building inspector H.H.S. program shall include, but not be limited to, the model codes adopted at N.J.A.C. 5:23-3 as the building subcode and mechanical subcode, the Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.), and the Uniform Construction Code rules ([N.J.A.C. 5:23](#)).
- (g) Electrical inspector I.C.S.: The following standards apply to programs designed to satisfy the educational program requirements for licensure as an electrical inspector I.C.S.
  - 1. Subject requirements:
    - i. The program shall consist of two major subjects as specified below and shall provide at least 30 hours of instruction in each subject.
    - ii. It shall ensure technical competencies in the following as they apply to class 2 and class 3 structures as established at N.J.A.C. 5:23-3.
  - 2. Subject 1, Systems design:
    - i. Electrical service sizing and design to ensure adequate electrical service.
    - ii. Branch circuit and feeder design including conductor sizing and over-current protection requirements for the various types of circuits, including general lighting and power, appliance and motor circuits, switchboard and panelboard systems.
    - iii. Requirements for special fixtures, methods and devices required by the code in particular circumstances.
  - 3. Subject 2, Plan review and field inspection:
    - i. Area 1, Uniform Construction Code:
      - (1) Organization and content of the Uniform Construction Code regulations and organization and content of the electrical subcode.
      - (2) Fundamental knowledge of electrical subcode's background, purpose, history, place in local government structure and relation to construction code enforcement programs at other levels of government.
      - (3) Basic classification of structures into class categories.
    - ii. Area 2, Plan review:
      - (1) Methods of systematic plans analysis. Identification of information that must be shown on the plans to insure compliance with the requirements of the code.
      - (2) Material requirements found in the code, including the ability to recognize approved material and standards and test methods which lead to such approval.
    - iii. Area 3, Field inspection:
      - (1) Proper installation methods for all approved materials leading to an ability to ensure that all materials are installed in accordance with proper methods.

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(2) Basic inspection report writing including the preparation of violation notices and required inspection record keeping.

4. The texts used in teaching this course shall include, but not be limited to, the National Electrical Code (NEC).

(h) Electrical inspector H.H.S.: The following standards apply to programs designed to satisfy the educational program requirements for licensure as an electrical inspector H.H.S.

1. Prerequisites: Completion of an educational program meeting the requirements for electrical inspector I.C.S.

2. Subject requirements: The program shall consist of one major subject as specified below and shall provide at least 45 hours of instruction in this subject. It shall ensure technical competencies in the following as it applies and class 1 and all other structures as established in N.J.A.C. 5:23-3.

i. Subject 1, Advanced electrical systems design: The procedures, methods and calculations necessary to check the design, material, and installation practices for the more complex systems which characterize class 1 buildings, with particular attention being paid to the hazardous uses identified in chapter 3 of the building subcode and the hazardous (classified) locations identified in the electrical subcode.

3. The texts used in this course shall include, but not be limited to, the National Electrical Code (NEC).

(i) Fire protection inspector I.C.S.: The following standards apply to programs designed to satisfy the educational program requirements for licensure as a fire protection inspector I.C.S.

1. Subject requirements: The program shall consist of two major subjects as specified below and shall provide at least 60 contact hours of instruction in each subject. It shall ensure technical competencies in the following subjects as they apply to class 2 and class 3 as established in N.J.A.C. 5:23-3.

2. Subject 1, Plan review and field inspection:

i. Area 1, Uniform Construction Code:

(1) Organization and content of the Uniform Construction Code, [N.J.A.C. 5:23](#); organization and content of the fire protection subcode.

(2) Fundamental knowledge of the fire protection subcode's background purpose, history, place in local government structure and relation to construction code enforcement programs at other levels of government.

(3) Basic classification of structures into class categories.

ii. Area 2, Systems design: Systems design and installation practices required by the Uniform Construction Code and/or its referenced standards for active and passive fire suppression; understanding of fire detection and fire alarm systems sufficient to permit the review of plans to determine the adequacy of the systems.

iii. Area 3, Plan Review:

(1) Basic fire protection requirements; height and area limitations; fire resistance ratings of structural components; arrangement, sizing and protection of means of egress; flame spread and smoke generated requirements; combustibility of materials; and requirements for installation of fire detection; alarm and suppression systems; chimneys, flues and vents; and heating equipment and appliances.

(2) Methods of systematic plans analysis: The information pertaining to structural, architectural, mechanical, fire protection and electrical features of a building that must be shown on the plans to ensure compliance with the requirements of the Uniform Construction Code.

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**(3)** Analysis methods needed to ensure that fire protection elements of buildings depicted on plans do in fact conform to code requirements.

**iv.** Area 4, Materials: Testing methods, agencies and test verification procedures incorporated in the code for combustibility, flame spread, and smoke generation requirements and fire resistance ratings.

**3.** Subject 2, Fire protection systems:

**i.** Area 1, Fire protection:

**(1)** Systems design and installation practices required by the code and/or its referenced standards for active and passive fire suppression; fire detection and fire alarm systems sufficient to permit the adequacy of systems designed to be checked through plan reviews and field inspections.

**ii.** Area 2, Electrical installations:

**(1)** An understanding of the material requirements found in the electrical code, including the ability to recognize approved material and an understanding of the standards and test methods which lead to such approval.

**(2)** An understanding of the proper installation methods of all approved materials, leading to an ability to ensure that all materials are installed in accordance with proper methods.

**iii.** Area 3, Fire prevention:

**(1)** The relationship of fire prevention codes that regulate the use and occupancy of buildings and fire protection codes that regulate their construction; the fire prevention code provisions; enforcement procedures and objectives including the protection of places of assembly; the fire prevention code and its enforcement that will ensure an understanding of the manner in which those fire hazards not regulated by the construction code can be regulated in the interest of public safety and fire protection generally.

**iv.** Area 4, Field inspection:

**(1)** The use of basic inspection tools and test methods.

**(2)** The construction process and the points at which inspections must be made.

**(3)** Field inspection and controlled inspection techniques necessary to ensure that the materials installed at the construction site are of the same strength and quality as assumed by the design calculations and that they are installed in the manner required to achieve and preserve that strength.

**(4)** Basic inspection report writing, including the preparation of violation notices and required inspection record keeping.

**4.** The texts used in teaching this course shall include, but are not limited to, the BOCA National Building Code, the BOCA National Mechanical Code, the CABO One & Two Family Dwelling Code, National Electrical Code (NEC) and the National Standard Plumbing Code.

**(j)** Fire protection inspector H.H.S.: The following standards apply to programs designed to satisfy the educational program requirements for a license as a fire protection inspector H.H.S.

**1.** Prerequisites: Completion of an educational program meeting the requirements for fire protection inspector I.C.S.

**2.** Subject requirements: The program shall consist of one major subject as specified below and shall provide at least 60 contact hours of instruction. It shall ensure technical competencies in the following areas as they apply to class 1 and all other structures as established in N.J.A.C. 5:23-3.

**3.** Subject 1, Advanced fire protection requirements and plan review techniques:

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i. Area 1, Fire protection requirements: Material requirements established by the code including testing and listing procedures, an understanding of test methods, an ability to read, understand and interpret test reports for both active and passive fire protection requirements of systems of the type required to be incorporated in class 1 buildings.

ii. Area 2, Plan review:

(1) Code requirements related to fire divisions in buildings exceeding the height and area limitations established in the code for certain combinations of use and construction types such as regional shopping malls and high-rise construction.

(2) Code requirements related to unlimited area buildings design analysis methods needed to ensure that fire protection elements of buildings depicted on plans do in fact conform to code requirements.

4. The texts used in teaching this course shall include, but not be limited to, the BOCA National Building Code, the BOCA National Mechanical Code, the National Electrical Code (NEC) and the National Standard Plumbing Code.

(k) Plumbing inspector I.C.S.: The program designed to satisfy the educational requirements for licensure as a plumbing inspector I.C.S. shall consist of a minimum of 120 hours of instruction in the following subject areas. The program shall provide instruction in the following technical administrative areas with the specified texts as they apply to the plan review of class 2 and class 3 structures and the inspection of all structures as established at N.J.A.C. 5:23-3.

1. Area 1 shall consist of the plumbing subcode adopted at N.J.A.C. 5:23-3, as follows:

- i. General regulations;
- ii. Materials;
- iii. Joints and connections;
- iv. Traps, cleanouts and backwater valves;
- v. Interceptors;
- vi. Plumbing fixtures, fixture fittings, and plumbing appliances;
- vii. Hangers and supports;
- viii. Indirect waste piping and special wastes;
- ix. Water supply and distribution;
- x. Sanitary drainage systems;
- xi. Vents and venting;
- xii. Storm water drainage;
- xiii. Tests and maintenance;
- xiv. Mobile home and travel trailer park plumbing standards; and
- xv. Abandonment of septic tanks.

2. Area 2 shall consist of the mechanical subcode adopted at N.J.A.C. 5:23-3, as follows:

- i. Definitions;
- ii. General regulations;
- iii. Ventilation;
- iv. Exhaust systems;

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- v. Duct systems;
  - vi. Combustion air;
  - vii. Chimneys and vents.
  - viii. Specific appliances, fireplaces, and solid fuel-burning equipment;
  - ix. Boilers, water heaters, and pressure vessels;
  - x. Refrigeration;
  - xi. Hydronic piping;
  - xii. Fuel oil piping and storage;
  - xiii. Solar systems;
  - xiv. Referenced standards; and
  - xv. Combustion air openings and chimney connector pass-throughs.
3. Area 3 shall consist of the fuel gas code as adopted at N.J.A.C. 5:23-3, as follows:
- i. Definitions;
  - ii. General regulations;
  - iii. Gas piping installations;
  - iv. Chimneys and vents;
  - v. Specific appliances;
  - vi. Referenced standards;
  - vii. Sizing and capacities of gas piping;
  - viii. Sizing of venting systems serving appliances equipped with draft hoods, Category 1 appliances, and appliances listed for use and type B vents;
  - ix. Exit terminals of mechanical draft and direct-vent venting systems; and
  - x. Recommended procedure for safety inspection of an existing appliance installation.
4. Area 4 shall consist of the residential code, mechanical section adopted at N.J.A.C. 5:23-3, as follows:
5. Area 5 shall consist of the energy codes adopted at N.J.A.C. 5:23-3, as follows:
- i. Energy Conservation Code;
    - (1) Chapter 5; and
    - (2) Chapter 11; and
  - ii. ASHRAE 90.1.
6. Area 6 shall consist of the Uniform Construction Code, as follows:
- i. General provisions;
  - ii. Administration;
  - iii. Subcodes;
  - iv. Rehabilitation Subcode, including:
    - (1) Fixture counts; and
    - (2) Scoping; and



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- v. Barrier Free Subcode, including:
  - (1) Coordination with other subcodes;
  - (2) Accessibility and clearances; and
  - (3) Fixtures and fittings.
- 7. Area 7 shall consist of the provisions at [N.J.A.C. 5:23A](#), the Construction Board of Appeals.
- 8. Area 8 shall consist of the following field and lab experience:
  - i. Review of plans for class 2 or class 3 structures using a model checklist;
  - ii. Inspection of a structure using a model checklist; and
  - iii. Use and application of Uniform Construction Code forms and formats.
- 9. Area 9 shall consist of public health requirements, as follows:
  - i. Knowledge of New Jersey Health Law and Code, including prior approval requirement regarding septic systems, wells, and retail food establishments.
- 10. Area 10 shall consist of liquefied petroleum gas installations.
- 11. The texts to be used in the plumbing inspector I.C.S. program shall include, but not to be limited to, the National Standard Plumbing Code, the International Mechanical Code, the BOCA National Energy Conservation Code, the International Residential Code, the International Fuel Gas Code, the Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.), and the Uniform Construction Code rules ([N.J.A.C. 5:23](#)).
- (l) Plumbing inspector H.H.S.: The program designed to satisfy the educational program requirements for licensure as a plumbing inspector H.H.S. shall consist of a minimum of 60 hours of instruction in the following technical and administrative subject areas with the specified texts as they apply to the plan review of class 1 structures and the inspection of all other structures as established at N.J.A.C. 5:23-3.
  - 1. Completion of an educational program meeting the requirements of plumbing inspector I.C.S. shall be a prerequisite for registration in the educational program for plumbing inspectors H.H.S.
  - 2. Area 1 shall consist of the plumbing subcode adopted at N.J.A.C. 5:23-3, as follows:
    - i. Installation of medical gas and vacuum piping systems;
    - ii. Special requirements for health care facilities; and
    - iii. Oil/sand separators.
  - 3. Area 2 shall consist of the Uniform Construction Code, as follows:
    - i. Rehabilitation Subcode; and
    - ii. Barrier Free Subcode.
  - 4. Area 3 shall consist of special hazardous concerns, as follows:
    - i. LP Gas installations;
    - ii. Sizing tables;
    - iii. Materials standards;
    - iv. Gas station floor drains; and
    - v. Chemical waste.
  - 5. Area 4 shall consist of Code Administration, as follows:
    - i. Non-conforming materials;

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- ii. Prior approvals;
  - iii. Coordination with other subcode areas;
  - iv. Coordination with municipal utility authorities; and
  - v. Coordination with utility companies.
6. Area 5 shall consist of the following field and laboratory experience:
- i. Review of plans for a Class 1 building using a model checklist;
  - ii. Inspection of a structure using a model checklist; and
  - iii. Use and application of Uniform Construction Code forms and formats.
7. The texts to be used in teaching this course shall include, but not be limited to, the National Standard Plumbing Code, the International Mechanical Code, the BOCA National Energy Conservation Code and the International Fuel Gas Code.
- (m) Subcode official program:** The following standards apply to programs designed to satisfy the educational program requirements for a license as a subcode official.
- 1. Prerequisites: Possession of a license as an inspector of the same type and specialty as the subcode official being applied for.
  - 2. Subject requirements: The program shall provide at least 45 contact hours of instruction. It shall ensure competence in subcode administration and enforcement and include instruction in the following subject:
    - i. Subject, Subcode administration:
      - (1) Area 1, Administration:** Subcode administration's background, purpose, place in local government structure and relation to construction code administration programs at other levels of government. Office procedures for inspectors, including forms and records used and purpose of each Method of establishing and maintaining proper review and approval of permit applications for compliance with the construction code and applicable laws and ordinances under the jurisdiction of related public agencies, including application contents, use of procedure and information sheets for applications, use of check lists for compliance with applicable ordinances, and processing of applications.
      - (2) Area 2, Legal aspects of Code enforcement:** Purpose and fundamentals of stop orders, notices of penalty, and court action; powers and procedures available to deal with hazardous conditions and emergency situations including emergency work orders and bids and quotations process. Procedures for processing cases involving condemnations and other violations of the subcode from initiation through final compliance. Preparation of case records. Situations requiring a warrant and process of obtaining and issuing the warrant. The administrative hearing process under the State Construction Code Act. Legal aspects of the operations of the enforcing agencies, including legal processes and rules of evidence. Legal responsibilities of inspection personnel. Method of appealing hearing decisions to court and legal basis of doing so.
      - (3) Area 3, Related legislation:** Legal rights of landlords and tenants under Federal, State and local laws. Relocation laws and their relationship to code enforcement. Relationship of housing maintenance provisions, State and local.
- (n) Elevator Inspector H.H.S.:** The following standards apply to programs designed to satisfy the educational program requirements for licensure as elevator inspector H.H.S. Each such program shall consist of three major subjects and shall provide at least 90 contact hours with a minimum of at least 30 contact hours of instructions in each subject as specified below and shall ensure technical competence in the following subject areas as they apply to all structures:

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1. Subject 1: Inspection and testing rules and regulations for elevators, escalators, lifts and other miscellaneous hoisting and elevating equipment; hoistways and related constructions:
  - i. Minimum requirements, acceptance tests; periodic and routine tests and inspections; alterations, repairs, replacements and maintenance; certificate of compliance;
  - ii. Construction of hoistways, enclosures and machine room; vents and opening protective requirements; pits; clearances and runbys for cars and counterweights; hoistway doors, hardware and operations; chair platforms; special requirements for escalators and other elevating equipment.
2. Subject 2: Machinery and equipment for elevators, escalators and lifts:
  - i. Guide rails; buffers and bumpers; counterweights; car frame and platforms; safeties and speed governors; suspension ropes; capacities; driving machines; valves, pipings and tanks for hydraulic elevators; terminal stopping devices; operating devices and control equipment; emergency operation and signalling devices; power wiring and controls.
3. Subject 3: Plan review and inspection techniques:
  - i. Performance standards for machinery, equipment and systems, materials standards; engineering and type tests; design data; special requirements for escalators, chairlifts and other elevating equipment; barrier-free subcode requirements for elevators and lifts; plan review techniques for electrical and mechanical systems; inspection techniques and checklists for inspection--inside the car, outside hoistway, top of car, machine room and pit and testing of various systems.

**(o)** Construction official: The following standards apply to programs designed to satisfy the educational program requirements for a construction official license.

1. Prerequisites:
  - i. Possession of a license as an inspector of the same type and specialty as the construction official license for which application is being made.
  - ii. Completion of the educational program required for subcode official.
2. Subject requirements: The program shall provide at least 45 contact hours of instruction. It shall ensure competence in construction code administration and enforcement and shall include instruction in the following subject.
  - i. Subject, Construction code administration:
    - (1)** Area 1, Administration: Construction code administration's background, purpose, place in local government structure and relation to construction code administration programs at other levels of government. Personnel management including required personnel, records, budgeting. Basic principles of supervision and management. Local enforcement agency administration including records, reports, equipment, personnel procedures and regulations of the Federal, State and local government. Preparation of agency's budget, record keeping requirements under the State Uniform Construction Code including permit and certificate of occupancy records, variation application records and violation files and records. Major forms of manual and electronic methods of data processing. Method of establishing and maintaining proper review and approval procedures for permit applications to ensure compliance with the construction code and applicable laws and ordinances.
    - (2)** Area 2, Legal methods of code enforcement: Purpose and fundamentals of stop orders, notices of penalties and court action. Powers and procedures available to deal with hazardous conditions and emergency situations including emergency work orders and bids and quotations process. Procedures for processing cases involving condemnations and other violations of the subcode from initiation through final compliance. Preparation of case records. Situations requiring a search warrant and the process of obtaining and issuing the warrant. The

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administrative hearing process under the State Construction Code Act. Legal aspects of the operations of the building and housing inspection agencies, including legal processes and rules of evidence. Legal responsibilities of inspection personnel. Appeals and process before boards of appeal.

**(3)** Area 3, Related legislation: Legal rights of landlords and tenants under Federal, State and local laws. Relocation laws and their relationship to code enforcement. Relationship of housing maintenance provisions State and local.

**(4)** 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.

**(p)** Technical assistant to the construction official: The following standards apply to programs designed to satisfy the educational program requirements for a technical assistant to the construction official certification:

1. Subject requirements: The program shall provide at least 45 contact hours of instruction. It shall ensure competence in construction code administration and proper procedures to be used in an enforcing agency.
  - i. Area 1, Administration: Uniform Construction Code administration's background, purpose, place in local government structure, and relation to other code enforcement administration programs at other levels and divisions of government.
  - ii. Area 2, Office Procedure and Record Keeping: Records management requirements pursuant to the Uniform Construction Code, including permit and certificate of occupancy records; variation application records, and violation files and records; major forms of manual and electronic methods of data processing and management; inspection scheduling and other personnel management fundamentals; and fee calculation and assessment.
  - iii. Area 3, Standard forms required pursuant to the Uniform Construction Code: Comprehensive review and familiarization of the standard forms used in the administration of the State Uniform Construction Code and practical application of the construction code enforcement process using the "*Municipal Procedures Manual*" issued by the Department.
2. The texts to be used in the technical assistant to the construction official program shall include, but not be limited to, the Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.), the Uniform Construction Code rules ([N.J.A.C. 5:23](#)), and the "Municipal Procedures Manual" issued by the Department.

## History

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### HISTORY:

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.

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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.

Amended by R.2002 d.240, effective August 5, 2002.

See: [33 N.J.R. 4178\(a\)](#), [34 N.J.R. 2784\(a\)](#).

Rewrote the section.

Amended by R.2009 d.48, effective February 2, 2009.

See: [40 N.J.R. 5319\(a\)](#), [41 N.J.R. 733\(b\)](#).

In (h)2i, substituted "chapter 3" for "article 4".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Substituted "1" for "I", "2" for "II", and "3" for "III" throughout; in the introductory paragraph of (e), substituted "all structures" for "class I and II buildings"; and in (g)1ii, substituted "at N.J.A.C. 5:23-3" for "in subchapter 3 of these regulations".

Amended by R.2023 d.058, effective May 1, 2023.

See: [54 N.J.R. 1898\(a\)](#), [55 N.J.R. 826\(b\)](#).

Added (p).

## [N.J.A.C. 5:23-5.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.21 Renewal of license or certification**

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- (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 \$ 15.00 shall be required.
- (d) Continuing education requirements are as follows:
1. The following continuing education requirements are based upon the type of licenses or certification held, and not upon employment positions held. Continuing Education Units (CEUs) will be subject to approval by the Department. One CEU equals 10 contact hours. CEUs will be awarded both for technical and administrative licenses or certifications. The following CEUs must be completed between each license or certification renewal:
    - i. Inspector license only--1.5 CEUs (technical) except an amusement ride technical license, in which case the requirement is 5.0 CEUs (technical);
    - ii. Inspector and subcode official licenses--2.0 CEUs (1.5 technical and 0.5 administrative) except an amusement ride subcode official license, in which case the requirement is 5.5 CEUs (5.0 technical and 0.5 administrative);
    - iii. Inspector, subcode official and construction official licenses--2.5 CEU's (1.5 technical and 1.0 administrative).
    - iv. Special inspector certifications -- .5 CEU Technical
      - (1) No CEUs are required for certification renewal of special inspectors that are in possession of a current New Jersey license as an engineer.
    - v. Technical assistant to the construction official certification--1.5 administrative CEUs.

## § 5:23-5.21 Renewal of license or certification

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. The framing inspection seminar, which shall provide instruction in inspection methods and procedures, shall be a mandatory seminar. For licenses renewed on or after January 1, 2002, each licensed building inspector shall have completed the framing inspection seminar in order to renew his or her building inspector license(s). Beginning in the fall semester of 2001, the framing inspection seminar delivered through the Department's continuing education program shall be the only framing inspection seminar deemed to satisfy this requirement.

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

iv. 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 and/or certification renewal requirements are as follows:

1. Where the holder of a license and/or certification has allowed the license or certification to lapse by failing to renew the license or certification as provided for in (b) above, a new application and license or certification shall be required. If such application is made within three years of the license or certification 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 \$ 91.00 per year or fraction thereof.
3. Additionally, the licensee or certified individual must make up or meet the annual continuing education training requirement for each active and expired year as specified herein.
4. Where a license or certification 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 or certification requirements.

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

**(g)** The Department shall not issue a new license or certification to an applicant whose license or certification 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 or certification;

## § 5:23-5.21 Renewal of license or certification

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 or certifying 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 or certification was revoked; and
4. All conditions imposed by the order of revocation shall have been complied with.

## History

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### HISTORY:

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.



## § 5:23-5.21 Renewal of license or certification

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.

Amended by R.2002 d.23, effective January 22, 2002.

See: [33 N.J.R. 2935\(a\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 523\(a\)](#).

In (d)5, added new ii, and recodified existing ii through iii as iii through iv.

Amended by R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

Section was "Renewal of license". Added (d)1iv.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

In (c), substituted "\$ 13.00" for "\$ 10.00"; and in (e)2, substituted "\$ 82.00" for "\$ 65.00".

Amended by R.2011 d.269, effective November 7, 2011.

See: [43 N.J.R. 904\(a\)](#), [43 N.J.R. 3008\(a\)](#).

In (d)1i, substituted "CEUs" for "CEU", and inserted "except an amusement ride technical license, in which case the requirement is 5.0 CEUs (technical)"; and in (d)1ii, substituted "CEUs" for "CEU's", and inserted "except an amusement ride subcode official license, in which case the requirement is 5.5 CEUs (5.0 technical and 0.5 administrative)".

Amended by R.2014 d.149, effective October 6, 2014.

## § 5:23-5.21 Renewal of license or certification

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

In (c), substituted "\$ 15.00" for "\$ 13.00"; and in (e)2, substituted "\$ 91.00" for "\$ 82.00".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

In (e)1, (e)4, (f), and (g), inserted "or certification" throughout; in (d)1, inserted "or certification(s)" and "or certifications", and deleted "for" preceding "administrative"; in the introductory paragraph of (e) and in (e)1, inserted "and/or certification"; in (e)3, inserted "or certified individual"; in (f), inserted ", subject to (g) below"; and in (g)2, inserted "or certifying".

Amended by R.2023 d.058, effective May 1, 2023.

See: [54 N.J.R. 1898\(a\)](#), [55 N.J.R. 826\(b\)](#).

In (d)1, substituted "type" for "type(s)", "license" for "license(s)", "certification" for "certification(s)", "Department" for "Bureau of Code Services" and inserted "The following CEUs must be completed between each license renewal."; and added (d)1v.

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## [N.J.A.C. 5:23-5.22](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

#### **§ 5:23-5.22 Fees**

---

(a) No application for a license or certification shall be acted upon unless said application is accompanied by a non-refundable fee, as specified in this subsection.

1. A non-refundable application fee of \$ 91.00 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.
  - iv. Application for special inspector certification.
  - v. Application for a technical assistant to the construction official certification.
2. A non-refundable application fee of \$ 49.00 shall be charged for each administrative license applied for separately from a technical license.
3. Persons rejected for one or more licenses, or certifications, and who subsequently reapply, are subject to the fee schedule as defined in (a)1 above, as applicable.
4. Renewal fee: The three-year renewal application fee shall be \$ 91.00.
5. Persons who have become ineligible to retain their administrative license by reason of failure to remove the provisional status of such license within the prescribed two-year period must submit a non-refundable application fee of \$ 49.00 in order to reapply for said administrative license without recourse to any further provisional status privilege.
6. Registration and examination fees for the certification of construction code officials: The fee schedule shall be as submitted by the administrative agency of the examination program to the Department.

#### **History**

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##### **HISTORY:**

Amended by R.1983 d.548, effective December 5, 1983.

See: 15 N.J.R. 1406(a), 15 N.J.R. 2033(b).

In (a)1, added i-iii. In (a) 2 and 3, deleted old and added new text. In (a)4, increased fee from \$ 20.00 to \$ 30.00. Also added 5 and 6.

## § 5:23-5.22 Fees

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

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

Was 5:23-5.12.

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

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

Recodified from 5.23.

Administrative Correction to (a)3.

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 (a)1, fee increased from \$ 30.00 to \$ 40.00.

In (a)2, fee increased from \$ 10.00 to \$ 20.00.

In (a)4, fee increased from \$ 30.00 to \$ 40.00.

In (a)5, fee increased from \$ 10.00 to \$ 20.00.

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; fee as charged to Dept. by administering agency.

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

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

Mechanical inspector added to (a)1i.

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.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

Added (a)1iv.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

In (a)1 and (a)4, substituted "\$ 82.00" for "\$ 65.00"; and in (a)2 and (a)5, substituted "\$ 44.00" for "\$ 35.00".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

Updated the fee amounts throughout; in the introductory paragraph of (a), substituted "in this subsection" for "herein"; and in (a)4, substituted "three-year" for "three year".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

§ 5:23-5.22 Fees

In the introductory paragraph of (a), inserted "or certification"; and in (a)3, inserted "or certifications" and ", as applicable", and deleted "i, ii and iii" following "(a)1".

Amended by R.2023 d.058, effective May 1, 2023.

See: [54 N.J.R. 1898\(a\)](#), [55 N.J.R. 826\(b\)](#).

In (a), inserted a comma following "fee" and added (a)1v.

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## [N.J.A.C. 5:23-5.23](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS***

#### **§ 5:23-5.23 Examination requirements**

---

(a) Examinations shall be held to determine minimum competency in the following license disciplines:

1. Building inspector R.C.S., building inspector I.C.S., building inspector H.H.S.;
2. Electrical inspector I.C.S., electrical inspector H.H.S.;
3. Fire protection inspector I.C.S., fire protection inspector H.H.S.;
4. Plumbing inspector I.C.S., plumbing inspector H.H.S.;
5. Elevator inspector H.H.S.;
6. Mechanical inspector H.H.S.; and
7. Inplant inspector.

(b) In instances where more than one license level within a given subcode area requires the successful completion of one or more examination modules, award of the higher level license specialty will be dependent upon successful completion of the educational program in accordance with [N.J.A.C. 5:23-5.20](#) and the examination module(s) required for the lower level license, or possession of the applicable lower level license.

(c) Applicants for the licenses listed above shall demonstrate minimum competence by the successful completion of the applicable examination modules of any national testing program for construction code inspectors program approved by the Department.

(d) Requirements for specific licenses shall be as follows:

1. Examination requirements for building inspector R.C.S. shall be the successful completion of the following examination modules: building, one-and two-family dwelling, and mechanical, one-and two-family dwelling.
2. Examination requirements for building inspector I.C.S. shall be the successful completion of the following examination modules: building, general and mechanical, general.
3. Examination requirements for building inspector H.H.S. shall be the successful completion of the following examination module: building, plan review.
4. Examination requirements for electrical inspector I.C.S. shall be the successful completion of the following examination modules: electrical, one-and two-family dwelling, and electrical, general.
5. Examination requirements for electrical inspector H.H.S. shall be the successful completion of the following examination module: electrical, plan review.
6. Examination requirements for fire protection inspector I.C.S. shall be the successful completion of the following examination modules: fire protection, general, and mechanical, one and two-family dwelling.

## § 5:23-5.23 Examination requirements

7. Examination requirements for fire protection inspector H.H.S. shall be the successful completion of the following examination module: fire protection, plan review.
  8. Examination requirements for plumbing inspector I.C.S. shall be the successful completion of the following examination modules: plumbing, general, and mechanical, general.
  9. Examination requirements for plumbing inspector H.H.S. shall be the successful completion of the following examination module: plumbing, plan review.
  10. Examination requirements for implant inspector shall be the successful completion of the following examination modules: building, one and two-family dwelling; electrical, one and two-family dwelling; mechanical, one and two-family dwelling; and plumbing, one and two-family dwelling.
  11. Examination requirements for elevator inspector shall be the successful completion of the following examination module: elevator, general.
  12. Examination requirements for mechanical inspector licensure shall be the successful completion of the following examination modules: mechanical, one and two-family dwelling; and mechanical, general.
- (e) Information regarding the scheduling of examinations shall be available from the Licensing Unit and any testing agency approved by the Department to administer the examinations.
- (f) Examinations shall be conducted in accordance with the rules and procedures established by any testing agency approved by the Department to develop or administer the examinations.
- (g) After an examination has been completed and scored, applicants shall be notified of their final rating.
- (h) The following records pertaining to every examination shall be preserved for a period of three years:
1. The resulting list of grades;
  2. Such other records of information in the custody of the Department as may be pertinent.

## History

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### HISTORY:

Amended by R.1982 d.10, effective February 1, 1982.

See: 13 New Jersey Register 801(a), 14 New Jersey Register 143(b).

(a) substantially amended.

Amended by R.1982 d.436, effective December 20, 1982.

See: 14 New Jersey Register 734(a), 14 New Jersey Register 1449(a).

Increased examinations from once to twice annually. Added the National Certification Program Construction Code Inspector Tests by E.T.S. Deleted old text in (i) concerning rules for the conduct of examinations and added present text. Revised (m) concerning the preservation of examination records by deleting description of tests and applicant test papers.

Amended by R.1983 d.641, effective January 17, 1984.

See: 15 New Jersey Register 1911(a), 16 New Jersey Register 129(b).

Substantially amended.

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.9.

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

## § 5:23-5.23 Examination requirements

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Recodified from 5.24 and deleted (f) and (g).

Administrative Correction to (a).

See: 22 New Jersey Register 2503(b).

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

See: 23 New Jersey Register 1085(a), 23 New Jersey Register 1923(a).

Exam modules 4A-Mechanical and 1 and 2 Family added to fire protection inspector ICS exam requirements.

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

See: 23 New Jersey Register 805(a), 23 New Jersey Register 2046(a).

Stylistic changes.

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

See: 24 New Jersey Register 1446(a), 24 New Jersey Register 2424(a).

Stylistic changes.

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

See: 25 New Jersey Register 624(a), 25 New Jersey Register 1875(a).

Added (d)12.

Amended by R.2002 d.240, effective August 5, 2002.

See: [33 New Jersey Register 4178\(a\)](#), [34 New Jersey Register 2784\(a\)](#).

Rewrote the section.

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## [N.J.A.C. 5:23-5.23A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

### **§ 5:23-5.23A Examination requirements for State-jurisdiction subcode technical licensure**

---

(a) Applicants for licensure as amusement ride inspector I.C.S. and amusement ride inspector H.H.S. shall demonstrate competence by successful completion of the relevant examinations of the National Association of Ride Safety Officials (NAARSO). Requirements for specific licenses are as follows:

1. Examination requirement for amusement ride inspector I.C.S.:
  - i. Successful completion of the Level I (Basic) Inspector examination;
2. Examination requirement for amusement ride inspector H.H.S.:
  - i. Successful completion of the Level II (Advanced) Inspector examination.

(b) Applicants for licensure as boiler, pressure vessel and refrigeration inspector R.C.S., boiler, pressure vessel and refrigeration inspector I.C.S. and boiler, pressure vessel and refrigeration inspector H.H.S. shall demonstrate competence by successful completion of the following examinations:

1. Examination requirements for boiler, pressure vessel and refrigeration inspector R.C.S.:
  - i. Successful completion of the examination for a Certificate of Competency administered by the Division of Codes and Standards;
2. Examination requirements for boiler, pressure vessel and refrigeration inspector I.C.S.:
  - i. Successful completion of the Basic examination of the National Board Commission.
3. Examination requirements for boiler, pressure vessel and refrigeration inspector H.H.S.:
  - i. Successful completion of the Basic, Level A (Shop) and Level B (Supervisory) examinations of the National Board Commission.

### **History**

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#### **HISTORY:**

New Rule, R.2001 d.303, effective September 4, 2001.

See: [33 New Jersey Register 1991\(a\)](#), [33 New Jersey Register 2989\(a\)](#).

## **N.J.A.C. 5:23-5.23B**

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.23B Examination requirements for special inspectors**

---

(a) Applicants for certification as special inspectors shall demonstrate competence by successful completion of the relevant examinations. Requirements for specific certifications are as follows:

1. Examination requirements for reinforced concrete special inspector: Successful completion of the reinforced concrete special inspector examination of the International Code Council or equivalent as determined by the Department of Community Affairs.
2. Examination requirements for prestressed concrete special inspector: Successful completion of the prestressed concrete special inspector examination of the International Code Council or equivalent as determined by the Department of Community Affairs.
3. Examination requirements for concrete placement special inspector: Successful completion of the Concrete Field Testing Technician Grade One Certification of the American Concrete Institute (ACI), or successful completion of the reinforced concrete special inspectors examination of the International Code Council, or successful completion of the prestressed concrete special inspectors certification of the International Code Council or equivalent as determined by the Department of Community Affairs.
4. Examination requirements for structural masonry special inspector: Successful completion of structural masonry special inspector examination of the International Code Council or equivalent as determined by the Department of Community Affairs.
5. Examination requirements for structural welding special inspector: Successful completion of structural welding special inspector examination of the International Code Council, or successful completion of the Certified Welding Inspector examination of the American Welding Society or equivalent as determined by the Department of Community Affairs.
6. Examination requirements for structural steel and bolting special inspector: Successful completion of structural steel and bolting special inspector examination of the International Code Council or equivalent as determined by the Department of Community Affairs.
7. Examination requirements for mass timber construction special inspector: Successful completion of tall mass timber buildings special inspector examination of the International Code Council, or equivalent, as determined by the Department of Community Affairs.
8. Examination requirements for soils special inspector: Successful completion of soils special inspector examination of the International Code Council, or equivalent, as determined by the Department of Community Affairs.
9. Examination requirements for spray-applied fireproofing special inspector: Successful completion of spray-applied fireproofing special inspector examination of the International Code Council or equivalent as determined by the Department of Community Affairs.
10. Examination requirements for Exterior Insulation Finish System special inspector: Certification in the EIFS Inspection Program of the Association of the Wall and Ceiling Industries (AWCI) or a Certified

## § 5:23-5.23B Examination requirements for special inspectors

EIFS Inspector by the Exterior Design Institute or equivalent as determined by the Department of Community Affairs.

## History

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### HISTORY:

New Rule, R.2006 d.381, effective November 6, 2006.

See: [38 N.J.R. 35\(a\)](#), [38 N.J.R. 4691\(a\)](#).

Amended by R.2008 d.337, effective November 3, 2008.

See: [40 N.J.R. 4269\(a\)](#), [40 N.J.R. 6437\(b\)](#).

Rewrote the section.

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

Added new (a)7 and (a)8; and recodified former (a)7 and (a)8 as (a)9 and (a)10.

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## [N.J.A.C. 5:23-5.24](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

#### **§ 5:23-5.24 Procedure for approving educational programs**

---

(a) Any licensed institution of higher education may submit any credit or noncredit course for approval as a component of the educational programs required by [N.J.A.C. 5:23-5.20](#) herein. The application should be in letter form, be submitted at least 60 days prior to the first class session of the course, and contain all the information specified herein.

(b) Each application should be submitted in the name of the institution by a person authorized to do so. It should contain the following minimum information:

1. The name of the course or program;
2. A description of the length of each session, the frequency of the sessions and the total number of sessions;
3. An outline showing the course or program content broken down by session. Any laboratory or practical work should be identified as such;
4. A description of any texts or materials to be used. The description should identify whether the text or materials will be mandatory or suggested;
5. A description of the institution's standard for faculty members who will be employed to instruct the course or program;
6. An estimate of the program's duration (that is, the number of times it will be offered);
7. A statement that the institution will notify the department if the program is withdrawn or changed at anytime;
8. A statement that the institution will conduct the course or program in accordance with [N.J.A.C. 5:23-5.20](#) herein and will maintain such records as are therein required;
9. A statement of such charges as the institution has established for the course or program.

(c) The Department reserves the right to undertake such reviews as may be necessary to verify the accuracy of an application or conformity with these regulations. The institution, by submitting an application, expressly agrees to cooperate in such reviews.

(d) An institution may conduct a program which satisfies only a portion of the requirements established in [N.J.A.C. 5:23-5.20](#) or may establish a series of courses designed to fulfill all the requirements for the educational program of that article.

(e) Upon verification that the program or course will satisfy some or all of the educational program requirements, the department will:

1. Issue a letter of approval to the institution which letter shall contain any terms or conditions of such approval;

## § 5:23-5.24 Procedure for approving educational programs

2. Place the name of the institution and the course on the Department's list of approved courses. That list will be made available to the public.

i. Any approval shall be limited in that it is effective only as long as the course conforms to the application submitted and approved.

(f) Whenever a course or program has been approved by the department, the institution offering the course may include the statement "This course is approved for credit toward a license issued by the Department of Community Affairs pursuant to the State Uniform Construction Code Act" in any catalog, bulletin or informational circulars. Whenever such a statement is included, however, the catalog, bulletin or circular shall also contain a statement describing precisely the nature and extent of the approval.

(g) The Department may revoke its approval, after notice and the opportunity to be heard, whenever it ascertains that a course has lapsed or is no longer in conformity with the requirements of these regulations, and/or the terms of the department's approval. Whenever approval has been revoked or a course has been withdrawn by an institution, a new application and approval shall be required before the course may again be offered as providing credit toward a license.

## History

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### HISTORY:

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

See: 17 New Jersey Register 1821(a), 18 New Jersey Register 80(a).

Was 5:23-5.10.

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

See: 19 New Jersey Register 1264(a), 19 New Jersey Register 2270(a).

Recodified from section 25.

Administrative Correction to (a), (b)8 and (d).

See: 22 New Jersey Register 2503(b).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-5.25](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS**

## **§ 5:23-5.25 Revocation of licenses and certifications and alternative sanctions**

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(a) The Department may revoke or suspend a license or certification, and/or assess a civil penalty in accordance with [N.J.A.C. 5:23-2.31](#), if the Department determines that the person involved, at any time during the preceding 10-year period:

1. Has violated the provisions of the Uniform Construction Code regulations;
2. Has obtained a license or certification by fraud or misrepresentation, or the person named in the license or certification has obtained it by fraud or misrepresentation;
3. Has aided or abetted in practice as a licensed code enforcement official or certified special inspector any person not authorized to practice as a licensed code enforcement official or certified special inspector under the provisions of these regulations;
4. Has fraudulently or deceitfully practiced as a licensed code enforcement official or certified special inspector;
5. Has been grossly negligent or has engaged in misconduct in the performance of any of his duties;
6. Has failed, over a period of time, to maintain a minimally acceptable level of competence;
7. Has been found to have failed to report an offer or bribe or other favor in a proceeding under this act or other appropriate law of this or any other state or jurisdiction;
8. Has failed to comply with any order issued by the department;
9. Has made a false or misleading written statement, or has made a material omission in any submission to the department;
10. Has engaged in any conduct which demonstrates incompetency or dishonesty; or
11. Has failed to enforce the Uniform Construction Code Act or regulations.

(b) The Department, in addition or as an alternative, as the case may be, to revoking or suspending a license or certification, or assessing a penalty, may issue a letter of warning, reprimand, or censure or require additional training with regard to any conduct which, in the judgment of the Department, warrants a letter of warning, reprimand, or censure, or requires additional training. Such letters, in addition to any other filing of requirements, shall be made a part of the licensing file of the individual.

(c) Conviction of a crime, or conviction of an offense in connection with one's performance as a licensed code enforcement official or inspector or certified special inspector, or a determination by the Department that a licensee or certified person has engaged in conduct constituting a conflict of interest under [N.J.A.C. 5:23-4.5\(j\)2](#) or 4.14(f), shall constitute grounds for revocation of a license or certification.

(d) The Commissioner shall appoint review committees to advise the Department concerning the appropriateness of sanctions that the Department proposes to take against persons licensed under the

## § 5:23-5.25 Revocation of licenses and certifications and alternative sanctions

respective subcodes who are alleged to have done any act or omission proscribed by (a) above. The Department shall provide necessary staff for the review committees.

1. Each review committee shall consist of three persons who are licensed as subcode officials in the subcode, and are currently employed by municipalities as subcode officials in the subcode and/or as construction officials. To be eligible for appointment to a review committee, a construction official shall have had experience as a subcode official employed by a municipality in that subcode. Of the persons appointed, at least two shall also be licensed as construction officials and at least one shall be employed by at least one enforcing agency for a total of not more than 20 hours per week.
2. Members of the review committees shall be appointed by the Commissioner and shall serve for terms of three years, and until their successors shall have been appointed; except that, of those members first appointed, one shall serve for one year, one shall serve for two years, and one shall serve for three years.
3. The Commissioner shall also appoint two alternate members of each committee, who shall be persons licensed as subcode officials in the subcode and currently employed by municipalities as subcode officials in the subcode and/or as construction officials. To be eligible for appointment as an alternate member of a review committee, a construction official shall have had experience as a subcode official employed by a municipality in that subcode. The Commissioner shall designate each alternate as either a first or a second alternate. Alternates shall serve for two years, and until their successors shall have been appointed, except that, of the alternates first appointed to each review committee, one shall serve for two years and one shall serve for one year.
4. The Commissioner shall give the State organizations of officials and inspectors in each subcode an opportunity to comment on persons proposed to serve as members or alternate members of each review committee prior to their appointment.
5. No review committee shall hear any case or issue any recommendation without three members, who may be either regular or alternate members, being present.
6. In any case in which the Department makes a preliminary finding that a licensee has done any act or omission proscribed under (a) above, it shall have the case reviewed by the appropriate review committee prior to the issuance of any order revoking or suspending the license or assessing a civil penalty.
7. The Department shall present whatever evidence it may have to the review committee. The licensee shall be given notice of the meeting of the review committee and may appear before the review committee to present his or her position, but there shall be no cross-examination of either the licensee or any representative of the Department. Nothing said by the licensee or by any other persons at the meeting of the review committee shall be used in any way, nor shall any member of a review committee be required to testify concerning proceedings before the review committee, in any subsequent proceeding.
8. The review committee shall submit its recommendations as to the sanctions, if any, that ought to be imposed, to the Assistant Director for Construction Code Enforcement within 20 business days following the meeting. No sanctions shall then be imposed without the express approval of the Assistant Director for Construction Code Enforcement. Failure of a review committee to submit a timely recommendation shall be deemed to be concurrence with the action proposed to be taken by the Department. Notice of the review committee's recommendation, or failure to issue a recommendation, shall be given to the licensee.
9. A meeting of the review committee shall not be deemed to be a hearing or an adversarial proceeding and the findings of the advisory committee shall be deemed to be only a recommendation that is not binding on the Department.

## § 5:23-5.25 Revocation of licenses and certifications and alternative sanctions

**10.** A licensee shall be entitled to contest any order imposing sanctions in an administrative hearing, pursuant to [N.J.A.C. 5:23-5.2](#), regardless of whether he or she has exercised the option of appearing before a review committee.

**(e)** If a mechanical inspector loses any licensure, through any circumstances, mechanical licensure shall be terminated at the same time, whether or not the loss of the other licensure is in any way related to the performance of mechanical inspection duties.

## History

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### HISTORY:

As amended, R.1978 d.350, effective October 1, 1978.

See: 10 N.J.R. 378(a), 10 N.J.R. 469(f).

As amended, R.1981 d.134, effective April 10, 1981.

See: 13 N.J.R. 119(a), 13 N.J.R. 258(b).

(b) added, and old (b) renumbered as (c).

As amended, R.1982 d.8, effective February 1, 1982.

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

Catchline: added "and alternative sanctions".

(a): added "or assess ... \$ 500.00"; (a)8-10 added.

(b): added "or assessing a penalty"; deleted "does not warrant . . . suspension"; added "warrants . . . censure"; deleted "of warning . . . censure".

As amended, R.1982 d.436, effective December 20, 1982.

See: 14 N.J.R. 734(a), 14 N.J.R. 1449(a).

Added "of a crime, or conviction of an offense" and "shall constitute" to (c).

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

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

Added test in (a) "suspend a license for not more than 60 days and/".

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

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

Was 5:23-5.11.

Amended by R.1986 d.173, effective May 19, 1986.

See: 18 N.J.R. 16(b), 18 N.J.R. 1099(b).

(a)10 added; old (a)10 renumbered (a)11. This amendment was proposed under the old citation 5:23-5.11.

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 recodified from section 26.

Amended by R.1992 d.68, effective February 3, 1992.

See: 23 N.J.R. 3441(a), 24 N.J.R. 406(a).



## § 5:23-5.25 Revocation of licenses and certifications and alternative sanctions

Text on review committees added at (d).

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

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

Stylistic changes.

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

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

Added (e).

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.2004 d.365, effective October 4, 2004.

See: [36 N.J.R. 2605\(a\)](#), [36 N.J.R. 4441\(a\)](#).

In (a), substituted "in accordance with [N.J.A.C. 5:23-2.31](#)" for "of not more than \$ 500.00" in the introductory paragraph.

Amended by R.2004 d.366, effective October 4, 2004.

See: [36 N.J.R. 2606\(a\)](#), [36 N.J.R. 4442\(a\)](#).

In (d)2, deleted the second sentence.

Amended by R.2008 d.273, effective September 15, 2008.

See: [40 N.J.R. 2630\(a\)](#), [40 N.J.R. 5195\(c\)](#).

In (c), inserted "or a determination by the Department that a licensee has engaged in conduct constituting a conflict of interest under [N.J.A.C. 5:23-4.5\(j\)2](#)," and deleted "or suspension" following "revocation".

Amended by R.2008 d.332, effective November 3, 2008.

See: [40 N.J.R. 4270\(a\)](#), [40 N.J.R. 6439\(a\)](#).

In the introductory paragraph of (a), inserted "or suspend" and ", at any time during the preceding 10-year period", and deleted "suspend a license for not more than 60 days," following "a license,".

Amended by R.2010 d.291, effective December 20, 2010.

See: [42 N.J.R. 1943\(a\)](#), [42 N.J.R. 3053\(a\)](#).

In (c), inserted "or 4.14(f)".

Amended by R.2015 d.029, effective February 17, 2015.

See: [46 N.J.R. 1507\(a\)](#), [47 N.J.R. 459\(a\)](#).

Section was "Revocation of licenses and alternative sanctions". In (a) through (c), inserted "or certification" and "or certified special inspector" throughout; in (a)2, substituted "license" for "licensed"; in the introductory paragraph of (b), inserted a comma following "reprimand" twice, and inserted "or require additional training" and ", or requires additional training"; and in (c), inserted "or certified person".

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End of Document

## [N.J.A.C. 5:23-6.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.1 Introduction; using this subcode**

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**(a)** This section is a guide to the use of the rehabilitation subcode. It should not be interpreted as containing substantive requirements and it is not intended to be cited for enforcement purposes.

1. The provisions of the other subcodes of the Uniform Construction Code do not apply to work in existing buildings, changing the use of an existing building or work in an existing building related to an addition unless the provisions of this subcode specifically reference them and make them applicable.
2. Traditionally, the New Jersey Uniform Construction Code has made the requirements that are applicable to new buildings also apply to buildings whose use is changed; applicable to buildings undergoing rehabilitation with the extent of the requirements depending on the amount of money being spent on the building; and to some extent applicable to existing buildings that have an addition constructed. Buildings whose use was changed and buildings receiving rehabilitation costing more than 50 percent of the replacement cost of the building were required to comply with all the provisions of the Uniform Construction Code for new buildings.
3. This subcode takes a new approach. The requirements that apply to a project are based upon the type of work being done rather than on the extent of the work. There is only one exception to this rule. In the case of reconstruction work, as the term reconstruction is defined in this subcode, there are some requirements which must be met when the project is a large one in floor area.
4. In this subcode, work is classified into six categories. Each category has a separate section which describes the requirements for that category of work. The categories are repair, renovation, alteration, reconstruction, change of use and additions. These terms are defined in [N.J.A.C. 5:23-6.3](#). The definitions are critical to understand the distinctions between these six categories of work. Where a project contains more than one category of work, each applicable category must be consulted for the requirements for that category of work.

**(b)** Repair Work: The requirements that apply to repair work are in [N.J.A.C. 5:23-6.4](#). The requirements for repairs are brief due to the limited nature of the work. There is a short list of materials that may not be used for repair work due to their inherently hazardous nature and another list of materials that must be used in connection with repair work where applicable. These lists should be used when planning the repair components of any project.

1. This subcode does not establish when a permit is required for a project. Those requirements are in N.J.A.C. 5:23-2. Although it is generally true that repair work undertaken by itself does not require a construction permit, it is important to understand that any repair work undertaken in connection with a project that involves other categories of work is required to meet only the provisions for the repair category established by this subcode. There is no limit to the amount of repair work which may be undertaken. The decision to renovate rather than repair is made only by the owner.
2. The installation of smoke alarms is required in any building of Groups R-3, R-4, R-5, and in dwelling units of Group R-2 that undergo a repair.

## § 5:23-6.1 Introduction; using this subcode

3. The installation of carbon monoxide detection equipment is required in buildings containing a fuel burning appliance or having an attached garage.

**(c) Renovation Work:** The requirements that apply to renovation work are in

[N.J.A.C. 5:23-6.5](#) . Renovation is defined in

[N.J.A.C. 5:23-6.3](#) .

1. There are short lists of materials that may not be used and materials or practices which must be used, where applicable, when renovation work is undertaken. These lists should be used when planning a project which involves renovation work.
2. The installation of smoke alarms is required in any building of Groups R-3, R-4, R-5, and in dwelling units of Group R-2, which undergoes a renovation.
3. The installation of carbon monoxide detection equipment is required in buildings containing a fuel burning appliance or having an attached garage.
4. Renovation work must comply with [N.J.A.C. 5:23-6.8](#) , Materials and methods. All materials used for the renovation work must meet the standards for those materials established by [N.J.A.C. 5:23-6.8](#) and methods of installation must comply with that section. [N.J.A.C. 5:23-6.8](#) , Materials and methods, references and makes applicable to renovation work certain specified subsections of the other subcodes of the Uniform Construction Code. Only those subsections specifically referenced in [N.J.A.C. 5:23-6.8](#) apply to renovation work. All materials and methods used in renovation work must comply with the requirements of that section.
5. This subcode never requires renovation. Any existing work may be repaired. The requirements for renovation apply only where the owner decides to renovate.

**(d) Alteration Work:** The requirements that apply to alteration work are in

[N.J.A.C. 5:23-6.6](#) . Alteration is defined in

[N.J.A.C. 5:23-6.3](#) .

1. [N.J.A.C. 5:23-6.6](#) , Alteration work, contains short lists of materials that may not be used and materials or practices which must be used, where applicable, when alteration work is undertaken. These lists should be used when planning a project which includes alteration work.
2. The installation of smoke alarms is required in any building of Groups R-3, R-4, R-5, and in dwelling units of Group R-2, which undergoes an alteration.
3. The installation of carbon monoxide detection equipment is required in buildings containing a fuel burning appliance or having an attached garage.
4. Alteration work must also comply with materials and methods that are set forth in [N.J.A.C. 5:23-6.8](#) .
5. In alteration work, the configuration of the building is changed in some manner. The definition of "alteration" in [N.J.A.C. 5:23-6.3](#) provides the information needed to fully understand this term. Because improper alteration work could create a safety hazard in the building, this subcode contains specific requirements which define these hazards. These are the basic requirements of the subcode which can be found in [N.J.A.C. 5:23-6.10](#) through [6.30](#) .
6. The subcode includes basic requirements, listed by group, with the exception of egress capacity, interior finish requirements, commercial cooking operations, and windowless stories which apply to all groups. Reference should be made to the list of basic requirements applicable to the particular group in which the building being altered falls. Care should be taken to ensure that the alteration will not create

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a non-conformity with any of the basic requirements which did not exist before the alteration was undertaken.

**7.** Certain alterations create what are defined to be new building elements. There is a specific listing of those items which are to be treated as newly-created building elements which can be found in [N.J.A.C. 5:23-6.9](#). The elements on that list are required to conform to certain specific sections of the other subcodes of the Uniform Construction Code. The sections with which each newly-constructed element must comply are listed in [N.J.A.C. 5:23-6.9](#). Any alteration which creates one of the elements listed in that section must comply with the specific requirements listed in [N.J.A.C. 5:23-6.9](#).

**8.** Improvements to the accessibility of buildings may be required when alteration work is undertaken. Those requirements are specified in [N.J.A.C. 5:23-6.6\(e\)](#) and (k).

**(e) Reconstruction Work:** The requirements that apply to reconstruction work are in [N.J.A.C. 5:23-6.7](#). Reconstruction is defined in [N.J.A.C. 5:23-6.3](#). Unlike repair, renovation, and alteration, reconstruction is not a kind of work. A reconstruction may, as the definition of the term makes clear, include a combination of repair, renovation, and alteration work. It is the extent and nature of the work which makes a project a reconstruction. There are no quantitative criteria which determine whether a project is a reconstruction. A project becomes a reconstruction when the area where the project is taking place cannot be occupied while the work is in progress and when a new certificate of occupancy is required before the area can be re-occupied. Both criteria must be met.

**1.** This subcode requires that a reconstruction project have a delineated work area. This area is established by the permit applicant. The term "work area" is defined in [N.J.A.C. 5:23-6.3](#). A reconstruction project must always involve an entire use, primary function space, or tenancy as those three terms are defined in [N.J.A.C. 5:23-6.3](#). Projects which do not involve an entire use, primary function space, or tenancy are not reconstruction projects.

**2.** Although a reconstruction project is comprised of repair, renovation and alteration work, all of the requirements that apply are found in [N.J.A.C. 5:23-6.7](#). For ease of use, this section has been written to include all of the requirements applicable to reconstruction. The entire work area must conform to the basic requirements in [N.J.A.C. 5:23-6.10](#) through [6.30](#). These sections must be carefully reviewed when a reconstruction project is being planned.

**3.** The basic requirements are organized by individual groups in [N.J.A.C. 5:23-6.12](#) through [6.28](#). Only the sections relevant to the building's group must be consulted. Where a project involves mixed uses, then the special provisions of [N.J.A.C. 5:23-6.29](#) should also be consulted. Basic requirements that apply to all groups are in [N.J.A.C. 5:23-6.11](#) and [6.30](#). Therefore, [N.J.A.C. 5:23-6.11](#), [6.30](#), and the specific group section between 6.12 and 6.28 must be consulted for the basic requirements which apply to a project.

**4.** In addition to meeting the basic requirements, certain reconstruction projects must meet the supplemental requirements found in [N.J.A.C. 5:23-6.10](#) through

## § 5:23-6.1 Introduction; using this subcode

[6.30](#) . There is a specific section for each group as is the case with the basic requirements. Supplemental requirements that apply to all groups are in

[N.J.A.C. 5:23-6.11A](#) and

[6.30](#) . The supplemental requirements apply only when the work area for a reconstruction project exceeds a certain size. Each supplemental requirement has its own threshold of applicability.

5. The owner of a building in which a reconstruction project is planned must review the supplemental requirements applicable to the use of the project to determine if any of those requirements applies to the project. In addition to the specific group section between

[N.J.A.C. 5:23-6.12A](#) and

[6.28A](#) ,

[N.J.A.C. 5:23-6.11A](#) and

[6.30](#) should be consulted for the supplemental requirements that apply to a project.

(f) Applying the Subcode to a Project: The requirements of this subcode applicable to a project can be found as follows:

1. Separate the project into its component parts of repair, renovation, and alteration;
2. Where a portion of the work is repair, consult the repair section of this subcode ( [N.J.A.C. 5:23-6.4](#) ) to ensure that prohibited materials are not being used and that any applicable required materials or practices are being used;
3. Where a portion of the work is renovation:
  - i. Consult the renovation sections of this subcode ( [N.J.A.C. 5:23-6.5](#) );
  - ii. Ensure that the renovation work does not use any prohibited materials and that any applicable required materials or practices are being used; and
  - iii. Ensure that renovation materials and the methods of their installation conform to the Materials and Methods section of this subcode ( [N.J.A.C. 5:23-6.8](#) ).
4. Where a portion of the work is alteration work:
  - i. Consult the alteration section of this subcode ( [N.J.A.C. 5:23-6.6](#) );
  - ii. Ensure that the alteration work does not use any prohibited materials and that any applicable required materials or practices are being used;
  - iii. Ensure that any materials and methods used for the alterations conform to the requirements of the materials and methods section of this subcode ( [N.J.A.C. 5:23-6.8](#) );
  - iv. Ensure that alteration which creates a new building element listed in [N.J.A.C. 5:23-6.9](#) conforms to the requirements for new building elements that are specified in [N.J.A.C. 5:23-6.9](#) ; and
  - v. Ensure that none of the alteration work creates a new condition which would create a violation of any of the basic requirements applicable to the groups that are specified in [N.J.A.C. 5:23-6.10](#) through [6.30](#) .
5. Determine whether the project is a reconstruction project according to the definitions in [N.J.A.C. 5:23-6.3](#) . When the project is a reconstruction project:
  - i. Establish the work area of the project and show it on the plans and/or permit application;

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ii. Ensure that the requirements applicable to the repair, renovation, and alteration portions of the project are followed;

iii. Ensure that the basic requirements for the particular uses that are specified in the relevant section of this subcode between

[N.J.A.C. 5:23-6.11](#)

and

[6.28](#)

are followed. Where the project work area includes more than one group,

then

[N.J.A.C. 5:23-6.29](#)

should be consulted; and

iv. Review the size of the work area against the relevant provisions of the supplemental requirements in

[N.J.A.C. 5:23-6.11A](#)

through

[6.28A](#)

. Where compliance with a supplemental requirement is necessary, then ensure that the plans and/or the permit application reflect compliance with the required section. Some supplemental requirements will require work outside the work area.

**(g) Changes of Use:** The Uniform Construction Code divides all buildings into categories called uses. The Rehabilitation Subcode uses these same classifications.

1. The different uses represent different hazards and different needs. Specific requirements apply to each use. Each of the other technical subcodes of the Uniform Construction Code: Building, Fire, Plumbing, Electrical, Mechanical, Fuel Gas, Energy, and One- and Two-Family Dwelling, defines these uses, each for its own purpose. Traditionally, the Uniform Construction Code required any building or portion of a building where the use was changed to conform to the requirements of the code for a new building of that use. This subcode takes a different approach.

2. A change of use in a building often, but not always, involves some construction work. Changes of use, in which the owner does not need any construction work to effect the new use, do happen. The different uses defined by the code reflect different levels of hazard and different safety requirements. Depending upon the specific change, a new use may not affect the hazard; it could pose a lesser hazard; or it might pose a greater hazard or necessitate additional safety measures.

3. This subcode allows changes of use where the new use is similar to or less demanding in terms of hazard or safety requirements than the present use. No modifications to the building are required by this subcode where such a change of use is planned.

4. This subcode uses the concept of hazard indexes in order to specify the requirements for a change of use. Separate hazard indexes are established for different aspects of building, health, and safety:

i. Basic Requirements: Changes of use specified in

[N.J.A.C. 5:23-6.31\(b\)](#)

must comply with the basic requirements set forth in

[N.J.A.C. 5:23-6.10](#)

through

[6.30](#)

before the building can be occupied for the new use.

ii. Means of Egress: Certain changes of use specified in

[N.J.A.C. 5:23-6.31\(c\)](#)

must comply with additional requirements for egress which

are set forth in

[N.J.A.C. 5:23-6.31\(c\)](#)

before the building can be occupied for the new use.

iii. Vertical Openings: Stairways and other vertical openings located in a building or portion of a building where there is a change of use are required to meet certain enclosure requirements for the new use which are specified in

[N.J.A.C. 5:23-6.12](#)

through

[6.28](#)

. These requirements must be met before the building may be occupied for the new use.

iv. Height and Area Limits: Changes of use are not allowed if the building will exceed the height and area limits specified in



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[N.J.A.C. 5:23-6.31\(e\)](#) for its type of construction. The types of construction are defined in [N.J.A.C. 5:23-3.14](#), the Building Subcode.

**v. Exterior Walls:** Changes of use as specified in [N.J.A.C. 5:23-6.31\(f\)](#) of this subcode must have the fire resistance of exterior walls and any openings therein improved as specified in [N.J.A.C. 5:23-6.31\(f\)](#) before the building can be occupied for the new use.

**vi. Automatic Sprinkler System:** Changes of use as specified in [N.J.A.C. 5:23-6.31\(g\)](#) must have an automatic sprinkler system installed in accordance with the requirements of [N.J.A.C. 5:23-6.31\(g\)](#) before the building can be occupied for the new use.

**vii. Fire Alarms and Fire Detection Systems:** Changes of use as specified in [N.J.A.C. 5:23-6.31\(h\)](#) and (i) must have fire alarms or fire detection installed in accordance with the requirements of [N.J.A.C. 5:23-6.31\(h\)](#) and (i) before the building can be occupied for the new use.

**viii. Structural, Plumbing, Electrical, and Mechanical:** Some changes of use may necessitate changes to the structural, plumbing, electrical, or mechanical systems of a building. These requirements are set forth in [N.J.A.C. 5:23-6.31\(k\)](#), ( l ), (m) and (n) of this subcode. Only those requirements necessitated by the change and needed for health or safety in the new use as specified must be met.

**ix. Accessibility Requirements:** Changes of use must conform to the accessibility requirements specified in [N.J.A.C. 5:23-6.31](#) ( o ) before the building can be occupied for the new use.

**5.** Where the owner of a building undergoing a change of use decides to undertake work not required by

[N.J.A.C. 5:23-6.31](#), then that work must comply with the requirements for repair, renovation, alteration, and reconstruction, as the case may be, which are established by

[N.J.A.C. 5:23-6.4](#),

[6.5](#),

[6.6](#) and

[6.7](#).

**6.** Where the use of a building or portion of a building is changed, a new certificate of occupancy is required for the new use by the provisions of

N.J.A.C. 5:23-2. This does not mean that all changes of use are required to meet the requirements for reconstruction. Only a project which meets the definition of reconstruction set forth in

[N.J.A.C. 5:23-6.3](#) need comply with the provisions of

[N.J.A.C. 5:23-6.7](#), Reconstruction.

**(h) Additions:** Additions are required to comply with the provision of the other technical subcodes of the Uniform Construction Code. Work in the existing building which is related to the addition must conform with the requirements of

[N.J.A.C. 5:23-6.32](#). Additionally, such work undertaken in the existing building must comply with the requirements for repair, renovation, alteration, and reconstruction as set forth in

[N.J.A.C. 5:23-6.4](#),

[6.5](#),

[6.6](#) and

[6.7](#).

**(i) Historical Buildings:**

[N.J.A.C. 5:23-6.33](#) defines those buildings which are to be treated as historic and sets forth



## § 5:23-6.1 Introduction; using this subcode

certain special requirements applicable to historic buildings which modify the provisions of this subcode when a building is historic.

[N.J.A.C. 5:23-6.33](#) should be reviewed to determine if a building is to be treated as historic under this subcode and for the special provisions applicable to the various types of historical buildings.

## History

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### HISTORY:

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)3, deleted the last sentence; and in (d)7, updated N.J.A.C. reference.

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

See:

[35 N.J.R. 29\(a\)](#) ,

[35 N.J.R. 2209\(a\)](#) .

In (c)2 and (d)2, substituted "R-3 and R-5" for "R-3/R-4"; in (f)5iii, (g)4ii, and (g)4vii, updated N.J.A.C. references.

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

See:

[35 N.J.R. 5190\(a\)](#) ,

[36 N.J.R. 1758\(a\)](#) .

Deleted references to use preceding references to group throughout; in (g)4vi, substituted references to automatic sprinkler system for fire suppression throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See:

[41 N.J.R. 18\(a\)](#) ,

[41 N.J.R. 1726\(a\)](#) .

In (c)2 and (d)2, substituted "alarms" for "detectors".

Amended by R.2011 d.270, effective November 7, 2011.

See:

[43 N.J.R. 1297\(a\)](#) ,

[43 N.J.R. 2999\(a\)](#) .

In (d)7, substituted "(k)" for "(j)"; and in (g)1, deleted "and" preceding "Mechanical" and inserted ", Fuel Gas, Energy, and One- and Two-Family Dwelling".

Amended by R.2017 d.077, effective May 1, 2017.

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See:

[48 N.J.R. 1854\(a\)](#) ,

[49 N.J.R. 1020\(a\)](#) .

Rewrote (b) through (d).

Amended by R.2017 d.107, effective June 5, 2017.

See:

[48 N.J.R. 1851\(a\)](#) ,

[49 N.J.R. 1381\(b\)](#) .

In (b)3, (c)3, and (d)3, by substituting "detection equipment" for "alarms", and delete "of Groups I-1, R-1, R-2, R-3, R-4, or R-5" following "buildings".

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## [N.J.A.C. 5:23-6.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

### **§ 5:23-6.2 Applicability and compliance**

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**(a)** This subchapter, adopted pursuant to authority of the State Uniform Construction Code Act (P.L. 1975, c.217), and entitled "Rehabilitation Subcode," shall be known and 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" or "this subcode." Unless otherwise specifically provided, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.

**(b)** Scope: Except as otherwise specified, this subchapter shall control all matters concerning the repair, renovation, alteration, reconstruction, change of use, and addition to all buildings and structures and their service equipment as defined herein and shall apply to all existing buildings and structures in the State of New Jersey.

1. This subchapter shall not be applied to any building or portion thereof that has never been occupied. In such buildings or spaces, the requirements of the other subcodes of the Uniform Construction Code for new construction shall apply.
2. All work shall be classified by the construction official, in consultation with the appropriate subcode official(s), as one or more of six categories: repair, renovation, alteration, reconstruction, change of use, and additions. Specific requirements are established for each work category.
  - i. If a structure is demolished except for a de minimis amount, the construction official shall designate the replacement structure as a new structure and apply the requirements of the Uniform Construction Code applicable to new construction.
3. Work of more than one category may be part of a single work project.
  - i. Where a project includes repair, renovation or alteration work, then the work in each such category shall comply with the requirements for that category of work.
  - ii. Where a project is a reconstruction project which includes repair, renovation or alteration work, then the work in each such category shall comply with the requirements for that category of work.
  - iii. Where an alteration project results in a new building element, then each such new element shall comply with the requirements for new building elements.
  - iv. Where a project is a reconstruction project, then the entire work area shall comply with the basic requirements of this subcode. Where a reconstruction project in a building involves more than one work area, then each work area shall comply with the requirements of this subcode. Additionally, reconstruction projects shall comply with the supplemental requirements of this subcode where they exceed the size requirements specified by this subcode in the sections governing supplemental requirements.
  - v. Where the use of a building or portion thereof is changed, then the building or portion thereof shall be made to conform to the requirements of this subcode for a change of use. Where work is required by [N.J.A.C. 5:23-6.31](#) for a change of use to be approved, then that work shall comply with

## § 5:23-6.2 Applicability and compliance

the requirements of this subcode for changes of use. Where a project undertaken in connection with a change of use involves repairs, renovations or alterations which are not required by this subcode for the change of use, then the work in each such category shall comply with the requirements of this subcode for that category.

vi. Where the work project involves an addition to a building, then the addition shall comply with the requirements of the other subcodes of the Uniform Construction Code for new buildings. Any repair, renovation or alteration undertaken in an existing building in connection with an addition shall comply with the requirements of this subcode for such category of work.

**(c) Compliance:** The only requirements of the other subcodes of the UCC that apply are specifically set forth in this subchapter. Compliance with the requirements of the other subcodes of the UCC is not required for work in existing buildings. However, building components already in compliance with the requirements of the other subcodes of the UCC shall be replaced with components that comply. Where no year or edition is given for a standard referenced in this subchapter, the year or edition shall be the one referenced in the other subcode(s) of the UCC as of September 19, 2022.

1. Buildings in compliance with the current edition of the applicable subcode shall not be required to comply with any more restrictive requirement of this subcode.
2. The repairs, renovations, alterations, reconstruction, and changes of use and/or additions, of any building or structure currently existing shall conform to the requirements of this subchapter. Where compliance with the provisions of this subchapter would result in practical difficulty, the owner may apply for a variation in accordance with [N.J.A.C. 5:23-2.10](#).
3. Any variation previously issued in writing pursuant to the UCC shall remain in force and effect unless the work to be performed during the course of the rehabilitation project causes one of the conditions of the variation to be violated or would otherwise create a hazardous condition.
4. As an alternative to compliance with the building and fire protection requirements of this subchapter, a permit applicant shall be allowed to evaluate the building in accordance with Sections 1301.5 through 1301.9 of the International Existing Building Code, as referenced by the building subcode, incorporated herein by reference, and to bring the building into compliance with the standards contained therein.
5. When a project is undertaken in an existing building having a group designation that no longer represents the use due to subsequent adoptions of each subcode, the current group designation that most closely resembles the approved use shall be used as the basis for applying the requirements of this subchapter.

**(d) Permits:** The requirements of this subchapter shall apply to all rehabilitation work without regard to whether a permit is required for such work. It should not be assumed that a permit is required simply because a requirement is established by this subchapter. Determinations as to whether a permit is required shall be made in accordance with the administrative provisions of the UCC contained at N.J.A.C. 5:23-2.

**(e) Enforcement Responsibilities:** Responsibility for the enforcement of the provisions of this subchapter shall be as indicated in parentheses at the end of each section, subsection, paragraph or subparagraph, as appropriate (for example, in a subsection of several paragraphs, the enforcement responsibility shall be in parentheses after the subsection's last paragraph). For provisions of other subcodes of the Uniform Construction Code referenced herein, enforcement responsibility shall be as indicated in [N.J.A.C. 5:23-3.4](#).

1. Assignment of enforcement responsibility for a requirement does not imply that work undertaken that would not otherwise require a permit under the provisions of N.J.A.C. 5:23-2 of the Uniform Construction Code would now require a permit. Assignment of enforcement responsibility means that when there is a permit required or a complaint lodged, the designated subcode official is responsible. The parenthetical notes shall have the following meanings:
  - i. "Building" means that responsibility is assigned to the building subcode official.
  - ii. "Fire" means that responsibility is assigned to the fire protection subcode official.

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- iii. "Electrical" means that responsibility is assigned to the electrical subcode official.
  - iv. "Plumbing" means that responsibility is assigned to the plumbing subcode official.
  - v. "Elevator" means that responsibility is assigned to the elevator subcode official.
2. Responsibility for the enforcement of mechanical requirements in buildings of Group R-3 or R-5 may be assigned as delineated in [N.J.A.C. 5:23-3.4](#) at the discretion of the construction official.
- (f) Pre-Existing Buildings:** Buildings or structures legally in existence at the time of the adoption or subsequent amendment of this subchapter may continue in use and nothing herein shall be interpreted as requiring the repair, renovation, alteration or reconstruction of such building, except as provided at [N.J.A.C. 5:23-2.32](#), Unsafe Structures.
- (g) Relationship of this subcode to other codes, rules, and ordinances, shall be as follows:**
- 1. It is the intent of this subcode to provide a uniform, Statewide, harmonious system of rehabilitation regulations applicable to all existing buildings and structures in the State. No code, ordinance, rule, regulation of any municipality, county, board, department, commission or agency thereof, shall establish any requirement for any matter covered by this subcode.
    - i. Exterior light fixtures that replace existing light fixtures shall comply with a municipal ordinance adopted to control light pollution.
  - 2. It is the intent of this subcode to establish requirements for reconstruction projects which are at least as stringent as the requirements applicable to that area under the Uniform Fire Code, [N.J.A.C. 5:70](#), the Regulations for Maintenance of Hotels and Multiple Dwellings ([N.J.A.C. 5:10](#)) and the New Jersey State Housing Code ([N.J.A.C. 5:28](#)). This subcode shall not be interpreted as establishing requirements less stringent than these codes.
  - 3. Certificates of occupancy issued for projects in compliance with the requirements of this subcode are specific to the work undertaken and shall not obviate the need for the building to be brought into compliance with the requirements of N.J.A.C. 5:70-4.
    - i. Notwithstanding the above, a variation issued in writing pursuant to the UCC in connection with a rehabilitation project shall remain in force and effect provided that all of the conditions of the variation continue to be met and shall be accepted for purposes of establishing compliance with N.J.A.C. 5:70-4 for the portion of the building to which the variation applies.
  - 4. This subcode is not intended to establish minimum standards of habitability for housing. No provision of any State or municipal housing code or the equivalent which establishes minimum standards for natural light, natural ventilation, minimum habitable floor area per occupant, or requirements for heat shall be deemed to be affected or superseded by this subchapter.
  - 5. Where work is proposed to an existing commercial farm building or where the use of a building is changed to a commercial farm building, the building shall be permitted to comply with the requirements of [N.J.A.C. 5:23-3.2\(d\)](#). For items not specifically covered by [N.J.A.C. 5:23-3.2\(d\)](#), the project shall comply with the requirements of this subchapter applicable to Group S-2.
  - 6. Any work performed in a licensed health care facility shall be in accordance with the "Guidelines for Design and Construction of Health Care Facilities," Facilities Guidelines Institute, current edition. All health care facilities shall comply with National Fire Protection Association (NFPA) 101, the Life Safety Code, as referenced in the rules promulgated by the Centers for Medicare and Medicaid Services. In the event of any conflict with this subcode, the more restrictive code provision shall govern.
- (h) Correction of Violations of Other Codes:** Alterations or renovations mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance, adopted pursuant to law, shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this subchapter unless the code requiring such alterations so provides.

## § 5:23-6.2 Applicability and compliance

(i) Variations: Building owners wishing to use an alternative to compliance with specific provisions of this subcode shall submit request(s) for variations in writing in accordance with [N.J.A.C. 5:23-2.10](#). For variation requests involving fire safety, the construction official shall consult with the fire official. If the fire official is also licensed as a fire subcode official under the Uniform Construction Code, then the approval of the fire official shall be required on such variation requests.

(j) Asbestos hazard abatement projects and lead hazard abatement projects shall not be categorized as reconstruction projects in and of themselves despite the fact that occupancy of the work area is not permitted. However, all related construction work undertaken in connection with such projects and all replacement materials used shall comply with the applicable provisions of this subcode.

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Inserted (b)2i.

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)2 and 3, updated N.J.A.C. references.

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (c)4, substituted "Section 3409.6 of the International Building Code, 2000 edition" for "Section 3408.6 of the BOCA National Building Code, 1996 edition"; in (e)2, substituted "R-5" for "R-4".

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout and added (g)1i.

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (c)4, substituted "3410.6" for "3409.6" and "2006" for "2000"; and in (g)6, substituted "2006" for "1992-93".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (c)4, substituted "Sections 3412.5 through 3412.9 of the building subcode" for "Section 3410.6 of the International Building Code, 2006 edition"; and in (g)6, substituted " 'Guidelines for Design and Construction of Health Care Facilities,' " for " 'Guidelines for Construction and Equipment of Hospital and Medical Facilities,' 2006 edition or" and "Facilities Guidelines Institute" for "American Institute of Architects Committee on Architecture for Health".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

## § 5:23-6.2 Applicability and compliance

In the introductory paragraph of (c), substituted the first occurrence of "that" for "which"; in (c)4, substituted "1401.5" for "3412.5" and "1401.9" for "3412.9", and inserted "International Existing Building Code, as referenced by the"; added (c)5; and deleted (e)3.

Amended by R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

Rewrote (g)6.

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

Rewrote (g)6.

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (c)4, substituted "1301.5 through 1301.9" for "1401.5 through 1401.9".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (c), substituted "UCC" for "Uniform Construction Code" twice, and inserted "as of (insert adoption date of the national model codes update)".

Administrative correction, effective July 25, 2023.

See: [55 N.J.R. 1825\(a\)](#).

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## [N.J.A.C. 5:23-6.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

## **§ 5:23-6.3 Definitions**

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The words and terms used in this subcode shall have the following meanings unless the context clearly indicates otherwise. Any term not defined herein which is defined in any of the other subcodes of the Uniform Construction Code shall have the meaning as defined in that subcode. Where a term is defined in this subcode and is also defined in another subcode, then the term shall have the meaning as defined herein wherever it is used in this subcode.

"Addition" means an increase in the footprint area of a building or an increase in the average height of the highest roof surface or the number of stories of a building.

"Alteration" means the rearrangement of any space by the construction of walls or partitions or by a change in ceiling height, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which reduces the loadbearing capacity of or which imposes additional loads on a primary structural component.

"Change of use" means a change from one use to another use in a building or tenancy or portion thereof.

"Commercial energy code" means the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) standard 90.1 adopted at [N.J.A.C. 5:23-3.18](#) and applicable to all buildings other than residential buildings as defined at "residential energy code."

"Dormitory" means a building, or portion thereof, containing rooms which are provided as residences or for overnight sleeping for individuals or groups, and includes those residences utilized by fraternities or sororities which are recognized by or owned by a school or institution of higher education, but does not include those residences or multiple dwellings utilized by students which are not recognized by or owned by a school or institution of higher education. "Dormitory" is not to include a building used primarily to house faculty or a multiple dwelling in which occupancy of each dwelling unit is limited to persons who are members of a single family group.

"Equipment" or "fixture" means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire protection equipment, elevators devices, boilers, pressure vessels and other mechanical facilities or installations, which are related to building services and shall not include manufacturing, production or process equipment, but which shall include any connections from building services to process equipment.

"Group" means the group classification of the building subcode.

"Load bearing element" means any column, beam, joist, girder, wall, floor or roof sheathing which supports any load in addition to its own weight.

"New building element" means any one of the elements listed in [N.J.A.C. 5:23-6.9](#) that did not exist previously.

"Nursing home" means a building used for nursing or custodial care on a 24-hour basis for more than five persons where evacuation is impractical (a group that, even with staff assistance, cannot reliably move to a point of safety in



## § 5:23-6.3 Definitions

a timely manner) as defined in Section 22-1.3 of NFPA 101-97. This shall include intermediate care facilities, skilled nursing facilities and long term care facilities.

"Primary function space" means a room or space housing a major activity for which the building or tenancy is intended including, but not limited to, office area, auditorium, assembly space, dining room, bar or lounge, warehouse, factory, dwelling, care, confinement, retail, and educational spaces, but not including kitchens, bathrooms, storage rooms or other spaces supporting a primary function space; a building or tenancy may contain more than one primary function space.

"Primary structural component" means any component of the primary load bearing structure of a building including footings, piles, foundations, columns, girders, beams, joists, wind or seismic bracing but not including, for the purposes of this subcode, sheathing or subflooring.

"Reconstruction" means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied. Reconstruction may include repair, renovation, alteration or any combination thereof. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure.

"Renovation" means the removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other materials with new materials that serve the same purpose and do not change the configuration of space. Renovation shall include the replacement of equipment or fixtures.

"Repair" means the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing.

"Residential energy code" means the International Energy Conservation Code adopted at [N.J.A.C. 5:23-3.18](#) and applicable to residential buildings as defined as Group R-3 and R-5 buildings, as well as Group R-2 and Group R-4 buildings three stories or less in height above grade. Group R-5 buildings requirements are denoted in parentheses for the equivalent requirement in the one- and two-family dwelling subcode.

"System" means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building including any equipment, fixtures, connections, conduits, wires, pipes, ducts, as well as any associated sensors, controls, distribution or safety elements.

"Technically infeasible" means, in connection with accessibility requirements, a change that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a loadbearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

"Tenancy" means an entire building or that portion of a building or story which is or is intended to be under the control of a single owner or tenant.

"UFC fire barrier" means a continuous membrane, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating and located to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings when a specific fire resistive rating is indicated by this subcode.

"Use" means that portion of a building or tenancy which is devoted to a single group or special use or occupancy as defined in the building subcode or as established by the provisions of any other subcode for the purpose of specifying special requirements applicable to that portion of a building or tenancy.

## § 5:23-6.3 Definitions

"Work area" means any entire use, primary function space, or tenancy comprising all or part of a reconstruction project as delineated on the approved permit application and/or plans.

## History

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### HISTORY:

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

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Amended "Addition".

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Added "Dormitory", "Group" and "UFC fire barrier"; in "Use", deleted "use" preceding "group"; deleted "Use Group".

Administrative correction.

See: [36 N.J.R. 2490\(b\)](#).

Amended by R.2007 d.2, effective January 2, 2007.

See: [38 N.J.R. 3377\(a\)](#), [39 N.J.R. 28\(b\)](#).

Added definition "Nursing home".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

Added definitions "Commercial energy code" and "Residential energy code".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote definition "Residential energy code".

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## [N.J.A.C. 5:23-6.3A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.3A Flood-resistant construction**

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(a) For buildings in designated flood hazard areas, any work that constitutes a substantial improvement or repair of substantial damage of the existing building, as determined by the local floodplain administrator, shall comply with the applicable flood-resistant construction requirements below. As defined in the National Flood Insurance Program rules, [44 CFR 59.1](#), "substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'substantial damage,' regardless of the actual repair work performed." As defined in these Federal rules, "substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred."

1. Group R-5 buildings: Sections R301.2.4, R309.3, R322, R401.1, R404.1.9.5, R406.1.2.1, R408.7, M1301.1.1, M1401.5, M1601.4.10, M1701.2, M2001.4, M2101.29.1, M2105.22.1, M2201.6, and G2404.7 of the one- and two-family dwelling subcode.
2. All other buildings:
  - i. Building subcode: Sections 802.4, 913.2, 1108.7.5, 1202.4.4, 1402.6, 1402.7, 1403.6, 1403.7, 1605.3.1.2, 1612, 1804.5, 1805.1.2.1, 2702.1.8, 3001.3, and 3102.7.
  - ii. Mechanical subcode: Sections 301.16, 401.4, 501.3.1, 602.4, 603.13, 1206.9.1, 1210.8.6, and 1305.2.1.
  - iii. Fuel gas subcode: Section 301.11.

### **History**

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#### **HISTORY:**

New Rule, R.2014 d.117, effective July 21, 2014.

See: [46 N.J.R. 160\(a\)](#), [46 N.J.R. 1685\(a\)](#).

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (a)1, substituted "M1601.4.10 for "M1601.4.9"; rewrote (a)2i; and in (a)2ii, substituted "301.16" for "301.13" and "501.3.1" for "501.2".

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

§ 5:23-6.3A Flood-resistant construction

In (a)2i, substituted "802.4, 1202.4.4" for "801.5, 1203.4.2, Exception 5".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (a)1, (a)2i, and (a)2ii, updated Section numbers.

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.4 Repairs**

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(a) Repairs, as defined in [N.J.A.C. 5:23-6.3](#), shall comply with the requirements of this section. There is no limit to the amount of repair work which may be undertaken.

1. The following work shall be considered renovation, alteration, or reconstruction, as appropriate, and not repair work:

- i. The cutting away of any wall, partition, or portion thereof;
- ii. The permanent, partial or complete removal of any primary structural component;
- iii. The removal or rearrangement of any part of a required means of egress; and
- iv. Addition to, alteration or relocation of:
  - (1) Any fire protection system piping;
  - (2) Water supply, sewer, drainage, gas, oil, waste, vent, or similar piping;
  - (3) Electrical wiring, other than wiring for a low voltage communication system in a one or two family dwelling;
  - (4) Mechanical system components such as ductwork; or
  - (5) Elevator devices.

(b) All work shall be done in a workmanlike manner.

(c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower.

1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode or Table R301.5 of the one- and two-family dwelling subcode, as applicable, and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)

- i. For wood frame construction, deflection shall not exceed L/180 for roofs with a slope of 3 in 12 or less or L/120 for roofs with a slope of greater than 3 in 12 and for floors.
- ii. For steel frame construction, deflection shall not exceed L/240 for roofs with a slope of 3 in 12 or less or L/180 for roofs with a slope of greater than 3 in 12 and for floors.
- iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.

2. Fire protection systems may be removed if the requirements of [N.J.A.C. 5:23-6.6\(c\)2](#) or 6.7(c)2 are met, as applicable. (Fire)

3. No work shall be undertaken that diminishes accessibility below that which is required by Chapter 11 of the building subcode. (Building)

## § 5:23-6.4 Repairs

**(d)** The following products and practices shall not be used:

1. Wood paneling being used as an interior finish not in conformance with Table 2 of [N.J.A.C. 5:23-6.11](#) of this subcode; (Building)
2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 CFR 1630); (Plan review - Building/Fire. Inspection - Building)
3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; and (Electrical)
4. Plumbing materials and supplies:
  - i. All purpose solvent cement;
  - ii. Clear PB (polybutylene) piping;
  - iii. Flexible traps and tailpieces;
  - iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and
  - v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)
5. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:
  - i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;
  - ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;
  - iii. Uncontained water blasting or power washing; or
  - iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). (Building)
6. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit.
  - i. Exception: Within dwelling units of Groups R-2, R-3, R-4, and R-5. (Plan review - Building/Fire. Inspection - Building)

**(e)** The following products and practices shall be required, when applicable:

1. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Hazardous Locations" as specified by Sections 2406.4 and 2406.5 of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)
2. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode. (Electrical)
3. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles. (Electrical)

## § 5:23-6.4 Repairs

4. When door hardware is replaced in buildings required by Chapter 11 of the building subcode to be accessible, replacement hardware shall comply with ICC A117.1, Section 404.2.6. (Building)
  5. Newly installed and replacement handrails and guardrails shall comply with Sections 1011.11, 1012.8, 1014, and 1015 of the building subcode, respectively, or Sections R311.7.8, R311.8.3, and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)
  6. When the refrigerant in existing equipment is replaced with a different refrigerant, the requirements of the mechanical subcode applicable to the new refrigerant, if any, shall be met. (Plumbing)
  7. Existing roof covering shall be removed before installing new roof covering when any of the following conditions occur:
    - i. The existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing;
    - ii. The existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile; or
    - iii. The existing roof has two or more applications of any type of roof covering. (Building)
  8. When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 718.2 of the building subcode or section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with section 718.2.1 of the building subcode or section R302.11.1 of the one- and two-family dwelling subcode, as applicable.
- (f) In buildings of Groups R-3, R-4, and R-5 and in dwelling units of Group R-2, smoke alarms shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted, but shall not replace any AC-powered smoke alarms or a household fire alarm system. (Fire)
- (g) In buildings containing a fuel burning appliance or having an attached garage, carbon monoxide detection equipment shall be installed in accordance with Section 915 of the building subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)
1. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Inserted (e)5; and rewrote (f).

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), rewrote 2; in (d), added 5; in (e)2, rewrote iii and substituted "Section 250-140" for "Section 250-60" in v; and inserted (e)6.

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

## § 5:23-6.4 Repairs

See: [33 N.J.R. 3392\(a\)](#), [34 N.J.R. 267\(a\)](#).

In (d), added new 6; in (e), added new 7.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Added (g).

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Rewrote the section.

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

In (c)2, substituted "automatic sprinkler" for "fire suppression"; deleted references to use preceding references to group throughout.

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (e)1, substituted "2406.3" for "2406.2"; in (e)3, substituted "2003" for "1998" and "404.2.6" for "404.2.7"; rewrote (e)4 and (e)7; added (e)8 and (e)9; and in (f), deleted "outside each separate sleeping area in the immediate vicinity of the bedrooms," following "bedrooms,".

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)1, inserted "or by section R308.4 of the one- and two-family dwelling subcode, as applicable"; and in (f), substituted "alarms" for "detectors".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (c)1, inserted "or Table R301.5 of the one- and two-family dwelling subcode, as applicable,"; rewrote (c)2 and (e)4; in (e)1, substituted "2406.4" for "2406.3"; in (e)7, substituted "R302.11" for "R602.8" and "R302.11.1" for "R602.8.1", and deleted "or 717.2.1.1" following "717.2.1"; deleted (e)8 and (e)9; and in (g), inserted "[N.J.A.C. 5:23-3.20\(c\)](#) of" and "or Section R315 of the one- and two-family dwelling subcode, as applicable".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote (c)3 and (d) through (g).

Amended by R.2017 d.107, effective June 5, 2017.

See: [48 N.J.R. 1851\(a\)](#), [49 N.J.R. 1381\(b\)](#).

Rewrote (g).



§ 5:23-6.4 Repairs

Administrative correction.

See: [49 N.J.R. 3423\(a\)](#).

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

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## [N.J.A.C. 5:23-6.5](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.5 Renovations**

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- (a) Renovations, as defined in [N.J.A.C. 5:23-6.3](#), shall comply with the requirements of this section.
- (b) All work shall be done in a workmanlike manner.
- (c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.
  - 1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode or Table R301.5 of the one- and two-family dwelling subcode, as applicable, and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)
    - i. For wood frame construction, deflection shall not exceed L/180 for roofs with a slope of 3 in 12 or less or L/120 for roofs with a slope of greater than 3 in 12 and for floors.
    - ii. For steel frame construction, deflection shall not exceed L/240 for roofs with a slope of 3 in 12 or less or L/180 for roofs with a slope of greater than 3 in 12 and for floors.
    - iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.
  - 2. Fire protection systems may be removed if the requirements of [N.J.A.C. 5:23-6.6\(c\)2](#) or 6.7(c)2 are met, as applicable. (Fire)
  - 3. No work shall be undertaken that diminishes accessibility below that which is required by Chapter 11 of the building subcode. (Building)
- (d) The following products and practices shall not be used:
  - 1. Wood paneling being used as an interior finish not in conformance with Table 2 of [N.J.A.C. 5:23-6.11](#) of this subcode; (Building)
  - 2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 CFR 1630); (Building)
  - 3. Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories, Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; and (Electrical)
  - 4. Plumbing materials and supplies:
    - i. All purpose solvent cement;

## § 5:23-6.5 Renovations

- ii. Clear PB (polybutylene) piping;
  - iii. Flexible traps and tailpieces;
  - iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and
  - v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)
5. Bars, grilles and screens shall not be placed over emergency escape windows or doors in Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for the normal operation of the window or door. (Building)
6. The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:
- i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;
  - ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;
  - iii. Uncontained water blasting or power washing; or
  - iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). (Building)
7. A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway exit, or passageway. Draperies or similar hangings shall not obscure an exit.
- i. Exception: Within dwelling units of Groups R-2, R-3, R-4, and R-5. (Plan review - Building, Fire. Inspection - Building)
- (e) The following products and practices shall be required, when applicable:
1. When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required by the plumbing subcode. (Plumbing)
  2. In buildings required by Chapter 11 of the building subcode to be accessible, when bathrooms or toilet rooms are renovated, the following requirements for providing accessibility shall apply unless the requirements of Chapter 11 of the building subcode have been met:
    - i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC A117.1, Section 604.9 shall be created provided that this can be accomplished without moving fixtures. (Building)
    - ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC A117.1, Sections 603 through 608, as applicable, for nonresidential buildings or ICC A117.1, Chapter 10, for residential buildings required by Chapter 11 of the building subcode to be accessible. (Plumbing)
    - iii. Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. (Building)
  3. Replacement doors shall comply with the following: (Building)
    - i. When replacement doors are installed in buildings required by Chapter 11 of the building subcode to be accessible, replacement hardware shall comply with ICC A117.1, Section 404.2.6.

## § 5:23-6.5 Renovations

ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Groups I-1, R-1 or R-2 shall be 13/4 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.

(1) 13/8 inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 13/8 inch door.

4. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Hazardous Locations" as specified by Sections 2406.4 and 2406.5 of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)

5. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)

6. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode. (Electrical)

7. Any replacement to the electrical service equipment shall require that the grounding electrode system be updated to the requirements of Article 250 Part III of the electrical subcode. (Electrical)

8. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles. (Electrical)

9. When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the replacement of existing equipment with equipment using a different refrigerant or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)

10. When the work being performed exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 718.2 of the building subcode or section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with section 718.2.1 of the building subcode or section R302.11.1 of the one- and two-family dwelling subcode, as applicable.

11. When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table R402.1.3 (N1102.1.3) of the residential energy code for wood framing and of Table R402.2.6 (N1102.2.6) of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. In the event that insulation meeting the R-values above cannot be installed due to space constraints, and the equivalency exceptions of Sections R402.2.1 and R402.2.2 (N1102.2.1 and N1102.2.2) cannot be applied for residential buildings, insulation that fills the cavities of the framed assembly shall be installed.

12. When fenestration (windows, skylights or doors) is newly installed or replaced, the U-factor (thermal transmittance) shall not exceed the U-factor of Table R402.1.2 (N1102.1.2) of the residential energy code or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. Exception: In residential buildings, fenestration that meets Sections R402.3.3 (N1102.3.3) and R402.3.4 (N1102.3.4), as applicable.

13. Ducts that are newly installed or replaced shall be installed with insulation meeting the R-values of Section R403.3.1 (N1103.3.1) of the residential energy code or of Section 6.4.4.1.2 of the commercial energy code, as applicable.

14. The total replacement of a building lighting system or a newly installed building lighting system shall meet Section R404 (N1104) of the residential energy code or Section 9.1.2 of the commercial

## § 5:23-6.5 Renovations

energy code, as applicable. (A "lighting system" is defined by the commercial energy code as "a group of luminaires circuited or controlled to perform a specific function.")

i. Exception: The total replacement of a lighting system within a room, space or tenancy shall be required to meet Section 9.1.2 for the room, space, or tenancy only.

15. Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key. (Fire)

(f) In buildings of Groups R-3, R-4, and R-5 and in dwelling units of Group R-2, smoke alarms shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted, but shall not replace any AC-powered smoke alarms or a household fire alarm system. (Fire)

(g) In buildings containing a fuel burning appliance or having an attached garage, carbon monoxide detection equipment shall be installed in accordance with Section 915 of the building subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

1. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.

(h) All materials and methods used shall comply with the requirements specified in [N.J.A.C. 5:23-6.8](#), Materials and methods.

1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.

i. In sleeping rooms below the fourth story in occupancies of Groups R or I-1, where the size of window openings is being changed, at least one window shall:

(1) Be operable;

(2) Have a sill height of not more than 44 inches;

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

(4) New window openings 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 sprinkler system.

ii. Basement windows in buildings of Group R-2 shall comply with the requirements of [N.J.A.C. 5:23-6.26\(b\)](#) where the window serves as the second means of egress from the dwelling unit. (Plan review - Building, Fire. Inspection - Building)

2. Newly installed and replacement handrails and guardrails shall comply with Sections 1011.11, 1012.8, 1014, and 1015 of the building subcode, respectively, or Sections R311.7.8, R311.8.3, and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

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Inserted (d)5; in (e), changed N.J.A.C. reference in 1, deleted "In all use groups other than H," at the beginning of 3ii(1), and added 7; and rewrote (f).

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), rewrote 2; in (d), added 6; in (e)6, deleted "listed," preceding "like material", rewrote 6iii and substituted "Section 250-140" for "Section 250-60" in 6v.

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

See: [33 N.J.R. 3392\(a\)](#), [34 N.J.R. 267\(a\)](#).

In (d), added new 7; in (e) added new 8 and 9.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted (e)9; added a new (g); recodified former (g) as (h).

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Rewrote the section.

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout and substituted "automatic sprinkler" for "fire suppression" throughout; in (h)1ii, amended the N.J.A.C. reference.

Amended by R.2005 d.4, effective January 3, 2005.

See: [36 N.J.R. 4049\(a\)](#), [37 N.J.R. 47\(a\)](#).

Added (e)9.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (e)1, deleted the N.J.A.C. reference and added "by the plumbing subcode"; in (e)8, added "or section R602.8 of the one- and two-family dwelling subcode, as applicable" and "or section R602.8.1 of the one- and two-family dwelling subcode, as applicable".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (e)2i, (e)2ii and (e)3i, substituted "2003" for "1998" throughout; in (e)3i, substituted "404.2.6" for "404.2.7"; in (e)4, substituted "2406.3" for "2406.2"; rewrote (e)8; added new (e)9 and (e)10; recodified former (e)9 as (e)11; in (h)2, substituted "1009.10, 1010.8, 1012," for "1003.3.3.11, 1003.3.4.7" and "1013.1" for "1003.2.12".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)4, inserted "or by section R308.4 of the one- and two-family dwelling subcode, as applicable"; and in (f), substituted "alarms" for "detectors".

## § 5:23-6.5 Renovations

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (c)1, inserted "or Table R301.5 of the one- and two-family dwelling subcode, as applicable,"; rewrote (c)2, (e)9, (e)10, (g), the introductory paragraph of (h) and (h)2; in (e)4, substituted "2406.4" for "2406.3"; in (e)8, substituted "R302.11" for "R602.8", and "R302.11.1" for "R602.8.1", and deleted "or 717.2.1.1" following "717.2.1"; added new (e)11 and (e)12; and recodified former (e)11 as (e)13.

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote (c)3 and (d) through (h).

Amended by R.2017 d.107, effective June 5, 2017.

See: [48 N.J.R. 1851\(a\)](#), [49 N.J.R. 1381\(b\)](#).

Rewrote (g).

Administrative correction.

See: [49 N.J.R. 3423\(a\)](#).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the introductory paragraph of (e)13, substituted "R404" for "404".

Amended by R.2022 d.022, effective February 7, 2022.

See: [53 N.J.R. 1133\(a\)](#), [54 N.J.R. 263\(a\)](#).

Added (e)7; and recodified former (e)7 through (e)14 as (e)8 through (e)15.

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

Administrative correction, effective December 6, 2023.

See: [56 N.J.R. 35\(c\)](#).

## [N.J.A.C. 5:23-6.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.6 Alterations**

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- (a) Alterations, as defined in [N.J.A.C. 5:23-6.3](#), shall comply with the requirements of this section.
- (b) All work shall be done in a workmanlike manner.
- (c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.
  - 1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode or Table R301.5 of the one- and two-family dwelling subcode, as applicable, and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)
    - i. For wood frame construction, deflection shall not exceed L/180 for roofs with a slope of 3 in 12 or less or L/120 for roofs with a slope of greater than 3 in 12 and for floors.
    - ii. For steel frame construction, deflection shall not exceed L/240 for roofs with a slope of 3 in 12 or less or L/180 for roofs with a slope of greater than 3 in 12 and for floors.
    - iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.
  - 2. Fire protection system removal: Any fire protection system providing partial or redundant protection originally installed to protect a special hazard that no longer exists and that is not required in accordance with the current Uniform Construction Code, is allowed to be removed with the written approval of the fire subcode official and fire official. All disconnected equipment and devices, such as pull stations, nozzles, detectors, sprinklers, sensors, panels and hose connections, shall be removed so as not to give a false indication that the structure, area or space is protected. (Fire)
  - 3. No work shall be undertaken that diminishes accessibility below that which is required by Chapter 11 of the building subcode. (Building)
  - 4. Construction materials used as part of an alteration project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive. (Plan review - Building, Fire. Inspection - Building)
- (d) The following products and practices shall not be used:
  - 1. Wood paneling being used as an interior finish not in conformance with Table 2 of [N.J.A.C. 5:23-6.11](#) of this subcode; (Building)
  - 2. Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 CFR 1630); (Plan review - Building, Fire. Inspection - Building)



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- 3.** Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electrical Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories, Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; and (Electrical)
- 4.** Plumbing materials and supplies:
- i. All purpose solvent cement;
  - ii. Clear PB (polybutylene) piping;
  - iii. Flexible traps and tailpieces;
  - iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and
  - v. Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems. (Plumbing)
- 5.** Bars, grilles and screens shall not be placed over emergency escape windows or doors in Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for the normal operation of the window or door. (Building)
- 6.** The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:
- i. Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;
  - ii. Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;
  - iii. Uncontained water blasting or power washing; or
  - iv. Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). (Building)
- 7.** A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit. (Plan review - Building, Fire. Inspection - Building)
- i. Exception: Within dwelling units of Groups R-2, R-3, R-4 and R-5.
- (e)** The following products and practices shall be required, when applicable:
- 1.** When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required by the plumbing subcode. (Plumbing)
  - 2.** In buildings required by Chapter 11 of the building subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of Chapter 11 of the building subcode have been met:
    - i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC A117.1, Section 604.9, shall be created provided that this can be accomplished without moving fixtures. (Building)
    - ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC A117.1, Sections 603 through 608, as applicable, for nonresidential buildings or ICC A117.1, Chapter 10, for residential buildings required by Chapter 11 of the building subcode to be accessible. (Plumbing)

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- iii. Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. This may be accomplished by providing two unisex bathrooms, one of which is accessible. (Building)
- iv. Where it is technically infeasible to gain compliance with the altered bathroom, signage to the closest accessible bathroom (if any) shall be provided at the altered bathroom. (Building)
3. In buildings required by Chapter 11 of the building subcode to be accessible, when space is reconfigured, the altered space shall comply with Chapter 11 of the building subcode. Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. (Building)
4. Replacement doors shall comply with the following: (Building)
- i. In buildings required by Chapter 11 of the building subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC A117.1, Section 404.
- (1) If the door being added, enlarged, or replaced is a building entrance and at least 60 percent of the entrance doors are accessible, then the door being added, enlarged, or replaced is not required to comply with ICC A117.1, Section 404.
- ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Groups I-1, R-1 or R-2 shall be 13/4 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.
- (1) 13/8 inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 13/8 inch door.
5. In buildings required by Chapter 11 of the building subcode to be accessible, when entrance steps are being replaced, an accessible entrance shall be provided if this does not add more than 20 percent to the cost of replacing the steps. (Building)
- i. If at least 60 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.
6. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted by Chapter 11 of the building subcode. (Building)
7. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Hazardous Locations" as specified by Sections 2406.4 and 2406.5 of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)
8. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)
9. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode. (Electrical)
10. Any replacement to the electrical service equipment shall require that the grounding electrode system be updated to the requirements of Article 250 Part III of the electrical subcode. (Electrical)
11. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles. (Electrical)
12. In buildings of Group R or I-1, when the work being performed creates a bedroom, the following shall be provided:

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- i. A hard-wired smoke alarm shall be installed within each new bedroom and a second, hard-wired smoke alarm shall be installed within the immediate vicinity of the bedroom in accordance with NFPA 72. (Fire)
  - ii. A bedroom window or exterior door that meets the requirements at [N.J.A.C. 5:23-6.9\(b\)](#)16 shall be provided when the bedroom created is below the fourth floor. (Building)
    - (1) This requirement shall not apply 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 sprinkler system.
- 13.** In buildings of Use Groups R-3, R-4, and R-5:
- i. When the work being performed creates living space over a private garage, the private garage shall comply with Section 406.3.2 of the building subcode or R302.6 of the one- and two-family dwelling subcode, as applicable, for fire resistance rating.
  - ii. When the work being performed creates an additional dwelling unit within the building, the new dwelling unit shall be separated from the existing dwelling unit(s) with fire partitions or horizontal assemblies having a fire resistance rating of not less than one hour constructed in accordance with Sections 708 and 711 of the building subcode or R302 of the one- and two-family dwelling subcode, as applicable.
  - iii. When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Section 210.52 and 210.70, respectively, of the electrical subcode.
- 14.** In buildings of Group R-1, in at least one sleeping room or suite of every 25 or fewer that are part of the scope of work, the work being performed shall comply with the applicable provisions of ICC A117.1, unless the facility already provides the number of accessible sleeping rooms required by Chapter 11 of the building subcode. 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 Chapter 11 of the building subcode. (Building)
- 15.** In buildings of Groups R-1 and R-2:
- i. When habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area. (Plan review - Building, Fire. Inspection - Building)
  - ii. Group R-2 only: When finished space is created in previously unfinished space, receptacle and lighting outlets shall comply with Section 210.52 and 210.70, respectively, of the electrical subcode.
- 16.** When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the installation of new equipment, the replacement of existing equipment with equipment using a different refrigerant, or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)
- 17.** When the work being performed creates or exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by section 718.2 of the building subcode or section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with section 718.2.1 of the building subcode or section R302.11.1 of the one- and two-family dwelling subcode, as applicable.
- 18.** When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table R402.1.3 (N1102.1.3) of the residential energy code for wood framing and of Table

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R402.2.6 (N1102.2.6) of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. In the event that insulation meeting the R-values above cannot be installed due to space constraints, and the equivalency exceptions of Sections R402.2.1 and R402.2.2 (N1102.2.1 and N1102.2.2) cannot be applied for residential buildings, insulation that fills the cavities of the framed assembly shall be installed.

**19.** When fenestration (windows, skylights, or doors) is newly installed or replaced, the U-factor (thermal transmittance) shall not exceed the U-factor of Table R402.1.2 (N1102.1.2) of the residential energy code or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.

i. Exception: In residential buildings, fenestration that meets Sections R402.3.3 (N1102.3.3) and R402.3.4 (N1102.3.4), as applicable.

**20.** Ducts that are newly installed or replaced shall be installed with insulation meeting the R-values of Section R403.3.1 (N1103.3.1) of the residential energy code or of Section 6.4.4.1.2 of the commercial energy code, as applicable.

**21.** The total replacement of a building lighting system or a newly installed building lighting system shall meet Section R404 (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code, as applicable. (A "lighting system" is defined by the commercial energy code as "a group of luminaires circuited or controlled to perform a specific function.")

i. Exception: The total replacement of a lighting system within a room, space or tenancy shall be required to meet Section 9.1.2 for the room, space, or tenancy only.

**22.** When the work being performed results in an indoor or outdoor gas meter, related regulator or piping becoming subject to vehicle impact, which work includes, but is not limited to, new installation, relocation or other construction, the gas meter, related regulator or piping shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated. (Plumbing)

i. Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

**23.** Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key. (Fire)

**24.** The work shall not cause an exit enclosure to be used for any purpose other than means of egress, except those penetrations permitted by Section 1023.5 of the building subcode.

**25.** Existing openings that become part of an exit or exit access and newly created openings to be used as an exit or exit access shall meet Section 1008.3 and Section 1013 of the building subcode when more than one exit or exit access is required. This shall apply only to the portion of the building served by the new exit or exit access.

**(f)** In buildings of Groups R-3, R-4, and R-5 and in dwelling units of Group R-2, smoke alarms shall be installed and maintained on each level of the structure, outside each separate sleeping area in the immediate vicinity of the bedrooms, and located on or near the ceiling. Battery-operated units shall be permitted, but shall not replace any AC-powered smoke alarms or a household fire alarm system. (Fire)

**(g)** In buildings containing a fuel burning appliance or having an attached garage, carbon monoxide detection equipment shall be installed in accordance with Section 915 of the building subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

**1.** Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.

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- (h)** The work shall not make the building less conforming with the basic requirements of this subchapter than it was when the alteration was undertaken.
1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC.
  2. Where the scope of work consists of an item for which requirements are established in the basic requirements of this subcode, the work shall comply with the basic requirements.
- (i)** All materials and methods used shall comply with the requirements specified in [N.J.A.C. 5:23-6.8](#), Materials and methods.
1. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.
    - i. In sleeping rooms below the fourth story in occupancies of Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:
      - (1) Be operable;
      - (2) Have a sill height of not more than 44 inches;
      - (3) 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.
      - (4) New window openings 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 sprinkler system.
    - ii. Basement windows in buildings of Group R-2 shall comply with the requirements of [N.J.A.C. 5:23-6.26\(b\)](#)<sup>3</sup> where the window serves as the second means of egress from the dwelling unit (Plan review - Building, Fire. Inspection - Building).
  2. Newly installed and replacement handrails and guardrails shall comply with Sections 1011.11, 1012.8, 1014, and 1015 of the building subcode, respectively, or Sections R311.7.8, R311.8.3, and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)
- (j)** All new building elements, as listed in [N.J.A.C. 5:23-6.9](#), shall comply with the requirements of that section.
- (k)** In a building required by Chapter 11 of the building subcode to be accessible, where the space altered is a primary function space, an accessible path of travel to the altered space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall alteration project; a cost is disproportionate if it exceeds 20 percent of the cost of the alteration work. (Building)
1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the altered area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the altered primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.
  2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:
    - i. Windows, hardware, operating controls, electrical outlets and signage;

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- ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or
  - iii. The repair or installation of roofing, siding, or other exterior wall facade.
3. Where the work consists solely of the alteration of materials or systems listed in (k)2 above, the path of travel requirements shall not apply.
  4. Where the alteration work is for the primary purpose of increasing the accessibility of the building or tenancy, the requirement to further improve the path of travel shall not apply.
  5. Where it is technically infeasible to comply with the technical standards in Chapter 11 of the building subcode, the work must comply to the maximum extent feasible.
- (l) When work is performed in a Class 1 structure or when work is performed on a smoke control system, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode shall be submitted as part of the permit application. (Building, except smoke control systems - Fire)

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Inserted (d)5; in (e), changed N.J.A.C. reference in 1, inserted a second sentence in 2iii(2), deleted "In all use groups other than H," at the beginning of 3ii(1), rewrote 9, inserted a new 10, recodified former 10 and 11 as 11 and 12, and added 13; and rewrote (f).

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), rewrote 2 and added 4; in (d), added 6; in (e), rewrote 8iii and substituted "Section 250-140" for "Section 250-60" in 8v; in (j)3, amended internal reference.

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

See: [33 N.J.R. 3392\(a\)](#), [34 N.J.R. 267\(a\)](#).

In (d), added new 7; in (e) added new 14 and 15.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted (e)15; added a new (g); recodified former (g) through (j) as (h) through (k).

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Rewrote the section.

Administrative correction.

See: [35 N.J.R. 4861\(a\)](#).

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (e)10; added (h)2; in (i)1ii, amended the N.J.A.C. reference.

Amended by R.2004 d.468, effective December 20, 2004.

See: [36 N.J.R. 1858\(b\)](#), [36 N.J.R. 5711\(a\)](#).

In (e), added 15.

Amended by R.2005 d.4, effective January 3, 2005.

See: [36 N.J.R. 4049\(a\)](#), [37 N.J.R. 47\(a\)](#).

Added (e)16.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (e)1, deleted the N.J.A.C. reference and added "by the plumbing subcode"; added (e)10iii and (e)12ii; in (e)14, added "or section R602.8 of the one- and two-family dwelling subcode, as applicable" and "or section R602.8.1 of the one- and two-family dwelling subcode, as applicable".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Rewrote (e); and in (i)2, substituted "1009.10, 1010.8, 1012," for "1003.3.3.11, 1003.3.4.7" and "1013.1" for "1003.2.12".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)6, inserted "or by section R308.4 of the one- and two-family dwelling subcode, as applicable"; in (e)9i, substituted "alarm" for "detector" twice; in (e)14 and in the introductory paragraph of (e)15, inserted "creates or"; in (e)16, inserted "newly installed or"; added (e)19; and in (f), substituted "alarms" for "detectors".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (c)1, inserted "or Table R301.5 of the one- and two-family dwelling subcode, as applicable, "; rewrote (c)2, (e)14, (e)15, (e)16, (g) and (i)2; in (e)6, substituted "2406.4" for "2406.3"; in (e)10i, substituted "R302.6" for "R309.2"; in (e)10ii, substituted "709 and 712" for "708 and 711" and "R302" for "R317.1"; in (e)14, substituted "R302.11" for "R602.8", and "R302.11.1" for "R602.8.1", and deleted "or 717.2.1.1" following "717.2.1"; added new (e)17, (e)18 and (l); recodified former (e)17 through (e)19 as (e)19 through (e)21; and in (e)21, substituted "1022.4" for "1020.1.2".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Added new (e)2iii and (e)2iv; recodified former (e)2iii as (e)3; rewrote (e)3; and recodified former (e)3 through (e)21 as (e)4 through (e)22.

Amended by R.2017 d.077, effective May 1, 2017.

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See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote the section.

Amended by R.2017 d.107, effective June 5, 2017.

See: [48 N.J.R. 1851\(a\)](#), [49 N.J.R. 1381\(b\)](#).

Rewrote (g).

Administrative correction.

See: [49 N.J.R. 3423\(a\)](#).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (e)12i, substituted "406.3.2" for "406.3.4"; and in the introductory paragraph of (e)20, substituted "R404" for "404".

Amended by R.2022 d.022, effective February 7, 2022.

See: [53 N.J.R. 1133\(a\)](#), [54 N.J.R. 263\(a\)](#).

Added (e)10; and recodified former (e)10 through (e)24 as (e)11 through (e)25.

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

In (e)12ii, substituted "at" for "of", and updated the N.J.A.C. reference.

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (e)4i(1), inserted a comma following "enlarged" twice; and in (e)4i(1) and (e)5i, substituted "60" for "50".

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

Administrative correction, effective December 6, 2023.

See: [56 N.J.R. 35\(c\)](#).



## [N.J.A.C. 5:23-6.7](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.7 Reconstruction**

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- (a) Reconstruction, as defined in [N.J.A.C. 5:23-6.3](#), shall comply with the requirements of this section.
1. If a project is less than the entire use, primary function space or tenancy by a de minimis amount, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.
  2. If work performed or to be performed in phases is so extensive that the project would require a new certificate of occupancy if the work were performed at one time, the construction official may designate the project a reconstruction project and require that the requirements of this section be met.
- (b) All work shall be done in a workmanlike manner.
- (c) The work shall not cause any diminution of existing structural strength, system capacity or mechanical ventilation below that which exists at the time of application for a permit or that which is required by the applicable subcodes of the Uniform Construction Code, whichever is lower. The replacement or addition of fixtures, equipment or appliances shall not increase loads on these systems unless the system is upgraded in accordance with the applicable subcode of the UCC to accommodate the increased load.
1. Newly introduced fixed loads shall not exceed the uniformly distributed live loads or concentrated live load criteria of Table 1607.1 of the building subcode or Table R301.5 of the one- and two-family dwelling subcode, as applicable, and shall not create deflection that exceeds the standards set forth below. As used in this section, fixed loads shall mean uniform or concentrated loads and shall include, but not be limited to, equipment, files, library stacks, or similar loading conditions. (Building)
    - i. For wood frame construction, deflection shall not exceed L/180 for roofs with a slope of 3 in 12 or less or L/120 for roofs with a slope of greater than 3 in 12 and for floors.
    - ii. For steel frame construction, deflection shall not exceed L/240 for roofs with a slope of 3 in 12 or less or L/180 for roofs with a slope of greater than 3 in 12 and for floors.
    - iii. For concrete construction, deflection shall not exceed L/180 for roofs or L/240 for floors.
  2. Fire protection system removal: Any fire protection system providing partial or redundant protection originally installed to protect a special hazard that no longer exists and that is not required in accordance with the current Uniform Construction Code, is allowed to be removed with the written approval of the fire subcode official and fire official. All disconnected equipment and devices, such as pull stations, nozzles, detectors, sprinklers, sensors, panels and hose connections, shall be removed so as not to give a false indication that the structure, area or space is protected. (Fire)
  3. No work shall be undertaken that diminishes accessibility below that which is required by Chapter 11 of the building subcode. (Building)
  4. Construction materials used as part of a reconstruction project shall be consistent with the existing construction type or the allowable construction type, whichever is less restrictive. (Plan review - Building, Fire. Inspection - Building)

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**(d)** The following products and practices shall not be used:

- 1.** Carpet used for floor covering that fails to meet the DOC FF-1 "Pill Test" (Consumer Product Safety Commission 16 CFR 1630); (Plan review - Building, Fire. Inspection - Building)
- 2.** Electrical materials/supplies: Unlisted or unapproved electrical products. As stated in the National Electric Code (sections 90.7, 110.2, 110.3, and article 100), only electrical products listed, labeled, approved, and identified are acceptable. Approval is to be based on tests and listings of testing laboratories such as Underwriters Laboratories Inc. (UL), Factory Mutual (FM) or Canadian Standards Association/Nationally Recognized Testing Laboratory (CSA/NRTL), etc.; (Electrical)
- 3.** Plumbing materials and supplies:
  - i.** All purpose solvent cement;
  - ii.** Clear PB (polybutylene) piping;
  - iii.** Flexible traps and tailpieces;
  - iv.** Sheet and tubular copper and brass trap and tailpiece fittings less than B&S (Brown & Sharpe) 17 gauge (.045 inch); and
  - v.** Solder having more than 0.2 percent lead shall not be used in the repair of potable water systems (Plumbing); and
- 4.** Bars, grilles and screens shall not be placed over emergency escape windows or doors in Groups R or I-1 unless they are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for the normal operation of the window or door. (Building)
- 5.** The following practices shall not be used on painted surfaces in all buildings of Group R that were constructed before 1978, Group E and Group I-4 buildings used as child-care facilities unless the painted surface has been tested and found to be free of lead-based paint:
  - i.** Open flame burning or the use of high temperature (in excess of 1100 degrees Fahrenheit) heat guns;
  - ii.** Power sanding or sandblasting, unless a special HEPA (high efficiency particulate air) filter equipped vacuum attachment is used to contain dust;
  - iii.** Uncontained water blasting or power washing; or
  - iv.** Dry scraping or sanding more than two square feet per room (interior) or 10 square feet or more per building (exterior). (Building)
- 6.** A mirror shall not be placed in or adjacent to any means of egress so as to confuse the direction of egress or give the appearance of a doorway, exit, or passageway. Draperies or similar hangings shall not obscure an exit. (Plan review - Building, Fire. Inspection - Building)
  - i.** Exception: Within dwelling units of Groups R-2, R-3, R-4 and R-5.

**(e)** The following products and practices shall be required, when applicable:

- 1.** When any water closet is replaced, the replacement water closet shall require not more than 1.6 gallons of water per flush as required by the plumbing subcode. (Plumbing)
- 2.** In buildings required by Chapter 11 of the building subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of Chapter 11 of the building subcode have been met:
  - i.** When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with ICC A117.1, Section 604.9, shall be created provided that this can be accomplished without moving fixtures. (Building)

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- ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with ICC A117.1, Sections 603 through 608, as applicable, for nonresidential buildings or ICC A117.1, Chapter 10, for residential buildings required by Chapter 11 of the building subcode to be accessible. (Plumbing)
  - iii. Where full compliance is technically infeasible, a single fixture unisex accessible bathroom shall be permitted. This may be accomplished by providing two unisex bathrooms, one of which is accessible. (Building)
  - iv. Where it is technically infeasible to gain compliance with the altered bathroom, signage to the closest accessible bathroom (if any) shall be provided at the altered bathroom. (Building)
3. In buildings required by Chapter 11 of the building subcode to be accessible, when space is reconfigured, the reconstructed space shall comply with Chapter 11 of the building subcode.
  - i. Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible. (Building)
4. Replacement or new doors shall comply with the following: (Building)
  - i. In buildings required by Chapter 11 of the building subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with ICC A117.1, Section 404.
    - (1) If the door being added, enlarged, or replaced is a building entrance and at least 60 percent of the entrance doors are accessible, then the door being added, enlarged, or replaced is not required to comply with ICC A117.1, Section 404.
  - ii. Replacement dwelling unit, guest room or rooming unit corridor doors in Groups I-1, R-1 or R-2 shall be 13/4 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.
    - (1) 13/8 inch solid core replacement doors shall be accepted if the existing frame is not being replaced and will accommodate only a 13/8 inch door.
5. In buildings required by Chapter 11 of the building subcode to be accessible, when entrance steps are being replaced, a ramp shall be installed, provided that the installation of a ramp does not add more than 20 percent to the cost of replacing the steps. (Building)
  - i. If at least 60 percent of the other building entrances are accessible, then the installation of a ramp shall not be required.
6. When providing vertical access is part of the scope of work, a limited use limited application elevator or platform lift may be installed as permitted Chapter 11 of the building subcode. (Building)
7. Replacement glass shall comply with the "Safety Glazing" requirements of the building subcode and shall be installed in the "Hazardous Locations" as specified by Sections 2406.4 and 2406.5 of the building subcode or by Section R308.4 of the one- and two-family dwelling subcode, as applicable. (Building)
8. Where a fireproofing material is removed that is integral to the rating of an existing fire-rated assembly, the material shall be replaced so that the rating is preserved. (Building)
9. Plug fuses of the Edison-base type shall be used only for replacements where there is no evidence of over fusing or tampering per Section 240.51(B) of the electrical subcode. (Electrical)
10. Any replacement to the electrical service equipment shall require that the grounding electrode system be updated to the requirements of Article 250 Part III of the electrical subcode. (Electrical)
11. Non-"hospital grade" receptacles in patient bed locations of health care facilities, Group I-2, shall be replaced with "hospital grade" receptacles. (Electrical)

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- 12.** In buildings of Groups R-1 and R-2, when habitable space is created in previously unoccupied space, the minimum clear ceiling height shall be seven feet. For rooms with a sloped ceiling, the minimum clear ceiling height shall be seven feet for at least 35 square feet of the floor area of the room. Any portion of the room measuring less than five feet from the finished floor to the finished ceiling shall not be considered usable floor area. (Building)
- 13.** When a new refrigerant is introduced, the requirements of the mechanical subcode applicable to that refrigerant, if any, shall be met. This shall apply to the installation of new equipment, the replacement of existing equipment with equipment using a different refrigerant, or the replacement of the refrigerant in existing equipment with a different refrigerant. (Plumbing)
- 14.** When the work being performed creates or exposes wood framing of any wall, floor, ceiling, or roof, fireblocking shall be provided as required by Section 718.2 of the building subcode or Section R302.11 of the one- and two-family dwelling subcode, as applicable. The fireblocking material shall comply with Section 718.2.1 of the building subcode or Section R302.11.1 of the one- and two-family dwelling subcode, as applicable.
- 15.** When the work being performed creates or exposes the roof decking/sheathing or the framing of any wall, floor, ceiling, or roof assembly that is part of the building thermal envelope (encloses conditioned space), any accessible voids in insulation shall be filled using insulation meeting the R-values of Table R402.1.3 (N1102.1.3) of the residential energy code for wood framing and of Table R402.2.6 (N1102.2.6) of the residential energy code for metal framing equivalents or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.
- i.** In the event that insulation meeting the R-values above cannot be installed due to space constraints, and the equivalency exceptions of Sections R402.2.1 and R402.2.2 (N1102.2.1 and N1102.2.2) cannot be applied for residential buildings, insulation that fills the cavities of the framed assembly shall be installed.
- 16.** When fenestration (windows, skylights, or doors) is newly installed or replaced, the U-factor (thermal transmittance) shall not exceed the U-factor of Table R402.1.2 (N1102.1.2) of the residential energy code or of Table 5.5-4 or 5.5-5 of the commercial energy code, as applicable.
- i.** Exception: In residential buildings, fenestration that meets Sections R402.3.3 (N1102.3.3) and R402.3.4 (N1102.3.4), as applicable.
- 17.** Ducts that are newly installed or replaced shall be installed with insulation meeting the R-values of Section R403.3.1 (N1103.3.1) of the residential energy code or of Section 6.4.4.1.2 of the commercial energy code, as applicable.
- 18.** The total replacement of a building lighting system or a newly installed building lighting system shall meet Section R404 (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code, as applicable. (A "lighting system" is defined by the commercial energy code as "a group of luminaires circuited or controlled to perform a specific function.")
- i.** Exception: The total replacement of a lighting system within a room, space or tenancy shall be required to meet Section 9.1.2 for the room, space or tenancy only.
- 19.** When the work being performed results in an indoor or outdoor gas meter, related regulator or piping becoming subject to vehicle impact, which work includes, but is not limited to, new installation, relocation or other construction, the gas meter, related regulator or piping shall be protected by barriers meeting the requirements of Section 312 of the International Fire Code. For the purpose of applying this provision, "subject to vehicle impact" shall mean located within three feet of any garage door opening, driveway or designated parking area and not separated by a building wall from the space where a vehicle may be operated. (Plumbing)
- i.** Exception: If verification of the installation of an excess flow valve is provided by the gas utility, vehicle impact barriers shall not be required.

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- 20.** Where work, other than ordinary maintenance or minor work, is being performed on an elevator, the elevator shall be equipped to operate with a standardized fire service key. (Fire)
- 21.** The work shall not cause an exit enclosure to be used for any purpose other than means of egress, except those penetrations permitted by Section 1023.5 of the building subcode.
- 22.** Existing openings that become part of an exit or exit access and newly created openings to be used as an exit or exit access shall meet Section 1008.3 and Section 1013 of the building subcode when more than one exit or exit access is required. This shall apply only to the portion of the building served by the new exit or exit access.
- (f)** In buildings containing a fuel burning appliance or having an attached garage, carbon monoxide detection equipment shall be installed in accordance with Section 915 of the building subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)
1. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.
- (g)** All materials and methods used shall comply with the requirements specified in [N.J.A.C. 5:23-6.8](#), Materials and methods.
1. For repair work undertaken as part of a reconstruction project, materials like those existing may be used. There is no limit to the amount of repair work which may be undertaken.
2. Exception: Windows may be replaced with windows like those existing without meeting the size requirements of the building subcode.
- i. In sleeping rooms below the fourth story in occupancies of Groups R or I-1, where new window openings are being created or the size of window openings is being changed, at least one window shall:
- (1) Be operable;
- (2) Have a sill height of not more than 44 inches;
- (3) 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.
- (4) New window openings 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 sprinkler system.
- ii. Basement windows in buildings of Group R-2 shall comply with the requirements of [N.J.A.C. 5:23-6.26\(b\)](#)3 where the window serves as the second means of egress from the dwelling unit. (Plan review - Building, Fire. Inspection - Building)
3. Newly installed and replacement handrails and guardrails shall comply with Sections 1011.11, 1012.8, 1014, and 1015 of the building subcode, respectively, or Sections R311.7.8, R311.8.3, and R312.1 of the one- and two-family dwelling subcode, respectively, as applicable. Where 50 percent or more of a handrail or guardrail on a flight or on a level is replaced, then this shall be considered a complete replacement and shall comply with the above referenced sections. The repair or replacement of less than 50 percent of a handrail or guardrail shall be permitted to match the existing handrail or guardrail. (Building)
- (h)** All new building elements, as listed in [N.J.A.C. 5:23-6.9](#), shall comply with the requirements of that section.
- (i)** The basic requirements of this subchapter for the applicable group shall be met within the work area(s). Attendant work outside the work area(s) shall not make the building less conforming with the basic requirements than it was when the reconstruction was undertaken.

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1. Where the building currently exceeds the basic requirements, the extent to which it exceeds shall not be reduced unless the building also exceeds the requirements of the corresponding subcode of the UCC. In this case, the extent of compliance with the basic requirements may be reduced, but not below the requirements of the corresponding subcode of the UCC. Existing fire alarm, automatic sprinkler and standpipe systems shall not be removed without replacement and shall be maintained in operating condition.

(j) The supplemental requirements of this subchapter for the applicable group shall be met wherever the extent of the work is such that the trigger accompanying each requirement is met or exceeded.

(k) In a building required by Chapter 11 of the building subcode to be accessible, where the space reconstructed is a primary function space, an accessible path of travel to the space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall project; a cost is disproportionate if it exceeds 20 percent of the cost of the work. (Building)

1. The accessible path of travel shall include, but not be limited to, an accessible parking space, an accessible exterior route, an accessible building entrance, an accessible interior route to the reconstructed area, accessible restrooms, accessible drinking fountains, and accessible telephones serving the reconstructed primary function space. Priority shall be given to providing an accessible entrance or accessible restrooms where possible.

2. In determining disproportionate cost, the following materials may be deducted from the overall cost of the project:

- i. Windows, hardware, operating controls, electrical outlets and signage;
- ii. Mechanical systems, electrical systems, installations or alterations of fire protection systems or abatement of hazardous materials; or
- iii. The repair or installation of roofing, siding, or other exterior wall facade.

3. Where the work consists solely of the reconstruction of materials or systems listed in (k)2 above, the path of travel requirements shall not apply.

4. Where the work is for the primary purpose of increasing the accessibility of the building or tenancy, the requirement to further improve the path of travel shall not apply.

5. Where it is technically infeasible to comply with the technical standards of ICC A117.1, the work must comply to the maximum extent feasible.

(l) When work is performed in a Class 1 structure or when work is performed on a smoke control system, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode shall be submitted as part of the permit application. (Building, except smoke control systems - Fire)

## History

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### HISTORY:

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), rewrote 2 and added 4; in (d), added 5; in (e), amended the N.J.A.C. reference in 5, rewrote 8iii, and substituted "Section 250-140" for "Section 250-60" in 8v.

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

See: [33 N.J.R. 3392\(a\)](#), [34 N.J.R. 267\(a\)](#).

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In (d), added new 6; in (e), added new 11.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted (e)11; added a new (f); recodified former (f) through (j) as (g) through (k).

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Rewrote the section.

Administrative correction.

See: [35 N.J.R. 4861\(a\)](#).

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout; in (g)2ii, amended the N.J.A.C. reference.

Amended by R.2004 d.468, effective December 20, 2004.

See: [36 N.J.R. 1858\(b\)](#), [36 N.J.R. 5711\(a\)](#).

In (e), added 11.

Amended by R.2005 d.4, effective January 3, 2005.

See: [36 N.J.R. 4049\(a\)](#), [37 N.J.R. 47\(a\)](#).

Added (e)12.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (e)1, deleted the N.J.A.C. reference and added "by the plumbing subcode".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (e) and (k)5, substituted "2003" for "1998" throughout; in (e)2ii, inserted "ICC/ANSI A117.1-2003, Chapter 10"; in (e)6, substituted "2406.3" for "2406.2"; added new (e)11 and (e)12; recodified former (e)11 and (e)12 as (e)13 and (e)14; and in (g)3, substituted "1009.10, 1010.8, 1012" for "1003.3.3.11, 1003.3.4.7" and "1013.1" for "1003.2.12".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)6, inserted "or by section R308.4 of the one- and two-family dwelling subcode, as applicable"; in the introductory paragraph of (e)11, inserted "creates or"; in (e)12, inserted "newly installed or"; and added (e)15.

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

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In the introductory paragraph of (c)1, inserted "or Table R301.5 of the one- and two-family dwelling subcode, as applicable,"; rewrote (c)2, (e)11, (e)12 and (g)3; in (e)6, substituted "2406.4" for "2406.3"; added new (e)13, (e)14 and (f); recodified former (e)13 through (e)15 as (e)15 through (e)17; in (e)17, substituted "1022.4" for "1020.1.2"; and in (f), inserted "[N.J.A.C. 5:23-3.20\(c\)](#) of" and "or Section R315 of the one- and two-family dwelling subcode, as applicable".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In the introductory paragraph of (e)2, inserted a comma following "altered"; added new (e)2iii and (e)2iv; recodified former (e)2iii as (e)3; rewrote (e)3; and recodified former (e)3 through (e)17 as (e)4 through (e)18.

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote the section.

Amended by R.2017 d.107, effective June 5, 2017.

See: [48 N.J.R. 1851\(a\)](#), [49 N.J.R. 1381\(b\)](#).

Rewrote (f).

Administrative correction.

See: [49 N.J.R. 3423\(a\)](#).

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

Inserted (e)10 and recodified former (e)10 through (e)21 as (e)11 through (e)22.

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the introductory paragraph of (e)18, substituted "R404" for "404".

Amended by R.2022 d.022, effective February 7, 2022.

See: [53 N.J.R. 1133\(a\)](#), [54 N.J.R. 263\(a\)](#).

In (e)10, deleted "repair or" following "Any", and "NEC" preceding "Article", substituted "of" for ", as referenced in", and deleted "[\(N.J.A.C. 5:23-3.16\)](#)" following "subcode".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In (e)4i(1), inserted a comma following "enlarged" twice; in (e)4i(1) and (e)5i, substituted "60" for "50"; and in (e)5, inserted a comma following "installed".

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

Administrative correction, effective December 6, 2023.

See: [56 N.J.R. 35\(c\)](#).



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End of Document

## [N.J.A.C. 5:23-6.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.8 Materials and methods**

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**(a)** The following requirements shall be met for materials and installation methods for all items that are part of the applicant's proposed project for all categories of work other than repair as defined in [N.J.A.C. 5:23-6.3](#).

1. Where sections listed below reference other sections not listed below, those sections shall apply within that limited context.

**(b)** Building and Fire Protection Materials and Methods: The following sections of the building subcode ([N.J.A.C. 5:23-3.14](#)) shall constitute the building and fire protection materials and methods requirements for this subchapter:

1. The following sections of Chapter 5 entitled "General Building Height and Areas":

i. Section 505 shall apply to newly constructed "Mezzanines and Equipment Platforms";

2. The following sections of Chapter 7 entitled "Fire and Smoke Protection Features":

i. Sections 703.2, 703.3, 703.4, 703.6, 703.7;

ii. Sections 705.2.1, 705.2.2, 705.4;

iii. Sections 706.2, 706.3;

iv. Sections 707.2, 707.9;

v. Section 708.2;

vi. Section 709.2;

vii. Sections 710.2, 710.5, 710.6, 710.7, 710.8;

viii. Sections 711.2.1, 711.3.1;

ix. Section 712.1.13;

x. Section 713.3;

xi. Section 714;

xii. Section 715;

xiii. Section 716;

xiv. Section 717;

xv. Sections 718.2.1, 718.3.1;

xvi. Section 719;

xvii. Section 720;

xviii. Section 721; and

## § 5:23-6.8 Materials and methods

- xix.** Section 722;
- 3.** All of Chapter 8 entitled "Interior Finishes";
  - 4.** All of Chapter 9 entitled "Fire Protection Systems," except Sections 902, 903.2, 903.3.2, 904.2, 905.3, 906.1, 907.2, 908.1, 908.2, 910.2, 911, 917, and 918;
  - 5.** The following sections of Chapter 10 entitled "Means of Egress":
    - i.** Sections 1010.2 and 1010.3;
      - (1)** Sections 1010.2.9.3 and 1010.2.9.4 shall be the only sections that apply within Section 1010.2.9.
    - ii.** Sections 1013.3, 1013.4, 1013.5, and 1013.6;
    - iii.** Section 1015.8.1; and
    - iv.** Sections 1025.4, 1025.5;
  - 6.** The following sections of Chapter 12 entitled "Interior Environment":
    - i.** Section 1202.5.2 shall apply to new sources of contaminants; and
    - ii.** Section 1209;
  - 7.** All of Chapter 14 entitled "Exterior Walls" except Sections 1401, 1402.2, 1402.3, 1402.4;
  - 8.** All of Chapter 15 entitled "Roof Assemblies and Rooftop Structures" except Sections 1501, 1502, 1503.4, and 1511.8;
  - 9.** All of Chapter 16 entitled "Structural Design," except Sections 1601, 1604, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, and 1616 shall apply to new or replaced structural members. The referenced sections of Chapter 16 shall not be used to analyze any existing structural members, except as otherwise provided by this subcode;
  - 10.** All of Chapter 18 entitled "Soil and Foundations" except Sections 1801, 1802, 1803, 1804, 1805, 1806;
    - i.** Additionally, the following requirements of Section 1805 shall be included as part of Materials and Methods: 1805.2.1, 1805.2.2, 1805.3.1, 1805.3.2, 1805.3.3, 1805.4.1, 1805.4.2, 1805.4.3;
  - 11.** All of Chapter 19 entitled "Concrete" except Sections 1901, 1902;
  - 12.** All of Chapter 20 entitled "Aluminum";
  - 13.** All of Chapter 21 entitled "Masonry" except Sections 2101, 2102;
  - 14.** All of Chapter 22 entitled "Steel" except Section 2201;
  - 15.** All of Chapter 23 entitled "Wood" except Section 2301.1;
  - 16.** All of Chapter 24 entitled "Glass and Glazing" except Sections 2401, 2402;
  - 17.** All of Chapter 25 entitled "Gypsum Board and Plaster" except Sections 2501.1, 2502;
  - 18.** All of Chapter 26 entitled "Plastic" except Sections 2601, 2602;
  - 19.** For the applicability of Chapter 30 entitled "Elevators and Conveying Systems," refer to (i) and (j) below; and
  - 20.** The following sections of Chapter 31 entitled "Special Construction":
    - i.** Section 3105;
    - ii.** Sections 3106.3;
    - iii.** Section 3107;

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- iv. Section 3109 shall apply to newly installed and completely replaced enclosures for swimming pools, spas, and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter of the enclosure;
- v. Section 3110;
- vi. Section 3111 shall apply to newly installed and completely replaced solar energy systems; and
- vii. Section 3115 shall apply to newly repurposed intermodal shipping containers.

(c) Plumbing Materials and Methods: The following sections of the plumbing subcode ([N.J.A.C. 5:23-3.15](#)) shall constitute the plumbing materials and methods requirements for this subchapter:

1. All of Chapter 2 entitled "General Regulations" except Section 2.19:
  - i. Sections 2.16a.1 and 2 shall not apply to the replacement of water service or building sewers in the same location.
  - ii. Section 2.19 for availability of public water supply and sewer shall apply when existing septic or water supply facilities are no longer suitable for use as determined by the local health inspector, and public facilities are available within the meaning of Section 2.19.
2. All of Chapter 3 entitled "Materials."
3. All of Chapter 4 entitled "Joints and Connections."
4. All of Chapter 5, entitled "Traps, cleanouts and backwater valves."
5. Chapter 6, entitled "Liquid Waste Treatment Equipment" except Sections 6.1.1, 6.3.1, and 6.4.1:
  - i. Section 6.1.1, 6.3.1, 6.4.1 for when interceptors are required shall not apply. However, when new fixtures, or devices are installed that will produce wastes that need to be separated, an interceptor shall be required.
6. Chapter 7, entitled "Plumbing Fixtures, Fixture Fittings and Plumbing Appliances" except section 7.21 and table 7.21.1.
7. Chapter 8 entitled "Hangers and Supports."
8. Chapter 9 entitled "Indirect Wastes Piping and Special Waste."
9. Chapter 10 entitled "Water Supply and Distribution" except for sections 10.3, 10.6.5, 10.8.1, 10.14 and 10.15.9:
  - i. Water shall be supplied so that fixtures within a building are provided with an adequate supply of water so that they are functional.
  - ii. In Section 10.6.4, the minimum of five feet for the wall sleeve shall not be required for "trenchless pipe replacement systems" for water service replacement using plastic pipe.
  - iii. Section 10.6.5 shall apply to all newly-installed or completely replaced water services.
  - iv. Section 10.8.1 shall apply, where there is not sufficient pressure for proper functioning of fixtures, a water pressure booster system shall be required.
  - v. Section 10.14 for sizing water distribution systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirements of Chapter 10.
10. All of Chapter 11, entitled "Sanitary Drainage Systems" except 11.2.2, 11.2.3, 11.5, and 11.6:
  - i. Section 11.2.3 for sizing building sewers shall apply when the proposed work will impose additional loads on the sewer. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.

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- ii. Section 11.5 for sizing drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required. All new piping associated with the installation of additional fixtures shall comply with the sizing requirements of 11.5.
  - iii. Section 11.6 for sizing offsets in drainage systems shall apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.
- 11.** All of Chapter 12, entitled "Vents and Venting" except 12.3.1, 12.3.2 and 12.16:
- i. Section 12.3.1 for locations where vent stacks are required shall apply where new stacks are being installed;
  - ii. Section 12.3.2 "Relief Vents for Stacks having Ten or More Branch Intervals" shall apply only when new stacks of ten or more branch intervals are being installed; and
  - iii. Section 12.16 for size and length of vents shall apply when new vents are being installed.
- 12.** All of Chapter 13 entitled "Storm Water Drainage" except Sections 13.1.1, 13.1.2, 13.1.6, 13.1.7, 13.1.10.1, 13.4.3, 13.6.1, and 13.6.2:
- i. Section 13.1.1 for where storm water drains are required shall apply only when new roofs, paved areas, yards, courts and courtyards are created.
  - ii. Section 13.1.2 "Storm Water Drainage to Sewer Prohibited" shall not be applied to existing connections to the sewer. This section shall only prohibit the connection of new storm water drains to a sanitary sewer that is prohibited from accepting such discharge.
  - iii. Section 13.1.6 "Areaway Drains" shall apply only to newly created, open, below grade areaways where storm water can accumulate.
  - iv. Section 13.1.7 "Window Well Drains" shall apply only to newly created window wells.
  - v. Section 13.1.10.1 for sizing roof drains, as amended in [N.J.A.C. 5:23-3.15](#), shall apply only where additional roof area is to be drained or where other circumstances increase the load on existing roof drains.
  - vi. Section 13.4.3 "Combining Storm Water with Sanitary Drainage" shall not be applied to existing connections to the sewer. This section shall only require that newly installed sanitary and storm sewers be separate.
  - vii. Section 13.6.1 "Size of Vertical Conductors and Leaders" shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the existing system, no increase in size shall be required.
  - viii. Section 13.6.2 "Size of Horizontal Storm Drain Piping" shall only apply when the proposed work will impose additional loads on the system. Where the proposed work does not increase or decreases the load on the system, no increase in size shall be required.
- 13.** All of Chapter 14 entitled "Special Requirements For Health Care Facilities."
- 14.** All of Chapter 15 entitled "Tests and Maintenance."
- 15.** Section 16.1.7 of Chapter 16 entitled "Regulations Governing Individual Sewage Disposal Systems for Homes and Other Establishments Where Public Sewage Systems Are Not Available."
- (d)** Electrical Materials and Methods. The following sections of the electrical subcode ([N.J.A.C. 5:23-3.16](#)) shall constitute the electrical materials and methods requirements for this subchapter:
- 1. Section 90.7, entitled "Examination of Equipment for Safety" of the Introduction, Article 90;

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2. All of Chapter 1 entitled "General" except Sections 110.8 Wiring Methods, 110.26 Spaces About Electrical Equipment (1,000 Volts, Nominal, or less), 110.32 Work Space About Equipment (over 1,000 Volts, Nominal) and 110.33 Entrance to Enclosures and Access to Working Space;

i. Section 110.32 shall be required for upgrading the complete system or where the voltage is increased;

3. All of Chapter 2 entitled "Wiring and Protection" except Sections 210.11 Branch Circuits Required, 210.12 Arc-Fault Circuit-Interrupter Protection, 210.52 Dwelling Unit Receptacle Outlets, 210.60 Guest Rooms or Guest Suites Dormitories and Similar Occupancies, 210.62 Show Windows, 210.63 Equipment Requiring Servicing, and 210.70 Lighting Outlets Required;

i. In applying item #3 of the exception of Section 250.140, the branch circuit may originate at a location other than the service equipment.

4. All of Chapter 3 entitled "Wiring Methods and Materials";

5. All of Chapter 4, entitled "Equipment for General Use" except Section 404.8 Accessibility and Grouping (switches) and Section 408.18 Clearances (switchboards and switchgear);

6. All of Chapter 5, entitled "Special Occupancies;"

7. All of Chapter 6, entitled "Special Equipment;"

8. All of Chapter 7, entitled "Special Conditions;" and

9. All of Chapter 8 entitled "Communications Systems."

10. Existing working clearances, clear space, access and entrance dimensions to working spaces, illumination, headroom clearances, and location of overcurrent protection devices shall be allowed to remain without modification.

**(e) Mechanical Materials and Methods:** The following sections of the mechanical subcode ([N.J.A.C. 5:23-3.20](#)) shall constitute the mechanical materials and methods requirements for this subchapter:

1. All of Chapter 3, entitled "General Regulations" except Sections 301.2, 301.10, 301.11, 301.16, 301.18, 303.5, 303.6, 303.7, 306, 307.2.3, 309, and 312;

i. Section 312 shall apply when appliance/equipment input ratings are increased.

2. All of Chapter 4, entitled "Ventilation" except Sections 402, 403, and 407;

3. All of Chapter 5, entitled "Exhaust Systems" except Sections 502, 509, 510, and 513;

i. Section 509 shall apply to newly installed or replaced commercial food heat-processing appliances and Type I hoods;

ii. Section 510 shall apply to newly introduced sources of hazardous exhaust;

4. All of Chapter 6, entitled "Duct Systems" except Sections 602, 604.1, and 608;

i. Section 602 shall apply to newly constructed plenums. Modifications to existing plenums, such as installation of new building, electrical, or plumbing materials inside the plenum, increasing air flow rate within the plenum, etc. shall not require the plenum to comply with the construction requirements for new plenums. However, newly installed materials within the plenum shall be consistent with material requirements of Section 602; and

ii. Section 608 shall apply to newly installed systems.

5. All of Chapter 7, entitled "Combustion Air";

i. Chapter 7 shall not apply if the work being performed does not increase the input rating of the equipment.

6. All of Chapter 8, entitled "Chimneys and Vents";

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7. All of Chapter 9, entitled "Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment";
  8. All of Chapter 10, entitled "Boiler, Water Heaters and Pressure Vessels";
  9. All of Chapter 11, entitled "Refrigeration," except Section 1105.9;
  10. All of Chapter 12, entitled "Hydronic Piping" except Section 1204;
  11. All of Chapter 13, entitled "Fuel Oil Piping and Storage" except Section 1305.1;
    - i. Section 1305.1 shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums; and
  12. All of Chapter 14, entitled "Solar Thermal Systems."
- (f) Fuel Gas Materials and Methods:** The following sections of the fuel gas subcode ([N.J.A.C. 5:23-3.22](#)) shall constitute the fuel gas materials and methods requirements of this subchapter:
1. All of Chapter 3, entitled "General Regulations" except Sections 301.2, 301.6, 301.11, 301.12, 303.7, and 306 (excluding Section 306.6);
    - i. Section 304 shall not apply if the work being performed does not increase the input rating of the equipment.
  2. All of Chapter 4, entitled "Gas Piping Installations" except Sections 401.8 and 402.3;
    - i. Sections 401.8 and 402.3 shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums;
  3. All of Chapter 5, entitled "Chimneys and Vents";
    - i. Section 503.6.10 shall apply only when the equipment being installed results in a greater output to the common venting system;
  4. All of Chapter 6, entitled "Specific Appliances"; and
  5. All of Chapter 7, entitled "Gaseous Hydrogen Systems."
- (g) Barrier Free Materials and Methods:** The requirements of ICC A117.1 shall constitute the barrier free materials and methods requirements for this subchapter and shall apply to work projects in all buildings other than buildings of Group R-2, R-3, R-4, or R-5 containing fewer than four dwelling units or buildings of Use Group U.
1. Exception: Where full compliance is technically infeasible, compliance shall be achieved to the maximum extent feasible.
  2. For toilet or bathing facilities, at least one of each type of fixture shall comply with the barrier free materials and methods. Where six or more toilet stalls are provided, in addition to a wheelchair accessible stall, at least one ambulatory accessible stall shall be provided.
  3. Limited exceptions to the accessibility requirements for theatres and auditoriums are permitted as follows:
    - i. Where fixed seating is provided and it is technically infeasible to provide integrated accessible seating, accessible seating may be clustered.
    - ii. When a facility contains more than one performing area and it is technically infeasible to make all performing areas accessible, the provision of one accessible performing area shall be accepted as meeting the requirement for providing access to performing areas.

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4. In buildings of Group M, where fitting room partitions are installed or moved, five percent of the fitting rooms, but not less than one, shall comply.

5. Section 309 of the ICC A117.1 shall not apply to electrical panelboard replacement(s).

**(h)** Residential Materials and Methods: The following sections of the one- and two-family dwelling subcode ([N.J.A.C. 5:23-3.21](#)) shall constitute the residential materials and methods requirements for this subchapter:

1. The following sections of Chapter 3, entitled "Building Planning":

i. Section R301.8;

ii. Sections R302.10, R302.14;

iii. Section R307.2;

iv. Section R308;

v. Section R309.4;

vi. Sections R313.1.1, R313.2.1;

vii. Sections R314.1.1, R314.5, R314.7.1, R314.7.4;

viii. Sections R315.1.1, R315.4, R315.7.1, R315.7.4;

ix. Section R316;

x. Section R317; and

xi. Section R318;

xii. Section R324 shall apply to newly installed and completely replaced solar energy systems;

xiii. Section R327 shall apply to newly installed and completely replaced enclosures for swimming pools, spas, and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter of the enclosure;

xiv. Section R328 shall apply to newly installed and completely replaced stationary storage battery systems;

xv. Section R329 shall apply to newly installed and completely replaced stationary engine generators; and

xvi. Section R330 shall apply to newly installed and completely replaced stationary fuel cell power systems;

2. The following sections of Chapter 4 entitled "Foundations":

i. Section R402; and

ii. Section R407;

3. The following sections of Chapter 5 entitled "Floors":

i. Sections R502.1, R502.8, R502.11;

ii. Sections R503.2.1, R503.2.3, R503.3.1, R503.3.3;

iii. Sections R504.1.2, R504.1.3, R504.3;

iv. Sections R505.2.1, R505.2.2, R505.2.3, R505.2.4, R505.2.5, R505.2.6.3 for web hole patching only, and R505.3.5; and

v. Section R507 shall apply to newly installed and completely replaced decks;

4. The following sections of Chapter 6 entitled "Wall Construction":

i. Sections R602.1, R602.2, R602.6;



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- ii. Sections R603.2.1, R603.2.2, R603.2.3, R603.2.4, R603.2.5, R603.2.6.3 for web hole patching only, and R603.3.4;
  - iii. Sections R604.1, R604.3;
  - iv. Section R605;
  - v. Sections R606.1, R606.2;
  - vi. Section R607.2;
  - vii. Sections R608.5.1.1, R608.5.1.2, R608.5.2, R608.5.3;
  - viii. Sections R609.3, R609.4, R609.5; and
  - ix. Sections R610.3, R610.7;
5. All of Chapter 7 entitled "Wall Covering";
6. The following sections of Chapter 8, entitled "Roof-Ceiling Construction":
- i. Sections R802.1, R802.7, R802.10.4;
  - ii. Section R803.2.1; and
  - iii. Sections R804.2.1, R804.2.2, R804.2.3, R804.2.4, R804.2.5, R804.2.6.3 for web hole patching only, and R804.3.3;
7. All of Chapter 9 entitled "Roof Assemblies", except Section R907.
- i. Section R907 shall apply to newly installed and completely replaced panel systems;
8. All of Chapter 10 entitled "Chimneys and Fireplaces";
9. All of Chapter 13, entitled "General Mechanical System Requirements", except Section M1301.1.1 and M1305;
10. All of Chapter 14, entitled "Heating and Cooling Equipment," except Sections M1401.2, M1401.3, and M1401.5;
- i. Section M1401.3 shall apply when appliance/equipment input ratings are increased.
11. All of Chapter 15, entitled "Exhaust Systems";
12. All of Chapter 16, entitled "Duct Systems";
13. All of Chapter 17, entitled "Combustion Air," except M1701.2;
- i. Chapter 17 shall not apply if the work being performed does not increase the input rating of the equipment.
14. All of Chapter 18, entitled "Chimneys and Vents";
15. All of Chapter 19, entitled "Special Appliances, Equipment and Systems";
16. All of Chapter 20, entitled "Boilers and Water Heaters";
17. All of Chapter 21, entitled "Hydronic Piping";
18. All of Chapter 22, entitled "Special Piping and Storage Systems";
19. All of Chapter 23, entitled "Solar Thermal Energy Systems"; and
20. All of Chapter 24, entitled "Fuel Gas," except Sections G2404.7, G2404.8, G2412.8, and G2413.3.
- i. Section G2407 shall not apply if the work being performed does not increase the input rating of the equipment.
  - ii. Sections G2412.8 and G2413.3 shall apply when the work being performed increases the load on the system such that the existing pipe does not meet the size required by code. Existing

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systems that are modified shall not require resizing as long as the load on the system is not increased and the system length is not increased even if the altered system does not meet code minimums;

**(i) Elevator Devices Materials and Methods:** The following sections of the elevator subcode (N.J.A.C. 5:23-12) shall constitute the elevator device materials and methods requirements for this subchapter:

1. The following sections of the elevator subcode and ASME A17.1 referenced by the adopted building subcode: [N.J.A.C. 5:23-12.2\(c\)](#) and [12.8](#), ASME A17.1, Sections 8.7 Alterations, 8.8, Welding; and 8.9, Code Data Plate, and Appendices, except for E, J, N, T, W, X, and Y.
2. The following section of Chapter 30 of the building subcode: Section 3002.1.2--"Hoistway Enclosures, Hardware."
3. The requirements of ASME A17.1 Section 2.8.3.3, as referenced by the adopted building subcode, when an automatic sprinkler system is installed in an elevator hoistway, machine room and/or machinery space.
4. When a controller is replaced, without any change in the type of operation or control, the newly installed controller shall conform to the requirements of ASME A17.1 Sections 2.26.4 and 2.26.9. The installation shall also conform to the requirements of ASME A17.1 Sections 2.25; 2.26.6; 2.26.7; and 2.26.8.
5. When a controller is replaced, with any change in the type of operation or control, the newly installed controller shall conform to the requirements of ASME A17.1 Sections 2.26.4 and 2.26.9. The installation shall also conform to the requirements of ASME A17.1 Sections 2.25; 2.26.6; 2.26.7; 2.26.8; and 2.27.3 through 2.27.9.

**(j) Conveying Devices Materials and Methods:** The following sections of Chapter 30 of the building subcode ([N.J.A.C. 5:23-3.14](#)) shall constitute the conveying device materials and methods requirements for this subchapter:

1. Section 3004.3--"Conveyors"; Section 3004.4--"Personnel and material hoists" and the following referenced standards from Table 3001.3--"ALI ALCTV," "ANSI MH 29.1," "ASME B20.1."

**(k) Manufactured Home Materials and Methods:** The following sections of Part 3280 of Title 24 of the Code of Federal Regulations shall constitute the manufactured home materials and methods requirements for this subcode:

1. All of Part 3280 of Title 24 of the Code of Federal Regulations except 3280.1, 3280.5, 3280.6, 3280.7, and 3280.8.

**(l) Energy Conservation Materials and Methods:** The following sections of the energy subcode ([N.J.A.C. 5:23-3.18](#)) shall constitute the energy conservation materials and methods requirements for this subchapter:

1. Residential energy code provisions:
  - i. The following sections of Chapter 3 entitled "Climate Zones":
    - (1) Section R303 (N1101.10).
  - ii. The following sections of Chapter 4 of the residential energy code entitled "Residential Energy Efficiency":
    - (1) Sections R402.2.3, R402.2.4, R402.2.7, R402.2.11, R402.4.1.1, R402.4.3, R402.4.5, and R402.4.6 (N1102.2.3, N1102.2.4, N1102.2.7, N1102.2.11, N1102.4.1.1, N1102.4.3, N1102.4.5, and N1102.4.6).
2. Commercial energy code provisions:
  - i. The following sections of Chapter 4 of the commercial energy code entitled "Commercial Energy Efficiency":

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- (1) Section 4.2.3;
- (2) Sections 5.4.3.1.2, 5.4.3.2, 5.5.4.1, 5.8.1, and 5.8.2;
- (3) Sections 6.4.1, 6.4.4.1.1, and 6.4.4.2.1;
- (4) Section 7.4.2; and
- (5) Sections 10.4.1, 10.4.5, and 10.4.7.

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (b), inserted a reference to fire protection materials the introductory paragraph, inserted 4i and 4ii, inserted a new 5iii, and recodified former 5iii and 5iv as 5iv and 5v; and in (c), changed chapter 5 reference in 4, substituted a reference to section 7.21 for a reference to 7.24 in 6, substituted a reference to section 11.2.3 for a reference to 11.2.2 in 10i, changed chapter 14 reference in 13, and changed section 16.1.7 reference in 15.

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 (b), rewrote 15 and 21; in (d), rewrote 2 through 4; and added (h).

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), added new 5vi.

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Rewrote the section.

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout; in (b), substituted "906.1" for "906" in the introductory paragraph of 4 and inserted "1003.3.1.3.1" in 5iii; in (i), substituted a reference to automatic sprinkler for a reference to fire suppression in 3.

Administrative correction.

See: [36 N.J.R. 2490\(b\)](#).

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

See: [36 N.J.R. 4222\(a\)](#), [37 N.J.R. 771\(a\)](#).

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In (b), substituted "906.2" for "906.1" in the introductory paragraph of 4, and deleted i, substituted "1614" for "1613" in 9; in (c), deleted "and" following "108.1" and inserted "and 10.15.9" following "10.14" in 9.

Administrative change.

See: [37 N.J.R. 1016\(a\)](#).

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (b)19, a correction is made to a cross reference; in (c)5, deletes reference to section 6.1.7; in (e)1, section 301.16 is replaced with section 301.15; added (f)5 and (h)9 through 20.

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Rewrote (b); in the introductory paragraph of (c), substituted "materials and methods" for "material and method"; added (d)2i; rewrote (d)3; in (d)4, inserted "and materials"; in (d)5, substituted "408.18" for "408.8"; in (f)4, deleted "and" from the end; in (f)5, substituted "; and" for the period at the end; added (f)6; in the introductory paragraph of (g), substituted "2003" for "1998"; and rewrote (h).

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In (b)19, substituted "and (j) below" for "below, Elevator Devices"; rewrote (i)1; in (i)2, substituted "section" for "sections" and deleted "and Section 3005.3--"Conveying Systems, Conveyors" from the end; in (i)3, substituted "Section 2.8.2.3" for "Rule 102.2(c)4" and "installed" for "provided"; added (i)4, (i)5, and new (j); and recodified former (j) as (k).

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (h)9, inserted "M1301.1.1 and".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

Rewrote (b)2ii through (b)2xi, (b)10, (d)2i and (h); in (b)4, inserted "907.2,"; added new (b)5i; recodified former (b)5i as new (b)5ii; in (b)5ii, substituted "Subsections" for "Subsection"; deleted former (b)5ii through (b)5iv; in (b)8, substituted "1502" for "1502.0"; in (b)9, inserted "1614,"; in (c)16, substituted "Requirements" for "Standards"; in (d)2, inserted "to Enclosures" and substituted "Working" for "Work"; in (d)3, inserted "210.12 Arc-Fault Circuit-Interrupter Protection," and "Dormitories and Similar Occupancies"; added (d)7i, (g)5 and (l); in (e)1, substituted "and 309" for ", 309 and 312"; in the introductory paragraph of (e)4, substituted "604.1" for "604"; in (i)3, substituted "2.8.3.3" for "2.8.2.3"; and in (j)1, inserted "the following referenced standards from" and " 'ASME B20.1' ".

Administrative correction.

See: [45 N.J.R. 2471\(a\)](#).

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

## § 5:23-6.8 Materials and methods

Rewrote the section.

Amended by R.2019 d.083, effective August 5, 2019.

See: [51 N.J.R. 3\(a\)](#), [51 N.J.R. 1269\(a\)](#).

In the introductory paragraph of (k), substituted "Part 3280 of Title 24 of the Code of Federal Regulations" for "the manufactured home subcode ([N.J.A.C. 5:23-3.19](#))".

Amended by R.2020 d.130, effective December 7, 2020.

See: [52 N.J.R. 835\(a\)](#), [52 N.J.R. 2097\(a\)](#).

In (b)4, inserted a comma following "Systems" and inserted "903.3.2,".

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (b)1i, inserted "and Equipment Platforms"; in (b)2ii, deleted "705.2.3," preceding "705.4:; in (b)3, deleted "except Section 802" from the end; in the introductory paragraph of (b)4, substituted "917, 918" for "916"; in (b)5i, inserted "1010.1.4.5,;"; in (b)6i, substituted "1202.5.2" for "1203.5.2"; in (b)6ii, substituted "1209" for "1210"; in (b)7, substituted "1402.2, 1402.3, 1402.4" for "1402, 1403.2, 1403.3, 1403.4"; in (b)8, deleted "1503.5," preceding "1510.9"; in (b)14, substituted "Section 2201" for "Sections 2201, 2202"; in (b)15, substituted "Section 2301.1." for "Sections 2301.1, 2302"; in (b)17, deleted "2501.2," preceding "2502"; deleted (c)16; in the introductory paragraph of (d)2, substituted "1,000" for "600" twice; in (e)12, inserted "Thermal"; in (h)1viii, substituted "R315.7.1, R315.7.4" for "R315.6.1, R315.6.4"; in (h)1xii, deleted "and" from the end; in (h)1xiii, inserted "and" at the end; added (h)1xiv; in the introductory paragraph of (h)13, substituted "Air, except M1701.2" for "Air"; in the introductory paragraph of (i) updated the N.J.A.C. cite; rewrote (i)1 and (j)1; and in (j)2i(2), inserted "(excluding 5.4.3.1.3a)".

Amended by R.2021 d.121, effective October 18, 2021.

See: [53 N.J.R. 586\(a\)](#), [53 N.J.R. 1781\(a\)](#).

In (e)1i and (h)10i, substituted "increased" for "increased/decreased"; in the introductory paragraph of (f)1, inserted "(excluding Section 306.6)"; and in the introductory paragraph of (h)10, substituted "Equipment,' " for "Equipment',".

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

Added (d)3i.

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

Rewrote the section.

Administrative correction, effective April 5, 2023.

See: [55 N.J.R. 838\(a\)](#).

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

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End of Document

## [N.J.A.C. 5:23-6.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.9 New building elements**

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- (a) When the rehabilitation of an existing building creates or includes any building element of a type listed in this section, then the new element shall comply with the requirements for such an element established by this section.
- (b) Building Subcode and One- and Two-Family Dwelling Subcode shall be as follows:
1. The installation of a floor system which did not previously exist, shall be constructed utilizing the live load requirements as specified in Section 1607 of the building subcode, or with Section R301.5 of the one- and two-family dwelling subcode, as applicable.
  2. When the number of stories in a building is increased without increasing the height of the building, the building shall comply with the story requirements of Table 504.4 of the building subcode.
    - i. Stories or habitable attics within buildings of Group R-5 shall comply with [N.J.A.C. 5:23-3.21\(c\)](#)3i (Section R300) of the one- and two-family dwelling subcode.
  3. Newly created floor openings shall comply with the requirements of Sections 712 and 713 of the building subcode.
  4. Newly created atriums shall comply with the requirements of Section 404 of the building subcode.
  5. Newly created door openings shall comply with Section 1010.1.1 of the building subcode. Additionally, newly created door openings in walls which are fire-resistance rated shall comply with Section 716 of the building subcode.
    - i. Newly created exit doors in buildings of Group R-5 shall comply with Section R311.2 of the one- and two-family dwelling subcode.
  6. Newly created openings in fire resistance rated assemblies shall be protected in accordance with Sections 714, 715, 716, and 717, as applicable, of the building subcode, or with Sections R302.4 and R302.5 of the one- and two-family dwelling subcode, as applicable.
  7. Newly created exit passageways and newly created exit discharge used as exit elements shall:
    - i. Comply with the requirements of Section 1024 of the building subcode for exit passageways. However, the fire resistance rating of the passageway shall not be required to exceed the fire resistance rating of the exit element that discharges into the passageway; or
    - ii. Comply with the requirements of Section 1028 of the building subcode for exit discharge.
  8. Newly created stairways:
    - i. Stairways in buildings subject to the one- and two-family dwelling subcode shall comply with Sections R311.7.1, R311.7.2, R311.7.4, R311.7.5, R311.7.8, R311.7.10, R311.7.11, R311.7.12, and R312.1;
    - ii. Exit stairways in buildings subject to the building subcode shall comply with Sections 1022 and 1028. Within the references of Section 1022, Section 1009 shall not be applicable;

## § 5:23-6.9 New building elements

- iii. Non-exit stairways in buildings subject to the building subcode shall comply with Sections 1011.3, 1011.4, 1011.5, 1011.9, 1011.10, 1011.11, 1011.14, 1011.15, 1011.16, 1015.2, 1015.3, and 1015.4.
9. Newly installed fire escapes shall be constructed in accordance with FTO-3 of the Uniform Construction Code as permitted in the basic requirements of this subcode. (Building)
10. Newly created corridors shall comply with Sections 1020.2, 1020.4, 1020.5, 1020.6, and 1020.7 of the building subcode.
11. Newly constructed mezzanines and equipment platforms shall comply with Section 505 of the building subcode.
12. Newly created covered mall and open mall buildings shall comply with Section 402 of the building subcode.
13. Newly created motion picture projection rooms shall comply with Section 409 of the building subcode.
14. Newly created stages, platforms, and technical production areas shall comply with Section 410 of the building subcode.
15. Newly created spaces which are utilized for the spray application of flammable finishes shall comply with Section 416 of the building subcode.
16. At least one newly created window opening in sleeping rooms below the fourth story in occupancies in Groups R or I-1 shall:
- i. Be operable;
  - ii. Have a sill height of not more than 44 inches;
  - iii. 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. (Building)
  - iv. New window openings 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 sprinkler system.
  - v. Basement windows in buildings of Group R-2 shall comply with the requirements of [N.J.A.C. 5:23-6.26\(b\)](#)<sup>3</sup> where the window serves as the second means of egress from the dwelling unit. (Plan review - Building, Fire. Inspection - Building)
17. Newly created specific occupancy areas shall comply with the following:
- i. Paint shops in other than Group F which contain chemicals below the exempt amount for 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 sprinkler system.
  - ii. Newly installed play structures shall meet Section 424 of the building subcode.
  - iii. Incinerator rooms in all groups shall be separated from other portions of the building by a two-hour fire separation assembly and provided with an automatic sprinkler system.
  - iv. In 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 sprinkler system. (Plan review--Building, Fire. Inspection--Fire)
18. Newly created dwelling unit separation and guestroom separation assemblies shall comply with the requirements of Sections 708, 711, and 1206 of the building subcode, as appropriate, based on the



## § 5:23-6.9 New building elements

construction type of the existing building, or with Section R302 and Appendix K of the one- and two-family dwelling subcode, as applicable.

**19.** Newly created roof decks shall comply with Section 1006.3 of the building subcode for egress from occupied roofs.

**20.** Newly created openings in exterior walls shall comply with the table in [N.J.A.C. 5:23-6.31\(f\)](#)2.

i. Exception: Newly created openings in buildings of Group R-2, R-3, R-4, or R-5 with a fire separation distance of three feet or less shall be provided with opening protectives. (Plan review - Building, Fire. Inspection - Building)

**21.** Newly created aisle accessways and aisles shall comply with the minimum width requirements of Section 1018 of the building subcode.

**22.** Newly installed special construction shall comply with Section 3105 of the building subcode for awnings and canopies, Section 3106 of the building subcode for marquees and Section 3107/Appendix H of the building subcode for signs.

**(c)** Electrical Subcode shall be as follows:

**1.** Newly installed (not replacing an existing device) electrical service equipment, switchboards, panelboards, motor control centers and other electrical equipment containing overcurrent, switching, or control devices likely to require examination, adjustment, servicing, or maintenance while energized shall conform with the requirements specified at [N.J.A.C. 5:23-6.8](#), Materials and methods, and, in addition, shall conform with Sections 110.26 (Space About Electrical Equipment--1,000 Volts, Nominal or Less), 110.32 (Work Space About Equipment--Over 1,000 Volts, Nominal), 110.33 (Entrance to Enclosures and Access to Work Space), 404.8 (Accessibility and Grouping), and 408.18 (Clearances), as applicable, of the electrical subcode. (Electrical)

i. Where the requirements of Section 110.26(A)(3) (Height of Working Space) cannot be met due to existing height constraints, this section shall not apply.

ii. In buildings required to comply with the barrier free subcode, newly installed panelboards (not replacement) shall comply with Sections 309.2 and 309.3 of the ICC A117.1.

**2.** Newly installed (not replacing an existing device) heating, air conditioning or refrigeration equipment likely to require examination, adjustment, servicing or maintenance shall conform with the requirements of [N.J.A.C. 5:23-6.8](#), Materials and methods, and, in addition, shall conform with Section 210.63 Heating, Air Conditioning, and Refrigeration Equipment Outlet and, if newly installed in an attic, underfloor space, utility room or basement, 210.70 Lighting Outlets Required, as applicable, of the electrical subcode.

**3.** As specified in Section 210.12 of the electrical subcode, Arc-Fault Circuit-Interrupter (AFCI) Protection shall be required for all newly installed (not replacement) branch circuits in dwelling units provided a listed combination type arc fault circuit interrupter breaker is available.

**(d)** Elevator Subcode.

**1.** Newly installed elevator devices, including those newly installed in existing hoistways/machine rooms, completely replaced elevator devices, and a change in use of an elevator device from freight to passenger, passenger to freight, or from one freight class to another freight class, and other equipment within the scope of Chapter 30 newly installed or installed in existing hoistways/machine rooms, shall conform to the requirements of Chapter 30 of the building subcode and N.J.A.C. 5:23-12, as applicable.

i. Exception: Such devices shall not be required to comply with Section 8.4 and Section 8.5 of ASME A17.1, adopted by reference in the building subcode, and Section 3002.4 of the building subcode.

**(e)** Energy Subcode shall be as follows:

## § 5:23-6.9 New building elements

1. Newly created conditioned sunrooms or garages shall meet the R-value and U-factor requirements of Sections R402.2.12 and R402.3.5 (N1102.2.12 and N1102.3.5) of the residential energy code.
2. Newly installed wood burning fire places shall meet Section R402.4.2 (N1102.4.2) of the residential energy code and Section R1006 of the one- and two-family dwelling subcode or Section 5.4.3.1.2 of the commercial energy code and Section 2111.14 of the building subcode, as applicable.
3. Newly installed heating, cooling and ventilation systems shall have controls meeting Sections R403.1 and R403.6 (N1103.1 and N1103.6) of the residential energy code or Sections 6.4.3, 6.5, 7.4.4, and 7.4.6 of the commercial energy code, as applicable. Systems include, but are not limited to, the heating and cooling of air or liquids and the ventilation or exhausting of spaces.
4. Newly installed systems that include piping carrying fluids shall meet Sections R403.4 and R403.5 (N1103.4 and N1103.5) of the residential energy code or Sections 6.4.4.1.3 or Section 7.4.3 of the commercial energy code and Section 1204 of the mechanical subcode, as applicable.
5. Newly installed heating and cooling equipment shall be sized in accordance with Section R403.7 (N1103.7) of the residential energy code or Section 6.4.2.1 and 7.4.1 of the commercial energy code, as applicable.
6. Newly installed snow and ice melting systems shall be installed in accordance with Section R403.9 (N1103.9) of the residential energy code or Section 6.4.3.7 of the commercial energy code, as applicable.
7. Newly installed pools heaters shall meet Section R403.10 (N1103.10) of the residential energy code or Section 7.4.5 of the commercial energy code, as applicable.
8. Newly installed sensible heating systems and radiant floor heating systems shall meet the insulation requirements of Sections 6.4.4.1.4 and 6.4.4.1.5 of the commercial energy code, as applicable.

## History

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### HISTORY:

Administrative correction.

See: [30 N.J.R. 539\(a\)](#).

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (a), inserted new 6 and 7, recodified former 6 through 17 as 8 through 19, and added 20.

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

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (a), rewrote 19 and 20, and added 21 and 22.

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

See: [33 N.J.R. 3392\(a\)](#), [34 N.J.R. 267\(a\)](#).

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

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Updated building subcode section citations throughout.

## § 5:23-6.9 New building elements

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

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

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

See: [36 N.J.R. 4222\(a\)](#), [37 N.J.R. 771\(a\)](#).

Rewrote the section.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

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

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Rewrote the section.

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (a)10, substituted ", including those newly installed in existing hoistways/machine rooms," for "(not replacing an existing device)", deleted "newly installed (not replacement)" preceding "equipment", and inserted "newly installed or installed in existing hoistways/machine rooms,"; and rewrote (a)10i.

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (a)3, substituted "708" for "707"; in (a)5i, substituted "R311.2" for "R311.4.2"; in (a)6, substituted "713" for "712" and "Sections R302.4 and R302.5" for "Section R317.3"; in (a)7, substituted "1023" for "1021"; rewrote (a)8 and (a)11; added new (a)19 through (a)23; recodified former (a)19 and (a)20 as (a)24 and (a)25; added (a)24i; deleted former (a)21 through (a)25; and added (a)26 through (a)37.

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote the section.

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the introductory paragraph of (a)2, substituted "504.4" for "503"; in (a)2i, substituted "Stories or habitable attics within buildings of Group" for "Buildings of group" and "one- and" for "one-and"; in (a)19, substituted "1206" for "1207"; and in the introductory paragraph of (a)24, inserted a comma following "servicing", substituted "specified at" for "specified in", and "1,000" for "600" twice.

Amended by R.2021 d.105, effective September 20, 2021.

See: [53 N.J.R. 105\(a\)](#), [53 N.J.R. 1567\(a\)](#).

In (a)8ii, inserted ". Within the references of Section 1022, Section 1009 shall not be applicable".

§ 5:23-6.9 New building elements

Administrative correction, effective September 10, 2021.

See: [53 N.J.R. 1671\(b\)](#).

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

Rewrote the section.

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

Rewrote the section.

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

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## [N.J.A.C. 5:23-6.10](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### § 5:23-6.10 Basic requirements and supplemental requirements--general

- (a) The basic requirements, set forth in [N.J.A.C. 5:23-6.11](#) for all groups and for individual groups in [N.J.A.C. 5:23-6.12](#) through [6.28](#), shall be met within or with regard to the work area in all reconstruction projects. (These requirements are in addition to the requirements contained in [N.J.A.C. 5:23-6.8](#), Materials and methods.)
- (b) The supplemental requirements, set forth in [N.J.A.C. 5:23-6.11A](#) for all groups and for individual groups in [N.J.A.C. 5:23-6.12A](#) through [6.28A](#), shall be met in all buildings where there are reconstruction projects that meet or exceed the stated threshold for each requirement.
1. All reconstruction work begun within a single 12 month period shall be considered for determining the applicability of the supplemental requirement.
  2. If a project falls under the threshold for a supplemental requirement by a de minimis amount, the construction official may require that the supplemental requirement be met.
- (c) Reconstruction projects contained in mixed use buildings shall comply with the requirements of [N.J.A.C. 5:23-6.29](#) as applicable.
- (d) Special technical specifications for windowless stories, the supervision of automatic sprinkler systems, automatic sprinkler system risers, acceptances of existing alarm and automatic sprinkler systems, smoke barriers, elevators and specific occupancy areas are established in [N.J.A.C. 5:23-6.30](#). The windowless story, supervision of automatic sprinkler systems and smoke barrier special technical requirements shall apply only in those uses where specified by this subcode.

## History

### **HISTORY:**

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

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

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## [N.J.A.C. 5:23-6.11](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

## **§ 5:23-6.11 Basic requirements in all Groups**

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

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

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

i. Exception: For nightclubs, the occupant load of the space shall be determined in accordance with the building subcode. The occupant load for dance floors shall be calculated at seven square feet of floor area per occupant. (Plan review--Building, Fire. Inspection--Building)

**Table 1**

#### **CAPACITY PER UNIT EGRESS WIDTH**

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

## § 5:23-6.11 Basic requirements in all Groups

**Table 1****CAPACITY PER UNIT EGRESS WIDTH**

Group	Without automatic sprinkler a system		With automatic sprinkler system	
	Number of occupants		Number of occupants	
	Stairways	Doors, Ramps and Corridors	Stairways	Doors, Ramps and Corridors
R	75	100	113	150
S	60	100	90	150

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

Interpolation shall be allowed in determining capacity of egress width.

Unit of egress width = 22 inches

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

**1.** Existing interior finishes of walls and ceilings shall have a flame spread rating not greater than the class prescribed by Table 2 below. All existing interior finish materials which do not comply with the requirements of this section shall be removed or shall be treated with an approved fire retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section. Exceptions are allowed as follows:

**i.** The use of vinyl or paper wall coverings not exceeding 1/28th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section.

**ii.** Interior trim which does not exceed 10 percent of the aggregate wall and ceiling area of any room or space shall not be regulated by this section.

**iii.** When an approved automatic sprinkler system is provided, interior finish of Class II or Class III materials shall be permitted where Class I or Class II materials, respectively, are required by this section.

**iv.** Exposed portions of structural members complying with the requirements for heavy timber construction in accordance with the Uniform Construction Code shall not be regulated by this section. (Plan review--Building, Fire. Inspection--Building)

Table 2

## Existing Interior Finish Requirements

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

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

## § 5:23-6.11 Basic requirements in all Groups

See Group A-3 for amusement buildings.

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

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

**(e)** The following requirements shall apply to all casino hotels:

1. All casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. Standpipe connections located on columns shall be marked on all four sides of the column as described above.

i. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.

ii. This requirement shall not apply to standpipe hose connections located in open parking structures.

2. All illuminated signs, amplification systems, turn tables, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power to the device(s).

i. This requirement does not apply to exit signs or emergency communications systems.

ii. This requirement shall not apply to slot machines or similar gaming equipment.

3. On casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level. (Plan Review--Electrical, Fire. Inspection--Fire)

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

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

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout; in (c)1iii, substituted a reference to automatic sprinkler for a reference to fire suppression; in (d), substituted references to fire extinguishing system for references to fire suppression throughout.

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

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



§ 5:23-6.11 Basic requirements in all Groups

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

See: [38 N.J.R. 375\(a\)](#), [39 N.J.R. 371\(a\)](#).

In the introductory paragraph of (b)1, deleted "(Plan review--Building, Fire. Inspection--Building)" following "capacity"; and added new (b)1i.

Amended by R.2007 d.338, effective November 5, 2007.

See: [39 N.J.R. 280\(a\)](#), [39 N.J.R. 4569\(a\)](#).

Added (e).

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## [N.J.A.C. 5:23-6.11A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.11A Supplemental requirements in all Groups**

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- (a) This section shall apply to all reconstruction projects.
- (b) Vertical Opening Protection: For purposes of applying the supplemental requirement for vertical opening protection below, a low hazard occupancy is an occupancy having contents of such low combustibility that no self-propagating fire can occur therein. A moderate hazard occupancy is an occupancy having contents that are likely to burn with moderate rapidity or to give off a considerable volume of smoke. (Plan review--Building, Fire. Inspection-Building)
- (c) Windowless Stories: Any windowless basement or story located below the seventh story which is created by the work being performed or any existing windowless basement or story below the seventh story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story, shall comply with the requirements listed in [N.J.A.C. 5:23-6.30](#). (Fire)
- (d) Underground Structures: When the work area exceeds 50 percent of the gross enclosed floor area of an underground structure, the entire structure shall comply with Section 405 of the building subcode.

### **History**

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#### **HISTORY:**

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (d), substituted "405" for "405.0".

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## [N.J.A.C. 5:23-6.12](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.12 Basic requirements--Group A-1**

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**(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 or with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.
2. 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. Ladders shall be prohibited on fire escapes used as a required means of egress. (Plan review--Building, Fire. Inspection--Building)

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

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.
2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review--Building, Fire. Inspection--Building)

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

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

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

## § 5:23-6.12 Basic requirements--Group A-1

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

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

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

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

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

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

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

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

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

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

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

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

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

- i. When connecting the main floor and mezzanines; or
- ii. When all of the following conditions are met:
  - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;
  - (2) The lowest or next to the lowest level is a street floor;
  - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;
  - (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
  - (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)
- (j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)
- (k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy<1 >	Water Closets		Lavatories	Drinking Water	Service
	Male	Female		Facilities	Sinks
1-50	1 Unisex		1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

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

- (l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.
  - 1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
  - 2. Mechanically-ventilated spaces shall comply with the following:
    - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.

## § 5:23-6.12 Basic requirements--Group A-1

- ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)
- (m) Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)
- (n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

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

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

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

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

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e), added the second sentence in the introductory paragraph; and added (o).

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

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

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

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

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

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

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

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

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

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

## § 5:23-6.12 Basic requirements--Group A-1

Added (a)2; in (l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; in (a)1, deleted "(Plan review--Building, Fire. Inspection--Building)" from the end; in (a)2ii, inserted "(Plan review--Building, Fire. Inspection--Building)"; and deleted (o).

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## [N.J.A.C. 5:23-6.12A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.12A Supplemental requirements--Group A-1**

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

1. The work area exceeds 12,000 square feet (gross enclosed floor area);
2. The work area has an occupant load of 300 or more;
3. The work area is located on a floor other than the level of exit discharge; or
4. The work area contains a multi-theatre complex. (Fire)

**(b) Automatic Alarm System:** When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

**(c) Manual Alarm System:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

**(d) Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows.

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and



## § 5:23-6.12A Supplemental requirements--Group A-1

**(5)** Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)

**(e)** Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

**1.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air system, the recirculating air system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

**2.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

**i.** All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

**ii.** At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

**(1)** In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

**iii.** All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

**3.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

**i.** No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

**ii.** Hose and hose cabinets shall not be required. (Fire)

**(f)** Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of [N.J.A.C. 5:23-6.30\(g\)](#) below. (Elevator)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

§ 5:23-6.12A Supplemental requirements--Group A-1

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e)2i, amended the N.J.A.C. reference.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Rewrote (a); in (d)3, inserted "UFC" following "30-minute"; substituted references to sprinkler for references to fire suppression throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)1, deleted "or exhaust" preceding the first and second occurrences of "system".

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## [N.J.A.C. 5:23-6.13](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.13 Basic requirements--Group A-2 Nightclubs**

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**(a) Exits:** Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 and with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review--Building, Fire. Inspection--Building)
2. 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. Ladders shall be prohibited on fire escapes used as a required means of egress.

**(b) Egress Doorways:** A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.
2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.
3. If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose unless a horizontal exit is provided in accordance with the building subcode. (Plan review--Building, Fire. Inspection--Building)

**(c) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). The main exit and at least one remaining exit shall be placed a distance apart equal to one-half the length of the maximum overall diagonal distance of the area served in buildings not equipped throughout with an automatic fire sprinkler system and one-third the maximum overall diagonal distance of the area served in buildings that are equipped throughout with an automatic fire sprinkler system. (Plan review -- Building, Fire. Inspection -- Building)

## § 5:23-6.13 Basic requirements--Group A-2 Nightclubs

1. Buildings with an occupant load of 100 or more shall have a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load. The remaining exits shall be capable of providing two-thirds of the total required exit capacity.
  2. Buildings with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity.
- (d) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:
1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
  2. Dead end corridors may be up to 70 feet in length in a building with a suppression system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire, Inspection-- Building)
- (e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.
1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review--Building, Fire, Electric, Inspection--Building)
- (f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:
1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
  2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire, Inspection--Building)
- (g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire, Inspection--Building)
- (h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of

§ 5:23-6.13 Basic requirements--Group A-2 Nightclubs

collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review-- Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum 30 minute UFC fire barrier shall be required. Exceptions are as follows:
  - i. When connecting the main floor and mezzanines; or
  - ii. When all of the following conditions are met:
    - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic suppression system; and
    - (2) The lowest or next to the lowest level is a street floor; and
    - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and
    - (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
    - (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)

**(j) Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

**(k) Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy<1>	Water Closets		Lavatories	Drinking	Service Sinks
	Male	Female		2*Water Facilities	
1-25	1 Unisex		1	0	
26 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For

## § 5:23-6.13 Basic requirements--Group A-2 Nightclubs

Total	Water Closets		Drinking	
	Male	Female	2*Water	Service
Occupancy<1>			Facilities	Sinks
<p>purposes of determining the number of plumbing fixtures</p> <p>required, total occupancy shall be the anticipated occupancy of the building</p> <p>under normal use conditions. It is not necessarily the same as the total</p> <p>permitted occupant load based on egress capacity.</p>				

**(l)** Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(m)** Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(n)** Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

**(o)** Fireblocking and Draftstopping: When the work being performed creates or exposes the framing of any wall, floor, ceiling or roof, the framing shall comply with Section 717 of the building sub-code.

## History

**HISTORY:**

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (g)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (f), added the second sentence in the introductory paragraph; and added (p).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (m)2i and in the first sentence of (m)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (m)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.51, effective February 5, 2007.

See: [38 N.J.R. 375\(a\)](#), [39 N.J.R. 371\(a\)](#).

Deleted former (a); recodified former (b) through (d) as (a) through (c); rewrote new (c); and recodified former (e) through (p) as (d) through ( o).

Administrative correction.

See: [39 N.J.R. 1249\(a\)](#).

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (a)2; in ( l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in ( o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In ( o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (i)3, inserted "UFC".

§ 5:23-6.13 Basic requirements--Group A-2 Nightclubs

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End of Document



## [N.J.A.C. 5:23-6.13A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.13A Supplemental requirements--Group A-2 Nightclubs**

**(a) Automatic Fire Sprinkler System:** An automatic fire sprinkler system shall be installed throughout all floors containing the Group A-2 nightclub and all floors between the Group A-2 nightclub and the level of exit discharge when the conditions in (a)1 or 2 below exist. For purposes of applying this section, the level of exit discharge shall be defined as having all exits discharging not more than five feet above nor more than two feet below the adjacent grade.

1. The work area is located on a floor other than the level of exit discharge; or
2. The work area is at the level of exit discharge and has an occupant load of 300 or more or a net occupiable floor area of greater than 5,000 square feet.
3. The automatic fire sprinkler system shall be tied to the performance sound system and to the house lights in such a way that activation of the automatic sprinkler system mutes the performance sound system and restores the intensity of illumination to that required by the building subcode. (Fire)

**(b) Automatic Alarm System:** When the occupant load of the work area exceeds 100, an automatic fire alarm system that complies with NFPA 72 shall be installed throughout.

1. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke detectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected.
2. The automatic fire alarm system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by Section 1008.2.1 of the building subcode. (Fire)

**(c) Manual alarm system:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, or for buildings where the occupant load of the work area exceeds 100, manual fire alarms shall be required throughout the building. (Fire)

**(d) Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum 30 minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:
  - i. When connecting the main floor and mezzanines; or

## § 5:23-6.13A Supplemental requirements--Group A-2 Nightclubs

ii. When all of the following conditions are met:

- (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic fire suppression system;
- (2) The lowest or next to the lowest level is a street floor;
- (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;
- (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
- (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)

(e) Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle, shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air system, the recirculating air 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; and
    - (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.
  - iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)
3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:
  - i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)
  - ii. Hose and hose cabinets shall not be required. (Fire)

## § 5:23-6.13A Supplemental requirements--Group A-2 Nightclubs

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of [N.J.A.C. 5:23-6.30\(g\)](#). (Elevator)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e)2i, amended the N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (a), inserted "Nightclubs" following "A-2" throughout.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Amended by R.2007 d.51, effective February 5, 2007.

See: [38 N.J.R. 375\(a\)](#), [39 N.J.R. 371\(a\)](#).

Rewrote (a) and (b); and in (c), inserted "or for buildings where the occupant load of the work area exceeds 100,".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (b)2, substituted "1006.2" for "1003.2.11.1"; and in the introductory paragraph of (d)3, inserted "UFC".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (b)2, substituted "1008.2.1" for "1006.2".

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.14](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

## **§ 5:23-6.14 Basic requirements--Groups A-2 other than Nightclubs, A-3 and A-4**

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**(a)** Automatic Sprinkler System: An automatic sprinkler system shall be required in spaces of Group A-3 used as ballrooms, exhibit areas and accessory spaces which exceed 12,000 square feet and are located in buildings of Group R-1 and R-2.

**1.** Exceptions:

**i.** An automatic sprinkler system shall not be required if the space is divided into fire areas of not more than 12,000 square feet by a two-hour fire separation with 1 1/2-hour opening protectives or if the space is completely separated from any other uses by a two-hour fire separation with 1 1/2-hour opening protectives. (Fire)

**(b)** Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 or 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.** 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. (Plan review--Building, Fire. Inspection--Building)

**(c)** Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

**1.** Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

**2.** All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware.

**3.** If there are more than two individual rooms which can be used for separate functions, each with an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside

## § 5:23-6.14 Basic requirements--Groups A-2 other than Nightclubs, A-3 and A-4

or to an exit passageway. Exit passageways shall be completely enclosed by assemblies having a fire-resistance rating of at least two hours, shall lead directly outside and shall not be used for any other purpose. (Plan review--Building, Fire. Inspection--Building)

**(d) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review--Building, Fire. Inspection--Building)

**(e) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(f) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review--Building, Fire, Electric. Inspection--Building)

**(g) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(h) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

§ 5:23-6.14 Basic requirements--Groups A-2 other than Nightclubs, A-3 and A-4

(i) Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review-- Building, Fire. Inspection--Building)

(j) Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

i. When connecting the main floor and mezzanines; or

ii. When all of the following conditions are met:

(1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;

(2) The lowest or next to the lowest level is a street floor;

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)

(k) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

(l) Plumbing fixtures: The following apply to plumbing fixtures: (Plumbing)

1. For auditoriums, museums, libraries, and similar facilities, plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

Total Occupancy< 1,2>	Water Closets			Drinking Water	Service
	Male	Female	Lavatorie s	Facilities	Sinks
1-50	1 Unisex		1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

## § 5:23-6.14 Basic requirements--Groups A-2 other than Nightclubs, A-3 and A-4

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

2. For restaurants, plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section.

<b>Total</b>			<b>Drinking Water</b>	<b>Service</b>
<b>Occupancy&lt;1,2&gt;</b>	<b>Water Closets</b>	<b>Lavatories</b>	<b>Facilities</b>	<b>Sinks</b>
1-25	1 Unisex	1	0	0
26 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

3. For recreational facilities, passenger terminals, and other buildings of Groups A-2 other than Nightclubs, A-3 and A-4, 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.

**(m) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(n) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)



## § 5:23-6.14 Basic requirements--Groups A-2 other than Nightclubs, A-3 and A-4

- (o) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection.  
(Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (g)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Rewrote (a); in (f), added the second sentence in the introductory paragraph; and added (p).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (a), introductory paragraph and (l)3, substituted "A-2 other than Nightclubs, A-3 and A-4" for "A-3"; in (m)2i and first sentence of (m)2ii, substituted "the International Mechanical Code" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Rewrote (a); in (j)3, inserted "UFC" following "30-minute"; in (l), deleted "Use" preceding "Groups" in 3; substituted references to sprinkler for references to fire suppression throughout.

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (m)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (b)1ii; in (m)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (p), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (p), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (b), substituted "or" for "and"; and deleted (p).



§ 5:23-6.14 Basic requirements--Groups A-2 other than Nightclubs, A-3 and A-4

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## [N.J.A.C. 5:23-6.14A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.14A Supplemental requirements--Groups A-2 other than Nightclubs, A-3 and A-4**

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**(a)** Automatic fire sprinkler system: An automatic fire sprinkler system shall be installed throughout the floors containing the Group A-2 other than nightclubs, Groups A-3 and A-4 and all floors between the Group A-2 other than nightclubs, Groups A-3 and A-4 and the level of exit discharge when any one of the following conditions exists:

1. The work area exceeds 12,000 square feet (gross enclosed floor area);
2. The work area has an occupant load of 300 or more;
3. The work area is located on a floor other than the level of exit discharge.
4. Exception: Sprinklers shall not be required for participant sport areas where the main floor of the participant sport is at the level of exit discharge of the main entrance. (Fire)

**(b)** Automatic Alarm System: When the work area exceeds 25 percent of the gross enclosed floor area of the building, an automatic fire alarm system that complies with NFPA 72 shall be installed in all storage, workshop, boiler or furnace rooms. (Fire)

**(c)** Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 25 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

**(d)** Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:
  - i. When connecting the main floor and mezzanines; or
  - ii. When all of the following conditions are met:
    - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system; and
    - (2) The lowest or next to the lowest level is a street floor; and
    - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

## § 5:23-6.14A Supplemental requirements--Groups A-2 other than Nightclubs, A-3 and A-4

**(4)** Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

**(5)** Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)

**(e)** Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

**1.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air system, the recirculating air 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; and

**(1)** In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

**iii.** All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

**3.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

**i.** No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

**ii.** Hose and hose cabinets shall not be required. (Fire)

**(f)** Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of [N.J.A.C. 5:23-6.30\(g\)](#). (Elevator)

**(g)** Amusement Buildings: When any reconstruction project is undertaken in a building or portion thereof designed to disorient the occupant, reduce vision, present barriers or otherwise impede the flow of traffic, the following requirements shall be met throughout the building or portion thereof that constitutes the amusement use:

## § 5:23-6.14A Supplemental requirements--Groups A-2 other than Nightclubs, A-3 and A-4

1. Every such amusement facility shall be equipped throughout with an automatic sprinkler system installed in accordance with the New Jersey Uniform Construction Code.
2. The interior finish of all walls and ceilings shall in no case be less than a Class II material in accordance with this subchapter.
3. Every such amusement facility shall be equipped with exit signs installed in accordance with this subchapter.
4. Every such amusement facility shall be equipped throughout with an approved automatic fire alarm system installed in accordance with the Uniform Construction Code and in accordance with (g)5 through 8 below.
5. The automatic alarm system shall activate a prerecorded message which can be clearly heard throughout the entire facility instructing the patrons to proceed to the nearest exit. Any alarm signals used in conjunction with the prerecorded message shall produce a signal which is distinctive from all sounds used in the normal operation of the amusement facility.
6. Every such amusement facility shall be equipped with emergency lighting equipment installed in accordance with the New Jersey Uniform Construction Code. The emergency lighting equipment shall automatically activate when:
  - i. The automatic sprinkler system is activated;
  - ii. The fire alarm system is activated; or
  - iii. Loss of the primary power supply occurs.
7. All audio and visual equipment such as horns, bells, flashing, or otherwise distracting stimuli and mechanized displays shall cease operation upon initiation of an alarm by the automatic fire alarm system or activation of the automatic sprinkler system.
8. Activation of the automatic alarm system shall automatically shut down the air distribution system. (Plan review--Building, Fire. Inspection--Building)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Deleted former (a) and recodified former (b) through (g) as (a) through (f); in (d)2i, amended N.J.A.C. reference; in (f)4, amended internal reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Added a new (a); recodified former (a) through (f) as (b) through (g); in (d)3, inserted "UFC" following "30-minute"; and substituted references to automatic sprinkler for references to fire suppression throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

§ 5:23-6.14A Supplemental requirements--Groups A-2 other than Nightclubs, A-3 and A-4

In (e)1, deleted "or exhaust" preceding the first and second occurrences of "system" and deleted a closing parenthesis following the final occurrence of "system."

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (g)4, substituted "(g)5" for "(f)5".

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## [N.J.A.C. 5:23-6.15](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.15 Basic requirements--Group A-3 Places of Worship**

**(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 or 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. 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. (Plan review--Building, Fire. Inspection--Building)

**(b)** Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review--Building, Fire. Inspection--Building)

**(c)** Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review--Building, Fire. Inspection--Building)

**(d)** Dead end corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

## § 5:23-6.15 Basic requirements--Group A-3 Places of Worship

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review--Building, Fire, Electric. Inspection--Building)

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

§ 5:23-6.15 Basic requirements--Group A-3 Places of Worship

- i. When connecting the main floor and mezzanines; or
- ii. When all of the following conditions are met:
  - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;
  - (2) The lowest or next to the lowest level is a street floor;
  - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;
  - (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
  - (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)
- (j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)
- (k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy<1 >	Water Closets			Drinking Water	Service
	Male	Female	Lavatorie s	Facilities	Sinks
1-50	1 Unisex		1	1	1
51-100	1	1	1 per sex	1	1
101 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.				

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

- (l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.
  - 1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
  - 2. Mechanically-ventilated spaces shall comply with the following:
    - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.



## § 5:23-6.15 Basic requirements--Group A-3 Places of Worship

- ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
- 3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)
- (m) Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)
- (n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e), added second sentence in the introductory paragraph; and added (o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (j), substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89" in 2i and the second paragraph of 2ii; in (o), substituted section "716" for "721.0" of the building subcode.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "30-minute".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (j)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (a)1ii; in (j)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (o), substituted "717" for "716".

§ 5:23-6.15 Basic requirements--Group A-3 Places of Worship

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; and deleted (o).

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## [N.J.A.C. 5:23-6.15A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.15A Supplemental requirements--Group A-3 Places of Worship**

**(a)** Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:
  - i. When connecting the main floor and mezzanines; or
  - ii. When all of the following conditions are met:
    - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;
    - (2) The lowest or next to the lowest level is a street floor;
    - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;
    - (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
    - (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection-- Building)

**(b)** 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 system, the recirculating air 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:

## § 5:23-6.15A Supplemental requirements--Group A-3 Places of Worship

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; and

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(c) 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)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (b)2i, updated N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to sprinkler for references to fire suppression throughout; in (a)3, inserted "UFC" following "30-minute".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (b)1, deleted "or exhaust" preceding the first and second occurrences of "system".

§ 5:23-6.15A Supplemental requirements--Group A-3 Places of Worship

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## [N.J.A.C. 5:23-6.16](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.16 Basic requirements--Group A-5**

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**(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 or 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. 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. (Plan review--Building, Fire. Inspection--Building)

**(b)** Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review--Building, Fire. Inspection--Building)

**(c)** Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). Additionally, for buildings with an occupant load of 100 or more, a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load is required. The remaining exits shall be capable of providing one-half of the total required exit capacity. This provision shall not apply in buildings with multiple main entrances. (Plan review--Building, Fire. Inspection--Building)

**(d)** Dead End Corridors: Existing dead end corridors shall not exceed 65 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

## § 5:23-6.16 Basic requirements--Group A-5

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review--Building, Fire, Electric. Inspection--Building)

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows. Stairways are not required to be enclosed where all portions of the means of egress are essentially open to the outside.

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required. Exceptions are as follows:

## § 5:23-6.16 Basic requirements--Group A-5

- i. When connecting the main floor and mezzanines; or
  - ii. When all of the following conditions are met:
    - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;
    - (2) The lowest or next to the lowest level is a street floor;
    - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;
    - (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
    - (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level. (Plan review--Building, Fire. Inspection--Building)
- (j) Structural Elements: Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)
- (k) Plumbing Fixtures: Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)
- (l) Mechanical Requirements: All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.
1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
  2. Mechanically-ventilated spaces shall comply with the following:
    - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
    - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
  3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)
- (m) Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)
- (n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)



## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e), added second sentence in the introductory paragraph; and added ( o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In ( l)2i and in the first sentence of ( l)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in ( o), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "30-minute".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( l)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (a)1ii; in ( l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in ( o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In ( o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; and deleted ( o).

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## [N.J.A.C. 5:23-6.16A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.16A Supplemental requirements--Groups A-5**

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- (a) Automatic fire sprinkler system: An automatic fire sprinkler system shall be installed in all Group A-5 work areas when the work area contains concession stands, retail areas, press boxes or other accessory use areas in excess of 1,000 square feet.
- (b) Manual Alarm Systems: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)
- (c) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:
1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
  2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
  3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:
    - i. When connecting the main floor and mezzanines; or
    - ii. When all of the following conditions are met:
      - (1) The communicating area has a low hazard occupancy or has a moderate hazard occupancy which is protected throughout by an automatic sprinkler system;
      - (2) The lowest or next to the lowest level is a street floor;
      - (3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants;
      - (4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and
      - (5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level.
  4. Exception: Stairways are not required to be enclosed where all portions of the means of egress are essentially open to the outside. (Plan review--Building, Fire. Inspection--Building)
- (d) 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:

## § 5:23-6.16A Supplemental requirements--Groups A-5

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 system, the recirculating air 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; and
      - (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.
    - iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)
  3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:
    - i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)
    - ii. Hose and hose cabinets shall not be required. (Fire)
- (e) 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)

## History

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### HISTORY:

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)2i, updated N.J.A.C. reference.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Added a new (a); recodified former (a) through (d) as (b) through (e); in (c)3, inserted "UFC" following "30-minute"; and substituted references to sprinkler for references to fire suppression throughout.

§ 5:23-6.16A Supplemental requirements--Groups A-5

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (d)1, deleted "or exhaust" preceding the first and second occurrences of "system".

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## [N.J.A.C. 5:23-6.17](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.17 Basic requirements--Group B**

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(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 or with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

3. A single exit shall be permitted in buildings of not more than two stories in height, with not more than 3,000 square feet per floor when the exit access travel distance does not exceed 75 feet and a minimum fire resistance rating of one hour is provided for the exit enclosure and the opening protection. (Plan review--Building, Fire. Inspection--Building)

(b) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review--Building, Fire. Inspection--Building)

(c) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

(d) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

(e) Means of Egress Lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or

## § 5:23-6.17 Basic requirements--Group B

spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review--Building, Fire, Electric. Inspection--Building)

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required, with the following exception:
  - i. No vertical opening protection shall be required for vertical openings of up to three stories in buildings not exceeding 3,000 square feet per floor or in buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)

**(j) Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

## § 5:23-6.17 Basic requirements--Group B

**(k) Plumbing Fixtures:** Plumbing fixtures shall be provided as follows: Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total	Water		Drinking Water	Service
Occupancy<1,2,3,4>	Closets	Lavatories	Facilities	Sinks
1-15	1 Unisex	1	1	1
Employees	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
16 and over	1 Unisex	1	1	1
Customers	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
26 and over	subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1,500 square feet.

Note 3. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

Note 4. Regardless of total occupancy, exam rooms shall comply with Section 7.21.6e of the plumbing subcode.

**(l) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(m) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(n) Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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## § 5:23-6.17 Basic requirements--Group B

**HISTORY:**

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (e), 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 of the introductory paragraph; and in (f)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e), added second sentence; and added (o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (j)2i and in the first sentence of (j)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (o), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to sprinkler for references to fire suppression throughout; in (i)3, inserted "UFC" following "30-minute".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (j)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (j)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; and deleted (o).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the table in (k), inserted ", 4" to the heading of the second column, and added "Note 4".

§ 5:23-6.17 Basic requirements--Group B

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End of Document

## [N.J.A.C. 5:23-6.17A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.17A Supplemental requirements--Group B**

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- (a) Manual Alarm System:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, a fire alarm system shall be installed throughout the building.
1. Exception: Manual alarm systems are not required in buildings which do not have occupied floors which are two or more stories above the lowest level of exit discharge or floors two or more stories below the highest level of exit discharge. (Fire)
- (b) Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:
1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
  2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
  3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.
    - i. Exception: No vertical opening protection shall be required for buildings up to 3,000 square feet per floor or for buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)
- (c) 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 system, the recirculating air 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; and

## § 5:23-6.17A Supplemental requirements--Group B

**(1)** In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation.

**iii.** All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

**3.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

**i.** No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

**ii.** Hose and hose cabinets shall not be required. (Fire)

**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 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 Sprinkler System:** When the work area is an entire floor, an automatic sprinkler 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)

**(d) 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)

**(e) Airport Traffic Control Towers:** When the work area exceeds 50 percent of the gross enclosed floor area of an airport traffic control tower, the entire structure shall comply with the requirements of Section 412.3 of the building subcode.

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

## § 5:23-6.17A Supplemental requirements--Group B

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (c)2i, updated N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (e), substituted "Section 412.1" for "Section 414.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to sprinkler for references to fire suppression throughout; in (b)3, inserted "UFC" following "30-minute".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (c)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (e), substituted "412.3" for "412.1".

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## [N.J.A.C. 5:23-6.18](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.18 Basic requirements--Group E**

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**(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 or with exit travel distance greater than 75 feet.

1. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

i. A single exit shall not be permitted when a building is used as a child care center.

2. 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. Ladders shall be prohibited on fire escapes used as a required means of egress. (Plan review--Building, Fire. Inspection--Building)

**(b)** Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.

2. A single means of egress shall be permitted in classrooms having a maximum occupant load of 75 in buildings equipped throughout with an automatic sprinkler system.

3. All required exit doors equipped with latching devices in buildings or spaces with an occupant load greater than 100 shall be equipped with approved panic hardware. (Plan review--Building, Fire. Inspection--Building)

**(c)** Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(d)** Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

## § 5:23-6.18 Basic requirements--Group E

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. In buildings used for motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during periods of projection to not less than 0.2 foot candle. The switch requirements and location(s) for controlling egress lighting connected to the emergency electrical system shall be in conformance with the NFPA 70 (NEC). (Plan review--Building, Fire, Electric. Inspection--Building)

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exception:

## § 5:23-6.18 Basic requirements--Group E

- i. No vertical opening protection shall be required for vertical openings of up to three stories with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)
- (j) **Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)
- (k) **Plumbing Fixtures:** Plumbing fixtures shall be provided as required by Table 7.21.1 of the plumbing subcode. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)
- (l) **Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation. All public school buildings shall be provided with mechanical ventilation.
1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
  2. Mechanically ventilated spaces shall comply with the following:
    - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
    - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
  3. All newly-introduced devices, equipment, or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke, or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)
- (m) Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)
- (n) **Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

Administrative correction.

See: [30 N.J.R. 3785\(b\)](#).

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).



## § 5:23-6.18 Basic requirements--Group E

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" in the last sentence of the introductory paragraph, and rewrote 1; and in (f)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e), added second sentence in the introductory paragraph; and added ( o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In ( l)2i and in the first sentence of ( l)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in ( o), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to sprinkler for references to fire suppression throughout; in (b), added 3; in (i)3, inserted "UFC" following "one-hour".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( l)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Administrative correction.

See: [38 N.J.R. 5010\(d\)](#).

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (a)2; in ( l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in ( o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In ( o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; in (a)1i and (b)2, deleted "(Plan review--Building, Fire. Inspection--Building)" from the end; in (a)2ii and (b)3, inserted "(Plan review--Building, Fire. Inspection--Building)"; and deleted ( o).

## [N.J.A.C. 5:23-6.18A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.18A Supplemental requirements--Group E**

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- (a) Automatic Sprinkler System: In buildings three stories or more in height, with greater than 12,000 square feet per floor, when the work area exceeds 50 percent of the gross enclosed floor area of a floor, an automatic sprinkler system shall be installed throughout that floor. (Fire)
- (b) Automatic Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of a building, an automatic fire alarm system shall be installed throughout the building as follows:
1. An approved system of automatic smoke detectors; or
  2. An approved automatic sprinkler system equipped with automatic fire alarm devices; or
  3. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:
    - i. Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces;
    - ii. Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures; and
    - iii. Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.
  4. Existing fire detection systems, installed and maintained in accordance with the manufacturer's recommendations, and meeting the intent of current standards for automatic fire alarms, shall be acceptable, provided:
    - i. The existing system is certified as functional by an approved service agency competent in the manufactured system.
    - ii. Where a portion of an existing system is not serviceable and cannot be repaired, the existing system shall be replaced in accordance with the above and the provisions of the building subcode. (Fire)
- (c) Manual Alarm System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarm boxes shall be provided throughout the building in compliance with Section 907.4.2 of the building subcode and in accordance with the following:
1. Manual fire alarm boxes shall be provided in the natural path of escape from fire, near each exterior door from the corridor, kitchen, heater room and other exterior exits that are required to serve 50 or more persons. Additional fire alarm boxes shall be located in the main office, stage, at each stairway entrance from a corridor or place of assembly and near one exterior exit in each section of a place of assembly. It shall not be necessary to traverse more than 200 feet of unobstructed horizontal distance on the same floor in order to reach a fire alarm box. (Fire)
- (d) Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

## § 5:23-6.18A Supplemental requirements--Group E

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. No vertical opening protection shall be required for buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)

**(e)** Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air system, the recirculating air 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 the fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system at 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 standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

**(f)** Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of [N.J.A.C. 5:23-6.30\(g\)](#). (Elevator)

**HISTORY:**

Administrative correction.

See: [30 N.J.R. 3242\(a\)](#).

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e)2i, updated N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (c), substituted "Section 907.3" for "Section 918.5".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to sprinkler for references to fire suppression throughout; in(d)3, inserted "UFC" following "one-hour".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (c), substituted "907.4.2" for "907.3".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (a), substituted "12,000" for "20,000".

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.19](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.19 Basic requirements--Group F**

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**(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 or with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review--Building, Fire. Inspection--Building)

**(b) Egress Doorways:** A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review--Building, Fire. Inspection--Building)

**(c) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(d) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review--Building, Fire, Electric. Inspection--Building)

## § 5:23-6.19 Basic requirements--Group F

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria: (Plan review--Building, Fire. Inspection--Building)

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exceptions:
  - i. No vertical opening protection shall be required for vertical openings of up to three stories in special purpose manufacturing occupancies when necessary for manufacturing operations and when direct access is provided to at least one protected stairway; or
  - ii. In buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)

**(j) Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

## § 5:23-6.19 Basic requirements--Group F

**(k) Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy<1>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Light Industrial	1-15	1 Unisex 16 and over	1	1	1 Fixtures to be provided as per Table
Heavy Industrial				7.21.1 of the plumbing subcode. Fixtures to be provided as per Table 7.21.1 of the plumbing subcode	

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

**(l) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
2. Mechanically-ventilated spaces shall comply with the following:
  - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
  - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(m)** Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(n)** Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).



## § 5:23-6.19 Basic requirements--Group F

In (e), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and added a reference to plan review and inspection in the last sentence of the introductory paragraph; and in (f)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Added ( o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In ( l)2i and in the first sentence of ( l)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in ( o), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to suppression throughout; in(i)3, inserted "UFC" following "one-hour".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( l)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In ( l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in ( o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In ( o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; and deleted ( o).



## [N.J.A.C. 5:23-6.19A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

### **§ 5:23-6.19A Supplemental Requirements--Group F**

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**(a)** Automatic sprinkler system: In buildings with a Group F-1 fire area greater than 12,000 square feet or a Group F-1 fire area more than three stories in height, when the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic sprinkler system shall be provided throughout the entire building.

**(b)** Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic sprinkler system. (Fire)

**(c)** Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one-hour UFC fire barrier required for interior stairways and other vertical openings not exceeding three stories.
  - i. Exception: No vertical opening protection shall be required for special purpose occupancies when necessary for manufacturing operations and direct access is provided to at least one protected stairway or for buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)

**(d)** 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 system, the recirculating air 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:

## § 5:23-6.19A Supplemental Requirements--Group F

- i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;
  - ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;
    - (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and
  - iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)
3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:
- i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm of 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)
- (e) 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)

## History

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### HISTORY:

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)2i, updated N.J.A.C. reference.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Added a new (a); recodified former (a) through (d) as (b) through (e); in (c)3, inserted "UFC" following "one-hour"; and substituted references to sprinkler for references to fire suppression throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (d)1, deleted "or exhaust" preceding the first and second occurrences of "system".

## [N.J.A.C. 5:23-6.20](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.20 Basic requirements--Group H**

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**(a) Automatic Sprinkler System:** An automatic sprinkler shall be installed throughout the work area. 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)

**(b) Exits:** Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants.

1. For buildings of Group H-1, H-2 or H-3, a minimum of two exits shall be required from all mezzanines with an occupant load of greater than three or in which the travel distance exceeds 50 feet. For buildings of Group H-4 or H-5, a minimum of two exits shall be required from all mezzanines with an occupant load of greater than 10 or in which the travel distance exceeds 75 feet.

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. For buildings of Group H-1 or H-2, new slidescapes or safety chutes shall be permitted where constructed in accordance with the building subcode.

4. 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. (Plan review--Building, Fire. Inspection--Building)

**(c) Egress Doorways:** For buildings or spaces of Group H-1, H-2, or H-3, a minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than three or in which the travel distance exceeds 50 feet. For buildings or spaces of Group H-4 or H-5, a minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 10 or in which the travel distance exceeds 75 feet. All egress doors shall swing in the direction of exit travel. (Plan review--Building, Fire. Inspection--Building)

**(d) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(e) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. (Plan review--Building, Fire. Inspection--Building)

**(f) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of

## § 5:23-6.20 Basic requirements--Group H

egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. Exception: Lighting to illuminate the exit discharge shall not be required. (Plan review--Building, Fire, Electric. Inspection--Building)

**(g) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria: (Plan review--Building, Fire. Inspection--Building)

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(h) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(i) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(j) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories, with the following exception:
  - i. No vertical opening protection shall be required for vertical openings of up to three stories when necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits. (Plan review--Building, Fire. Inspection--Building)

**(k) Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the

## § 5:23-6.20 Basic requirements--Group H

standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

**(l) Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy<1>	Water Closets	Lavatories	Drinking Water Facilities	Servic e Sinks
Light Industrial	1-15	1 Unisex 16 and over	1	1	1 Fixture s to be provid ed as per Table
Heavy Industrial				7.21.1 of the plumbing subcode. Fixtures to be provided as per Table 7.21.1 of the plumbing subcode	

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

**(m) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
2. Mechanically-ventilated spaces shall comply with the following:
  - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
  - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(n) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(o) Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

## § 5:23-6.20 Basic requirements--Group 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 (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; and in (g)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Added (p).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (b)1 and (c), inserted "or H-5" following "H-4"; in (m)2i and in the first sentence of (m)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (p), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted "Use" preceding "Group" throughout; rewrote (a); in (j)3, inserted "UFC" following "one-hour".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (m)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (b)4; in (m)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (p), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (p), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (b)3, deleted "(Plan review--Building, Fire. Inspection--Building)" from the end; in (b)4i, inserted "(Plan review--Building, Fire. Inspection--Building)"; and deleted (p).

## [N.J.A.C. 5:23-6.20A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.20A Supplemental requirements--Group H**

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**(a) Manual Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building or use, a manual fire alarm system shall be installed throughout for buildings or portions thereof of Group H-2, H-3, H-4 or H-5. (Fire)

**(b) Automatic Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building or use, an automatic fire alarm system shall be installed throughout in buildings of Group H. (Fire)

**(c) Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required when the opening is necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits. (Plan review--Building, Fire. Inspection--Building)

**(d) 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 system, the recirculating air 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;



## § 5:23-6.20A Supplemental requirements--Group H

- (1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and
- iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)
3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:
- i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)
  - ii. Hose and hose cabinets shall not be required. (Fire)
- (e) 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)
- (f) Use Group H-5: When the work area exceeds 50 percent of the gross enclosed floor area of a facility of Use Group H-5, the entire building is required to comply with the requirements of Section 415.11 of the building subcode. (Building)
- (g) Hazardous materials: When the work exceeds 25 percent of the gross enclosed floor area of the Group H portion of a building, the entire building is required to comply with the requirements of Sections 414 and 415 of the building subcode. (Building)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e)2i, updated N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (b), substituted ", H-4 or H-5" for "or H-4"; in (g), substituted "Use Group H-5" for "HPFM Facilities", substituted "a facility of Use Group H-5" for "an HPM facility", and substituted "Section 415.9" for "Section 416.0"; in (h), substituted "Section 414 and 415" for "Section 417.0 and 418.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted former (a); recodified former (b) through (h) as (a) through (g); in (c)1, inserted "UFC" following "one-hour"; in (d)3i, substituted "sprinkler" for "fire suppression" preceding "system"; deleted "Use" preceding "Group" throughout.

Amended by R.2007 d.122, effective May 7, 2007.



§ 5:23-6.20A Supplemental requirements--Group H

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (f), substituted "415.8" for "415.9".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (d)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (f), substituted "415.11" for "415.8" and "building" for "Building".

## [N.J.A.C. 5:23-6.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.21 Basic requirements--Group I-1**

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- (a) Automatic Sprinkler System: In buildings greater than two stories in height above grade or having an occupant load greater than 20 persons, excluding staff, an automatic sprinkler system shall be installed throughout the work area. 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)
- (b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 or with exit travel distance greater than 75 feet.
1. A single exit shall not be permitted.
  2. 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. Ladders shall be prohibited on fire escapes used as a required means of egress.
    - iii. Window access to fire escapes shall be permitted from individual rooms.
  3. Existing slidescapes or safety chutes shall be permitted. (Plan review--Building, Fire. Inspection--Building)
- (c) 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 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 sprinkler system.
- (d) 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 travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

## § 5:23-6.21 Basic requirements--Group I-1

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 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 3/4 inch solid core wood or approved equal, unless existing frame will accommodate only a 1 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 sprinkler system, doors are required only 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 fire detection system shall not be required to have self-closing doors. (Plan review--Building, Fire. Inspection--Building)
- (e) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)
- (f) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are as follows:
1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
  2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)
- (g) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review--Building, Fire, Electric. Inspection--Building)
- (h) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (h)1 and 2 below:
1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
  2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued

## § 5:23-6.21 Basic requirements--Group I-1

illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.

**3. Exceptions:** Illuminated exit signs shall not be required for buildings with an occupant load, excluding staff, of 20 or less or when the second means of egress is a fire escape that is accessed directly from the individual sleeping room. (Plan review--Building, Fire. Inspection--Building)

**(i) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(j) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(k) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

**1.** For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

**2.** For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.

**3.** For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exception:

**i.** Exception: Vertical opening protection shall not be required for either the top or bottom of a stairway connecting not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff. (Plan review--Building, Fire. Inspection--Building)

**(l) Boiler/Furnace Equipment Rooms:** Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

**1.** Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

**2.** Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.5.1.1 of the building subcode.

**3.** For group homes and supervised transitional living homes heated with oil-burning equipment, an emergency shutoff switch shall be required at the top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review--Building, Fire. Inspection--Building)

**(m) 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)

## § 5:23-6.21 Basic requirements--Group I-1

**(n) 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)

**(o) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

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)

**(p) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(q) Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

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 (p) as (d) through (q); 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 introductory paragraph, and rewrote the second sentence in 2.

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 (g), added second sentence; and added (r).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

## § 5:23-6.21 Basic requirements--Group I-1

In ( l)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in ( o)2i and in the first sentence of ( o)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (r), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Rewrote (a); in (k)3, inserted "UFC" following "one-hour"; substituted references to automatic sprinkler for references to fire suppression throughout.

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( o)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In ( o)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (r), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (r), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (b), substituted "or" for "and"; and deleted (r).

## [N.J.A.C. 5:23-6.21A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.21A Supplemental requirements--Group I-1**

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**(a) Automatic Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout the building.

1. Exception: Automatic alarm systems shall not be required in buildings, other than boarding homes, with an automatic sprinkler system and a manual fire alarm system and with single station smoke alarms in the vicinity of sleeping areas in accordance with NFPA 72. (Fire)

**(b) Manual Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

**(c) Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

- i. Exception: No vertical opening protection shall be required for either the top or bottom of a stairway connecting not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff. (Plan review--Building, Fire. Inspection--Building)

**(d) 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 system, the recirculating air 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;

## § 5:23-6.21A Supplemental requirements--Group I-1

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) 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)

## History

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### HISTORY:

Amended by R.1999 d.259, effective August 16, 1999.

See: [31 N.J.R. 825\(a\)](#), [31 N.J.R. 2330\(a\)](#).

Inserted a new (d); and recodified former (d) through (f) as (e) through (g).

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)2i, updated N.J.A.C. reference.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted former (d); recodified former (e) through (g) as (d) through (f).

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted former (a); recodified former (b) through (f) as (a) through (e); in (c)3, inserted "UFC" following "one-hour"; substituted "sprinkler" for "fire suppression" preceding "system" throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).



§ 5:23-6.21A Supplemental requirements--Group I-1

In (a)1, substituted "alarms" for "detectors"; and in (d)1, deleted "or exhaust" preceding the first and second occurrences of "system".

NEW JERSEY ADMINISTRATIVE CODE

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End of Document

## [N.J.A.C. 5:23-6.22](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.22 Basic requirements--Groups I-2 and I-4**

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- (a) Automatic Sprinkler System: An automatic sprinkler system shall be installed throughout the work area.
1. Exception: Automatic sprinklers shall not be required in buildings of Type I or Type IIA construction of any height or of Type IIB construction not over one story in height. This exception shall not apply to nursing homes.
  2. Exception: For other than buildings of construction Type IIIB or VB, an automatic sprinkler system shall not be required in day care centers with an occupant load of 100 or less where all the children under 2 1/2 years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)
- (b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 or with exit travel distance greater than 75 feet.
1. A single exit shall not be permitted.
  2. 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. Ladders shall be prohibited on fire escapes used as a required means of egress. (Plan review--Building, Fire. Inspection--Building)
- (c) Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.
1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.
  2. A minimum of two egress doorways shall be required for any patient sleeping room or suite of rooms greater than 1,000 square feet. (Plan review--Building, Fire. Inspection--Building)
- (d) Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)
- (e) Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

## § 5:23-6.22 Basic requirements--Groups I-2 and I-4

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
  2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)
- (f) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan Review--Building, Fire, Electric. Inspection--Building)
- (g) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:
1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
  2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.
  3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review--Building, Fire. Inspection--Building)
- (h) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)
- (i) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)
- (j) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:
1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
  2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
  3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exception:

## § 5:23-6.22 Basic requirements--Groups I-2 and I-4

- i. Exception: Vertical opening protection shall not be required for vertical openings connecting not more than two floor levels which are separated by a one-hour UFC fire barrier equipped with a self-closing or automatically closing 20-minute door at the top or bottom of the stairway when such stairway does not serve as a required means of egress. (Plan review--Building, Fire. Inspection--Building)
- (k) Boiler/Furnace Equipment Rooms:** Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies for day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2 1/2 years.
1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)
  2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.8 of the building subcode.
  3. Where oil-burning equipment is used, an emergency shutoff switch shall be required at the top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review--Building, Fire. Inspection--Building)
- (l) Smoke Barriers:** On every story used for sleeping purposes for more than 30 occupants and on stories which are usable, but unoccupied, when the work area exceeds 22,500 square feet on a floor, the work area shall be divided into not less than two compartments by smoke barrier walls complying with the technical requirements of [N.J.A.C. 5:23-6.30\(e\)](#) such that each compartment does not exceed 22,500 square feet and is no more than 150 feet in length and width. (Plan review--Building, Fire. Inspection--Building)
- (m) 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)
- (n) 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)
- (o) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.
1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
  2. Mechanically-ventilated spaces shall comply with the following:
    - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
    - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

## § 5:23-6.22 Basic requirements--Groups I-2 and I-4

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)

(p) Interior finishes shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

(q) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in (g)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (f), added second sentence; and added (r).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (k)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in ( o)2i and in the first sentence of ( o)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (r), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout; in (a), substituted "installed throughout the work area" for "required" following "shall be"; in (j), inserted "UFC" following "one-hour" throughout.

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( o)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.2, effective January 2, 2007.

See: [38 N.J.R. 3377\(a\)](#), [39 N.J.R. 28\(b\)](#).

In (a)1, added last sentence; and in (a)2, substituted "has" for "as".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

## § 5:23-6.22 Basic requirements--Groups I-2 and I-4

Added (b)2; in ( o)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (r), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (r), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (a)1, substituted "I" for "1", "IIA" for "2A", and "IIB" for "2B"; in (a)2, substituted "For other than buildings of construction Type IIIB or VB, an automatic sprinkler system" for "Automatic sprinklers"; in the introductory paragraph of (b), substituted "or" for "and"; in (b)1, deleted "(Plan review--Building, Fire. Inspection--Building)" from the end; in (b)2ii, inserted "(Plan review--Building, Fire. Inspection--Building)"; in (k)2, substituted "903.3.8" for "903.3.5.1.1" and "building" for "Building"; and deleted (r).

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End of Document

## [N.J.A.C. 5:23-6.22A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.22A Supplemental requirements--Groups I-2 and I-4**

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**(a) Automatic Sprinkler System:** When the work area is 50 percent or more of the occupied floor area of the building, an automatic sprinkler system shall be required throughout the floor. 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.

1. Exception: For other than buildings of construction Type IIIB or VB, an automatic sprinkler system shall not be required for day care centers with an occupant load of 100 or less where all children below 2 1/2 years of age are cared for on the first floor and in which each child care room has an exit door directly to the exterior. (Fire)

**(b) Automatic Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout the building.

1. Exception: Automatic alarm systems shall not be required for buildings with an automatic sprinkler system and a manual fire alarm system with single station smoke alarms in the vicinity of sleeping areas in accordance with NFPA 72. (Fire)

**(c) Manual Alarm Systems:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

**(d) Vertical Opening Protection:** When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
3. A minimum one-hour UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.
  - i. Exception: No vertical opening protection shall be required for vertical openings connecting not more than two floor levels which are separated by a one-hour UFC fire barrier equipped with a self-closing or automatically closing 20-minute door at the top or bottom of the stairway when such stairway does not serve as a required means of egress. (Plan review--Building, Fire. Inspection--Building)

**(e) Requirements for high-rise buildings:** Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air system, the recirculating air 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.

## § 5:23-6.22A Supplemental requirements--Groups I-2 and I-4

Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(f) Smoke Barriers: When the work area exceeds 50 percent of the occupied enclosed floor area of a story used for sleeping purposes for more than 30 occupants or of a story which is usable, but unoccupied, the story shall be divided into two or more compartments by smoke barrier walls complying with the technical requirements of [N.J.A.C. 5:23-6.30\(e\)](#) such that each compartment does not exceed 22,500 square feet and is no more than 150 feet in length and width. (Plan review--Building, Fire. Inspection--Building)

(g) 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)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e)2i, updated N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Amended by R.2004 d.145, effective April 5, 2004.



§ 5:23-6.22A Supplemental requirements--Groups I-2 and I-4

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout; in (d), inserted "UFC" following "one-hour" throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (b)1, substituted "alarms" for "detectors"; and in (e)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (a)1, substituted "For other than buildings of construction Type IIIB or VB, an automatic" for "No Automatic", and inserted "not".

## [N.J.A.C. 5:23-6.23](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.23 Basic requirements--Group I-3**

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**(a) Automatic Sprinkler System:** An automatic sprinkler system shall be installed throughout the work area. As an alternative, buildings shall be in compliance with all applicable provisions of Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition.

1. In buildings not required to be equipped throughout with an automatic sprinkler system, an automatic sprinkler system shall be provided in all padded cells, boiler rooms, storage and workshop rooms 24 square feet or larger, mechanical equipment and similar rooms. (Fire)

**(b) Exits:** Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 or with exit travel distance greater than 75 feet.

1. A single exit shall not be permitted.
2. 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. Ladders shall be prohibited on fire escapes used as a required means of egress. (Plan review--Building, Fire. Inspection--Building)

**(c) Egress Doorways:** A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways.
2. Buildings with remote power unlocking capability on more than 10 doors shall be provided with an emergency power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour. (Plan review--Building, Fire. Inspection--Building)

**(d) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(e) Dead End Corridors:** Existing dead end corridor shall not exceed 35 feet in length. Exceptions are allowed as follows:

## § 5:23-6.23 Basic requirements--Group I-3

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
  2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)
- (f) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review--Building, Fire, Electric. Inspection--Building)
- (g) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (g)1 and 2 below:
1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
  2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.
  3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review--Building, Fire. Inspection--Building)
- (h) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)
- (i) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)
- (j) Vertical Opening Protection:** Approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required for all vertical openings. The vertical opening protection may be omitted if either of the following conditions is met:
1. The building is in compliance with NFPA 101, Chapter 15, 1985 edition; or
  2. The building is equipped throughout with an automatic sprinkler system. (Plan review--Building, Fire. Inspection--Building)
- (k) Interior Finishes and Furnishings:** Interior furnishings, drapes, curtains, carpeting, decorations, bedding, etc. shall be flame retardant. (Plan review--Building, Fire. Inspection--Building)

## § 5:23-6.23 Basic requirements--Group I-3

**(l) 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)

**(m) 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)

**(n) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

2. Mechanically-ventilated spaces shall comply with the following:

i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

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)

**(o) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(p) Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (f), substituted "except that continued illumination shall be required to be provided" for "to assure continued illumination" and inserted a reference to electric plan review in the last sentence; and in (g)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (f), added second sentence; and added (q).

## § 5:23-6.23 Basic requirements--Group I-3

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (n)2i and in the first sentence of (n)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (q), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (a).

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (n)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Added (b)2; in (n)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (q), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (q), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (b), substituted "or" for "and"; in (b)1, deleted "(Plan review--Building, Fire. Inspection--Building)" from the end; in (b)2ii, inserted "(Plan review--Building, Fire. Inspection--Building)"; and deleted (q).

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## [N.J.A.C. 5:23-6.23A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.23A Supplemental requirements--Group I-3**

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**(a)** Automatic Sprinkler System: When the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic sprinkler system or compliance with Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition shall be required throughout the building. In buildings without an automatic sprinkler system, padded cells, boiler and mechanical equipment rooms, and storage and workshop rooms 24 square feet or larger must have an automatic sprinkler system. (Fire)

**(b)** Automatic Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, a supervised automatic fire alarm system shall be required throughout all resident housing areas in the building. Smoke detectors shall be arranged and positioned to prevent damage or tampering, provided that the function and speed of detecting a fire is equivalent to that provided by the spacing and arrangement of requirements of NFPA 72 listed in Chapter 35 of the building subcode.

1. Exception: An automatic fire alarm system shall not be required for buildings with an automatic sprinkler system and a manual fire alarm system and with single station smoke detectors in the vicinity of sleeping areas in accordance with NFPA 72.

2. Exception: Smoke detectors shall not be required in sleeping rooms with four or fewer occupants. (Fire)

**(c)** Manual Alarm Systems: When the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building. (Fire)

**(d)** Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided between floor levels of residential areas unless the building is equipped throughout with an automatic sprinkler system or the building complies with NFPA 101, Chapter 15, 1985 edition. (Plan review--Building, Fire. Inspection--Building)

**(e)** Requirements for high-rise buildings: Any building or structure having one or more floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle shall comply with the following:

1. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area served by a recirculating air system, the recirculating air 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:

## § 5:23-6.23A Supplemental requirements--Group I-3

- i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;
- ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

- iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

- i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

- ii. Hose and hose cabinets shall not be required. (Fire)

(f) Elevator Devices: When the work area exceeds 50 percent of the gross enclosed floor area of the building, all elevator devices serving any part of the work area shall comply with the requirements of [N.J.A.C. 5:23-6.30\(g\)](#). (Elevator)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e)2i, updated N.J.A.C. reference.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (e)1, deleted "or exhaust" preceding the first and second occurrences of "system".

## [N.J.A.C. 5:23-6.24](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.24 Basic requirements--Group M**

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**(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 or with exit travel distance greater than 75 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet. (Plan review--Building, Fire. Inspection--Building)

**(b) Egress Doorways:** A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review--Building, Fire. Inspection--Building)

**(c) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(d) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be



## § 5:23-6.24 Basic requirements--Group M

required to be provided for not less than one hour in the case of primary power loss. (Plan review--Building, Fire, Electric. Inspection--Building)

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required, with the following exceptions:
  - i. No vertical opening protection shall be required for openings connecting only two floor levels, such as between the street floor and mezzanine or second floor; or
  - ii. In buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)

**(j) Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

## § 5:23-6.24 Basic requirements--Group M

**(k) Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy<1,2,3>	Water Closets	Lavatories	Drinking Water Facilities	Servic e Sinks
Employees	1-15	1 Unisex 16 and over	1	1	1 Fixture s to be provid ed as per Table
					7.21.1 of the plumbing subcode.
Customers	1-25	1 Unisex 26 and over	1	1	1 Fixture s to be provid ed as per Table
					7.21.1 of the plumbing subcode.

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

Note 2. Customer and employee facilities may be satisfied with a single unisex toilet facility where the number of employees does not exceed 15 and where the total occupancy does not exceed 25 or where the occupied floor area does not exceed 1, 500 square feet.

Note 3. Requirements for employees and customers may be met with a single set of restrooms. The required number of fixtures shall be the greater of the required number for employees or customers.

**(l) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
2. Mechanically-ventilated spaces shall comply with the following:
  - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
  - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(m) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

## § 5:23-6.24 Basic requirements--Group M

(n) Specific Occupancy Areas: Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection.  
(Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (e), 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 (f)2, rewrote the second sentence.

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (e), added second sentence; and added ( o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In ( l)2i and in the first sentence of ( l)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in ( o), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to suppression throughout; in (i)3, inserted "UFC" following "30-minute".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( l)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In ( l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in ( o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In ( o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; and deleted ( o).

§ 5:23-6.24 Basic requirements--Group M

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## [N.J.A.C. 5:23-6.24A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.24A Supplemental requirements--Group M**

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**(a)** Automatic Sprinkler System: In buildings with a Group M fire area greater than 12,000 square feet or a Group M fire area more than three stories in height, when the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic fire sprinkler system shall be provided throughout the entire building. (Fire)

**(b)** Manual Alarm System: For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic sprinkler system. (Fire)

**(c)** Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

1. A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.

2. A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.

3. A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories.

i. Exception: No vertical opening protection shall be required for openings connecting only two floor levels, such as between the street floor and mezzanine or second floor, or for buildings with an automatic sprinkler system throughout. (Plan review--Building, Fire. Inspection--Building)

**(d)** 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 system, the recirculating air 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;

## § 5:23-6.24A Supplemental requirements--Group M

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

4. Automatic Sprinkler System: When the work area is an entire floor, an automatic sprinkler 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)

(e) 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)

## History

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### HISTORY:

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

In (d)2i, updated N.J.A.C. reference.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (a); in (c)3, inserted "UFC" following "30-minute".

Administrative correction.

See: [36 N.J.R. 2490\(b\)](#).

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (d)1, deleted "or exhaust" preceding the first and second occurrences of "system".

§ 5:23-6.24A Supplemental requirements--Group M

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## [N.J.A.C. 5:23-6.25](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.25 Basic requirements--Group R-1**

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- (a) Smoke alarms: Battery-powered, single station smoke alarms or smoke alarms complying with the building subcode shall be required in individual guest rooms. (Fire)
- (b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 or 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 guestrooms.
    - iii. Window access shall be permitted to serve more than one guestroom for bed and breakfasts provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.
    - iv. For bed and breakfasts, where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height and a minimum net clear opening of 24 inches in width.
  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. Multilevel guest units do not require an exit from each level within the unit provided that these conditions are met: The building is Type I or Type II 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.
  4. A single exit is permitted from floors that are not more than 16 feet above grade provided that each unit on such floors has an operable window with a sill height of not more than 44 inches.
  5. A single exit is permitted in buildings that are not more than two stories in height from floors that are 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



## § 5:23-6.25 Basic requirements--Group R-1

enclosure and opening protectives and provided that each dwelling unit on such floors has an operable window with a sill height of not more than 44 inches. (Plan review--Building, Fire. Inspection--Building)

**(c) 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;
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 sprinkler system.

**(d) 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 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 3/4 inch solid core wood or approved equal, unless existing frame will accommodate only a 1 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 equipped with an automatic sprinkler system, doors are required only 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. (Plan review--Building, Fire. Inspection--Building)

**(e) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(f) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

**(g) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. (Plan review--Building, Fire, Electric. Inspection--Building)

**(h) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible

## § 5:23-6.25 Basic requirements--Group R-1

from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (h)1 and 2 below:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.
3. Exception: When the second means of egress is a fire escape that is accessed directly from the individual sleeping room, illuminated exit signs shall not be required above the means of egress serving the fire escape. (Plan review--Building, Fire. Inspection--Building)

**(i)** Handrails: Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(j)** Guards: Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(k)** Vertical Opening Protection: Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum one-hour UFC fire barrier shall be required, with the following exceptions:
  - i. Vertical opening protection shall not be required in buildings not exceeding three stories with an automatic sprinkler system throughout; or
  - ii. In buildings with not more than 25 guests when the following conditions are met:
    - (1) Every sleeping room is provided with an 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, is separated from the vertical opening by a one-hour UFC 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)

## § 5:23-6.25 Basic requirements--Group R-1

**(l) Transoms and Other Interior Openings:** All transoms shall be either glazed with 1/4 inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air shall be sealed with materials consistent with the corridor construction. (Plan review--Building, Fire. Inspection--Building)

**(m) Boiler/Furnace Equipment Rooms:** Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)

2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.8 of the building subcode. (Plan review--Building, Fire. Inspection--Building)

**(n) 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)

**(o) Electrical Equipment and Wiring:** Guestrooms shall be provided with one switch-controlled ceiling or wall type outlet or equivalent to illuminate entrances and exits. Additionally, each guest bathroom shall be provided with at least one duplex receptacle outlet which is GFCI protected and at least one switch-controlled lighting outlet.

**(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 the mechanical subcode.

ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.

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)

## § 5:23-6.25 Basic requirements--Group R-1

(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 Chapter 11 of the building subcode. 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 Chapter 11 of the building subcode. (Building)

## History

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### HISTORY:

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).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (m)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (q)2i and in the first sentence of (q)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (u), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout; in (k), inserted "UFC" following "one-hour" throughout.

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (q)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

## § 5:23-6.25 Basic requirements--Group R-1

In (q)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (u), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (a), substituted "alarms" for "detectors" throughout; and in (u), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (b), substituted "or" for "and"; added (b)1iii and (b)1iv; in (b)3, substituted "I" for "1" and "II" for "2"; in (m)2, substituted "903.3.8" for "903.3.5.1.1" and "building" for "Building"; in (t), substituted the first occurrence of "Chapter 11 of the building subcode." for "the barrier free subcode. ([N.J.A.C. 5:23-7.1\(b\)7](#))", and substituted the second occurrence of "Chapter 11 of the building" for "the barrier free"; and deleted (u).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.25A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.25A Supplemental requirements--Group R-1**

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- (a)** Automatic Sprinkler System: In buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic sprinkler 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 907.2.11.1 of the building subcode 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 alarms are still required in individual guest rooms in such buildings in accordance with [N.J.A.C. 5:23-6.25\(a\)](#) 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)** 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 UFC 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 sprinkler 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;

## § 5:23-6.25A Supplemental requirements--Group R-1

**(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 UFC 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)

**(f)** 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 system, the recirculating air system which serves the work area shall be equipped with approved smoke and heat detection devices installed in accordance with the UCC. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system. (Building)

**2.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

**i.** All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

**ii.** At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

**(1)** In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

**iii.** All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

**3.** When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

**i.** No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

**ii.** Hose and hose cabinets shall not be required. (Fire)

**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;

## § 5:23-6.25A Supplemental requirements--Group R-1

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 Sprinkler System: When the work area is an entire floor, an automatic sprinkler 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)

(g) 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)

## History

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### HISTORY:

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.

Amended by R.2002 d.15, effective January 22, 2002.

See: [33 N.J.R. 2933\(b\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 521\(a\)](#).

In (e), substituted "alarms" for "detectors", inserted "located" preceding "in a building", and added the last sentence in the introductory paragraph, and rewrote 1.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted former (e); recodified former (f) through (h) as (e) through (g).

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).



## § 5:23-6.25A Supplemental requirements--Group R-1

Substituted references to automatic sprinkler for references to fire suppression throughout; in (e), inserted "UFC" following "one-hour" throughout.

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (b), substituted "907.2.10.1.1 of the building subcode" for "920.3.1".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (b)1, substituted "alarms" for "detectors" and "(a)" for "(b)"; and in (f)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (b), substituted "907.2.11.1" for "907.2.10.1.1".

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## [N.J.A.C. 5:23-6.26](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

### **§ 5:23-6.26 Basic requirements--Groups R-2 and R-4**

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- (a) Automatic Fire Sprinkler System: In Group R-2 dormitories, an automatic fire sprinkler system shall be installed throughout the work area.
- (b) Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. Two means of egress are also required from all mezzanines with an occupant load greater than 50 or 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 sprinkler 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) that 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.)

## § 5:23-6.26 Basic requirements--Groups R-2 and R-4

**7.** A single exit is permitted in buildings that are not more than two stories in height from floors that are 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 protectives and 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)

**(c) 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 sprinkler system. For dwelling units in basements, one of the two remote exits may be as per (b)3 above.

**(d) 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 13/8 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 13/4 inch solid core wood or approved equal, unless existing frame will accommodate only a 13/8 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 sprinkler system, doors are required only 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)

## § 5:23-6.26 Basic requirements--Groups R-2 and R-4

- (e) Capacity of Means of Egress:** The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)
- (f) Dead End Corridors:** Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:
1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.
  2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)
- (g) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. Lighting shall also be required to illuminate the exit discharge. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.
1. Means of egress lighting shall be wired on a circuit independent of circuits within any dwelling unit. The disconnecting means and over current protection device shall not be located within a dwelling unit or such that access must be obtained by going through a dwelling unit. (Plan review--Building, Fire, Electric. Inspection--Building)
- (h) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the criteria contained in (h)1 and 2 below:
1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.
  2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs.
  3. Exceptions: Illuminated exit signs shall not be required for buildings with an occupant load, excluding staff, of 20 or less or when the second means of egress is a fire escape that is accessed directly from the individual sleeping room. (Plan review--Building, Fire. Inspection--Building)
- (i) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)
- (j) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

## § 5:23-6.26 Basic requirements--Groups R-2 and R-4

**(k) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.
2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required.
3. For vertical openings not exceeding three stories, a minimum 30-minute UFC fire barrier shall be required, with the following exceptions:
  - i. Buildings with an automatic sprinkler system throughout; or
  - ii. When the vertical opening connects not more than two floor levels and not more than four dwelling units per floor provided that 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 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)

**(l) Transoms and Other Interior Openings:** All transoms shall be either glazed with 1/4 inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air shall be sealed with materials consistent with the corridor construction. (Plan review--Building, Fire. Inspection--Building)

**(m) Boiler/Furnace Equipment Rooms:** Boiler/furnace equipment rooms shall be enclosed by one hour fire-rated wall and ceiling assemblies.

1. Exception: Enclosure shall not be required for boiler/furnace equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer's recommendations or for boiler/furnace equipment of residential, single-family type (200,000 BTU per hour input rating or less.)
2. Exception: Enclosure shall not be required for boiler/furnace equipment rooms equipped with a limited area sprinkler system in accordance with Section 903.3.8 of the building subcode.
3. For group homes and supervised transitional living homes heated by oil-burning equipment, an emergency shutoff switch is required at top of the stairs leading to the basement for equipment in the basement or outside of the room for equipment located in other enclosed rooms. (Plan review--Building, Fire. Inspection--Building)

**(n) 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)

**(o) Electrical Equipment and Wiring:**

## § 5:23-6.26 Basic requirements--Groups R-2 and R-4

1. All areas shall have receptacle and lighting outlets in accordance with Section 210.52 and 210.70, respectively, of the electrical subcode.
    - i. In the event that receptacle and lighting outlets cannot be installed in the required locations without updating the small appliance branch circuits, kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and a switch controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.
  2. 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.
  3. 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.
  4. All 125 volt, single phase, 15 and 20 ampere receptacles in locations specified in Section 210.52 of the electrical subcode shall be tamper resistant as specified in Section 406.12 of the electrical subcode. (Electrical)
- (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 the mechanical subcode.
    - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
  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:** 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 Chapter 11 of the building subcode to be accessible.
- (u) 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

## § 5:23-6.26 Basic requirements--Groups R-2 and R-4

performed on the side of the wall of the dwelling unit that is undergoing reconstruction. (Plan review-- Building, Fire. Inspection-- Building)

## History

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### HISTORY:

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).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (a)7, substituted "opening protectives and" for "opening protection"; in (l)2, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (n)7, substituted "210.8(A)" for "210-8(a)"; in (p)2i and in the first sentence of (p)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in (u), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Added a new (a); recodified former (a) to (u) as (b) to (v); in (k)3, inserted "UFC" following "30-minute"; substituted references to automatic sprinkler for references to fire suppression throughout.

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

Added (o)8; in (q)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (q)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in (v), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (v), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

## § 5:23-6.26 Basic requirements--Groups R-2 and R-4

Administrative correction.

See: [43 N.J.R. 3083\(a\)](#).

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (b), substituted "or" for "and"; in (m)2, substituted "903.3.8" for "903.3.5.1.1" and "building" for "Building"; in (o)7, deleted "(Electrical)" from the end; added new (o)8; recodified former (o)8 as (o)9; in (o)9, inserted "(Electrical)"; in (t), substituted "Chapter 11 of the building" for "the barrier free"; and deleted (v).

Amended by R.2022 d.035, effective March 7, 2022.

See: [53 N.J.R. 977\(a\)](#), [54 N.J.R. 417\(a\)](#).

Rewrote the introductory paragraph of (o)1; recodified former (o)2 as (o)1i; in (o)1i, substituted "In the event that lighting and receptacle outlets cannot be installed in the required locations without updating the small appliance branch circuits, kitchen" for "Kitchen"; deleted former (o)3 through (o)5 and (o)9; and recodified former (o)6 through (o)8 as (o)2 through (o)4.

Administrative correction, effective May 2, 2022.

See: [54 N.J.R. 1017\(b\)](#).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.26A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### § 5:23-6.26A Supplemental requirements--Groups R-2 and R-4

**(a)** Automatic Sprinkler System: Automatic fire sprinkler systems shall be installed in Group R-2 and R-4 as follows:

1. In Group R-2 buildings four or more stories in height (excluding basements), when the work area is an entire floor, an automatic fire sprinkler system shall be installed throughout the work area.
2. In Group R-4 buildings where the occupant load of the work area exceeds eight occupants. (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 the electrical subcode, 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 standards as adopted by the building subcode, except as otherwise provided in this section;
  - ii. Shall be powered by an approved emergency power source as installed in conformance with the electrical subcode; and
  - 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 standards as adopted by the building subcode 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

## § 5:23-6.26A Supplemental requirements--Groups R-2 and R-4

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 alarms shall be provided within dwelling units as follows:

- 1.** When the work area is an entire dwelling unit, smoke alarms that meet the specifications of the building subcode shall be installed. The smoke alarms 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 alarms shall be installed. (Battery-powered units shall be permitted.) The smoke alarms shall be installed in the locations indicated in the building subcode and placed within those locations in accordance with NFPA 72. (Fire)

**(e)** Vertical Opening Protection: When the work area exceeds 50 percent of the gross enclosed floor area of the building, vertical opening protection shall be provided throughout the building as follows:

- 1.** A minimum two hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting more than six floor levels.
- 2.** A minimum one hour fire rated assembly with approved opening protectives shall be required for interior stairways and other vertical openings connecting four to six floor levels.
- 3.** A minimum 30-minute UFC fire barrier shall be required for interior stairways and other vertical openings not exceeding three stories. Exceptions shall be permitted as follows:
  - i.** Buildings with an automatic sprinkler 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)

**(f)** 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 system, the recirculating air 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)

## § 5:23-6.26A Supplemental requirements--Groups R-2 and R-4

2. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, all elevators in the building shall be equipped with the following emergency control devices:

i. All automatic (nondesignated attendant) elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with Phase 1 Emergency Recall Operation as required by ASME A17.1-1987, Rules 211.3a and 211.3b listed in N.J.A.C. 5:70-3;

ii. At least one elevator shall be equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1-1987, Rule 211.3c;

(1) In buildings with multiple elevators, at least one elevator to each floor served by an elevator shall be equipped with Phase II Emergency In-Car Operation; and

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

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)

(g) 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)

## History

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## § 5:23-6.26A Supplemental requirements--Groups R-2 and R-4

**HISTORY:**

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.

Amended by R.2002 d.15, effective January 22, 2002.

See: [33 N.J.R. 2933\(b\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 521\(a\)](#).

In (e), substituted "alarms" for "detectors" and added the last sentence in the introductory paragraph, and rewrote 1.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted former (e); recodified former (f) through (h) as (e) through (g).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Substituted references to automatic sprinkler for references to fire suppression throughout; rewrote (a); in (e)3, inserted "UFC" following "30-minute".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (c), substituted "05" for "93" and "02" for "90" throughout.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In the introductory paragraph of (d) and in (d)1 and (d)2, substituted "alarms" for "detectors" throughout; and in (f)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (c), substituted "the electrical subcode" for "NFPA 70-05 (National Electric Code) requirements"; in (c)1i and (c)1iii, deleted "-02" following "72" and inserted "as adopted by the building subcode"; and in (c)1ii, substituted "the electrical subcode; and" for "NFPA 70-05 (National Electric Code)".

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End of Document

## [N.J.A.C. 5:23-6.27](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

#### **§ 5:23-6.27 Basic requirements--Groups R-3 and R-5**

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(a) Smoke Detection within Dwelling Units: Smoke alarms that meet the specifications of the building subcode or one- and two-family dwelling subcode, as applicable, shall be installed. The smoke alarms shall be installed in the locations indicated in the building subcode or one- and two-family dwelling subcode, as applicable, and placed within those locations in accordance with NFPA 72. (Fire.)

(b) 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 sprinkler system.

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 sprinkler system. (Plan review--Building, Fire. Inspection--Building)

(c) When the work being performed creates living space over a private garage, the private garage shall comply with Section 406.3.2 of the building subcode for fire resistance rating or Section R302.6 of the one- and two-family dwelling subcode, as applicable.

(d) 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 or one- and two-family dwelling subcode, as applicable. 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)

(e) When the work being performed creates an additional dwelling unit within the building, the new dwelling unit shall be separated from the existing dwelling unit(s) with fire partitions or horizontal assemblies having a fire resistance rating of not less than one hour constructed in accordance with Sections 708 and 711 of the building subcode or R302 of the one- and two-family dwelling subcode, as applicable.

(f) Electrical equipment and Wiring:

## § 5:23-6.27 Basic requirements--Groups R-3 and R-5

1. All areas shall have receptacle and lighting outlets in accordance with Sections 210.52 and 210.70, respectively, of the electrical subcode.
    - i. In the event that receptacle and lighting outlets cannot be installed in the required locations without updating the small appliance branch circuits, 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.
  2. 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.
  3. 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.
  4. All 125 volt, single phase, 15 and 20 ampere receptacles in locations specified in Section 210.52 of the electrical subcode shall be tamper resistant as specified in Section 406.12 of the electrical subcode. (Electrical)
- (g) 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)
- (h) Plumbing Fixtures:** Each dwelling unit shall be provided with a minimum of one kitchen sink, one water closet, one lavatory, and one bathtub or shower or bathtub/shower combination.

## History

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### HISTORY:

Amended by R.1999 d.259, effective August 16, 1999.

See: [31 N.J.R. 825\(a\)](#), [31 N.J.R. 2330\(a\)](#).

Inserted (b); and recodified existing (b) through (e) as (c) through (f).

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

Rewrote (c); inserted a new (d); recodified former (d) through (f) as (e) through (g); and added (h).

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Added (i).

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Deleted former (b); recodified former (c) through (i) as (b) through (h).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (c), substituted "Section R309" for "section 407"; in (e)7, substituted "Section 210.8(A)" for "Section 210-8(a)"; in (h), substituted "Section 716" for "Section 721.0".

## § 5:23-6.27 Basic requirements--Groups R-3 and R-5

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

In (b), substituted "sprinkler" for "fire suppression" in 1i and 2iv; added a new (e) and recodified former (e) through (h) as (f) through (i).

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

Added (f)8; in (i), added "for Group R-3 or Sections R502.12 and R.602.8 of the one- and two- family subcode for Group R-5".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (a), inserted "or one- and two-family dwelling subcode, as applicable," in two places; in (c), substituted "406.1.4" for "R309", and inserted "or Section R309 of the one- and two-family dwelling subcode, as applicable"; in (e), substituted "711" for "710", and "R317.1" for "R321.1"; and in (i), substituted "717" for "716", and inserted "dwelling".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (a), substituted "alarms" for "detectors" twice; and in (i), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (c), substituted "R302.6" for "R309"; in (e), substituted "709 and 712" for "708 and 711" and "R302" for "R317.1"; and in (i), substituted "R302.11 and R302.12" for "R502.12 and R602.8".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (b)1i, deleted "(Plan review--Building, Fire. Inspection--Building)" from the end; in (b)2iv, inserted "(Plan review--Building, Fire. Inspection--Building)"; in (d), inserted "or one- and two-family dwelling subcode, as applicable"; in (e), substituted "708 and 711" for "709 and 712"; in (f)7, deleted "(Electrical)" from the end; added new (f)8; recodified former (f)8 as (f)9; in (f)9, inserted "(Electrical)"; and deleted (i).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (c), substituted "406.3.2" for "406.1.4".

Amended by R.2022 d.035, effective March 7, 2022.

See: [53 N.J.R. 977\(a\)](#), [54 N.J.R. 417\(a\)](#).

Rewrote the introductory paragraph of (f)1; recodified former (f)2 as (f)1i; in (f)1i, substituted "In the event that lighting and receptacle outlets cannot be installed in the required locations without updating the small appliance branch circuits, kitchen" for "Kitchen"; deleted former (f)3 through (f)5 and (f)9; and recodified former (f)6 through (f)8 as (f)2 through (f)4.

Administrative correction, effective May 2, 2022.



§ 5:23-6.27 Basic requirements--Groups R-3 and R-5

See: [54 N.J.R. 1017\(b\)](#).

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## [N.J.A.C. 5:23-6.27A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

### **§ 5:23-6.27A Supplemental requirements--Groups R-3 and R-5**

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There are no supplemental requirements applicable to Groups R-3 and R-5.

### **History**

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#### **HISTORY:**

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Substituted "R-3 and R-5" for "R-3/R-4".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted "Use" preceding "Groups".

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## [N.J.A.C. 5:23-6.28](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.28 Basic requirements--Group S**

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**(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 30 or with an exit travel distance greater than 100 feet.

1. When more than one exit is required, existing fire escapes shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions. For use of fire escapes, access shall be through a door except when serving an occupant load of 10 or fewer. All occupants shall have unobstructed access to fire escapes without having to pass through a room subject to locking.

i. When more than one exit is required and there is not sufficient space for an exterior stair within the lot line, a new fire escape shall be accepted as providing one of the required means of egress. Newly-installed fire escapes shall comply with FTO-3.

2. A single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 30 and the exit access travel distance does not exceed 100 feet.

3. A single exit is permitted in open parking structures where vehicles are mechanically parked.

4. A single exit is permitted in buildings of Group S-2 not more than two stories in height, with not more than 3,000 square feet per floor when the exit access travel distance does not exceed 50 feet and a minimum fire resistance rating of one hour is provided for the exit enclosure and the opening protection. (Plan review--Building, Fire. Inspection--Building)

**(b)** Egress Doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 30 or in which the travel distance exceeds 100 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

1. Exception: Storage rooms with a maximum occupant load of 10 shall not be required to have two egress doorways. (Plan review--Building, Fire. Inspection--Building)

**(c)** Capacity of Means of Egress: The capacity of the means of egress in each work area shall be determined in accordance with [N.J.A.C. 5:23-6.11\(b\)](#). (Plan review--Building, Fire. Inspection--Building)

**(d)** Dead End Corridors: Existing dead end corridors shall not exceed 35 feet in length. Exceptions are allowed as follows:

1. Dead end corridors may be up to 50 feet in length in a building with an automatic alarm system installed in conformance with the building code in effect at the time of its installation.

2. Dead end corridors may be up to 70 feet in length in a building with an automatic sprinkler system installed in conformance with the building code in effect at the time of its installation. (Plan review--Building, Fire. Inspection--Building)

## § 5:23-6.28 Basic requirements--Group S

**(e) Means of Egress Lighting:** Artificial lighting with an intensity of not less than one foot candle at floor level shall be required during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

1. Exception: Lighting to illuminate the exit discharge shall not be required. (Plan review--Building, Fire, Electric. Inspection--Building)

**(f) Illuminated Exit Signs:** Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary. (Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.) Exit signs shall meet the following criteria:

1. Red or green letters at least six inches high; minimum width of each stroke 3/4 inch on a white background or in other approved distinguishable colors. Arrows, if provided, shall be such that the direction cannot readily be changed. The word "Exit" shall be clearly discernible when the sign is not energized.

2. Exit signs shall be illuminated at all times when the building is occupied by a source providing at least five foot candles at the illuminated surface or shall be approved self-luminous signs which provide evenly illuminated letters with a minimum luminance of 0.06 foot lamberts. Exit signs shall be connected to an emergency electrical system conforming to NFPA 70 (NEC) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss. No emergency power shall be required for approved self-luminous signs. (Plan review--Building, Fire. Inspection--Building)

**(g) Handrails:** Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide shall have handrails on both sides unless the full width of the stairway is not needed to accommodate the design occupancy. (Plan review--Building, Fire. Inspection--Building)

**(h) Guards:** Every open portion of a stair, landing or balcony which is more than 30 inches above the floor or grade below and is not provided with guards or those in which the existing guards are in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. (Plan review--Building, Fire. Inspection--Building)

**(i) Vertical Opening Protection:** Vertical opening protection for interior stairways and other vertical openings shall be provided as follows:

1. For vertical openings connecting more than six floor levels, approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives shall be required.

2. For vertical openings connecting four to six floor levels, approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives shall be required. (Plan review--Building, Fire. Inspection--Building)

**(j) Structural Elements:** Structural elements which are uncovered during the course of the rehabilitation and which are found to be unsound or otherwise structurally deficient, shall be reinforced, supported or replaced in accordance with the applicable structural design criteria of the building subcode. Where structural elements are sound, there is no excessive deflection (defined as deflection in excess of the standards set forth in [N.J.A.C. 5:23-6.7\(c\)1](#)), and fixed loads are not changing in a way that will increase the stresses on existing structures beyond that which is permitted by [N.J.A.C. 5:23-6.7\(c\)](#), existing structural elements shall be permitted to remain. (Building)

## § 5:23-6.28 Basic requirements--Group S

**(k) Plumbing Fixtures:** Plumbing fixtures shall be provided as follows. Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

Total Occupancy<1>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
1-15	1 Unisex	1	1	1
16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			

Note 1. For purposes of determining the number of plumbing fixtures required, total occupancy shall be the anticipated occupancy of the building under normal use conditions. It is not necessarily the same as the total permitted occupant load based on egress capacity.

**(l) Mechanical Requirements:** All spaces intended for occupancy shall be provided with either natural or mechanical ventilation.

1. Spaces intended to be naturally ventilated shall be provided with openable doors, windows, louvers, or other openings to the outdoors. The minimum openable area to the outdoors shall be four percent of the floor area being ventilated. Where rooms without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.
2. Mechanically-ventilated spaces shall comply with the following:
  - i. Newly-installed HVAC systems shall comply with the requirements of the mechanical subcode.
  - ii. Existing systems that are altered or extended shall not reduce the amount of outside air below the existing rate per person or the rate included in the mechanical subcode, whichever is lower. As a minimum, mechanically-ventilated spaces shall be provided with five CFM per person of outdoor air and 15 CFM of ventilation air per person.
3. All newly-introduced devices, equipment or operations that produce airborne particulates, odors, fumes, sprays, vapors, smoke or gases in such quantities to be irritating or injurious to health shall be provided with local exhaust. (Building)

**(m) Interior finishes** shall comply with [N.J.A.C. 5:23-6.11\(c\)](#). (Plan review--Building, Fire. Inspection--Building)

**(n) Specific Occupancy Areas:** Specific occupancy areas within the work area, as listed in [N.J.A.C. 5:23-6.30\(h\)](#), shall comply with the requirements established in that section for separation and/or protection. (Building)

## History

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### HISTORY:

Administrative correction.

See: [30 N.J.R. 539\(a\)](#).

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (e), 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; and in (f)2, rewrote the second sentence.

## § 5:23-6.28 Basic requirements--Group S

Amended by R.2000 d.492, effective December 18, 2000.

See: [32 N.J.R. 3219\(a\)](#), [32 N.J.R. 4437\(b\)](#).

Added ( o).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In ( l)2i and in the first sentence of ( l)2ii, substituted "the International Mechanical Code, 2000 edition" for "ASHRAE 62-89"; in ( o), substituted "Section 716" for "Section 721.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

In (a), inserted "an" preceding "exit" in the last sentence of the introductory paragraph, and deleted "Use" preceding "Group" in 4; in (b), substituted "30" for "50" following "load greater than" and "100" for "75" preceding "feet"; in (d)2, substituted "an automatic sprinkler" for "a suppression" preceding "system".

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In ( l)2i and ii, substituted "mechanical subcode" for "International Mechanical Code, 2000 edition".

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In ( l)2ii, deleted "unless the indoor air quality procedure of ASHRAE 62-89 is followed and results in a lesser amount" following "ventilation air per person"; and in ( o), substituted "717" for "716".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In ( o), inserted "creates or" and deleted "exposed" preceding the second occurrence of "framing".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (a), substituted "or" for "and"; and deleted ( o).

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## [N.J.A.C. 5:23-6.28A](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.28A Supplemental requirements--Group S**

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**(a) Automatic Sprinkler System:** In buildings with a Group S-1 fire area greater than 12,000 square feet or a Group S-1 fire area more than three stories in height, when the work area exceeds 50 percent of the gross enclosed floor area of the building, an automatic sprinkler system shall be provided throughout the entire building.

**(b) Manual Alarm System:** For buildings greater than three stories in height with occupant loads over 25, when the work area exceeds 50 percent of the gross enclosed floor area of the building, manual fire alarms shall be required throughout the building.

1. Exception: Manual alarm systems shall not be required in buildings equipped throughout with an automatic sprinkler system. (Fire)

**(c) 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. (Plan review--Building, Fire. Inspection--Building)

**(d) 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 system, the recirculating air 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

## § 5:23-6.28A Supplemental requirements--Group S

iii. All designated attendant elevators having a travel distance of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1-1987, Rule 211.4. (Elevator)

3. When the work area is one entire floor or more or when the work area is 20 percent or more of the occupied floor area of the building, standpipes shall be provided up to and including the highest floor that is part of the work area. The standpipes shall be located and installed in accordance with the building subcode, except as follows:

i. No pump shall be required provided that the standpipes are capable of accepting delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost floor in buildings equipped throughout with an automatic sprinkler system or a minimum of 500 gpm at 65 psi to the topmost floor in all other buildings. (Where the standpipe terminates below the topmost floor, the standpipe shall be designed to meet these requirements (gpm/psi) for possible future extension of the standpipe.)

ii. Hose and hose cabinets shall not be required. (Fire)

(e) 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)

(f) Public Garages: When the work area exceeds 50 percent of the gross floor area of a public garage, the entire building is required to comply with Sections 406.2.5, 406.2.8, 406.2.9, 406.4.1, 406.4.2, 406.5.3, 406.5.7, 406.5.8, 406.5.9, 406.5.10, 406.5.11, 406.6.2, and 406.6.3 of the building subcode.

## History

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### HISTORY:

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)2i, updated N.J.A.C. reference.

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (e), substituted "Section 406.3" for "Section 408.0, except Subsection 408.3.3,".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Added a new (a); recodified former (a) through (e) as (b) through (f); in (b)1 and (d)3i, substituted references to automatic sprinkler for references to fire suppression preceding "system".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (d)1, deleted "or exhaust" preceding the first and second occurrences of "system".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (f), substituted "Sections 406.2 and" for "Section".



§ 5:23-6.28A Supplemental requirements--Group S

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote (f).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (f), substituted "406.2.5, 406.2.8, 406.2.9, 406.4.1, 406.4.2," for "406.4.2, 406.4.3, 406.4.6, 406.4.7, 406.4.8".

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## [N.J.A.C. 5:23-6.29](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

### **§ 5:23-6.29 Mixed use buildings**

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(a) Each portion of a building shall be separately classified as to use. The requirements of this subcode shall apply to each portion of the building based on the group of that portion, except that the most restrictive requirements of this subcode for an automatic sprinkler system shall apply to the entire building.

1. Exception: An automatic sprinkler system shall not be required for uses that would not otherwise need an automatic sprinkler system provided that there is a one-hour fire separation between the use(s) requiring an automatic sprinkler system and the other use(s) in the same building. A two-hour fire separation assembly shall be required to apply this exception in any building where one or more of the uses is H. (Plan review--Building, Fire. Inspection--Building)

(b) Separation: In any nonresidential use located below or attached to one or more dwelling units, when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, the nonresidential use shall be separated from the residential use by a one hour fire resistance-rated wall or ceiling assembly designed to protect the dwelling unit(s) attached or above. (Plan review--Building, Fire. Inspection--Building)

(c) Alarms: In any nonresidential use located below or attached to one or more dwelling units (including single room occupancies), when the work area exceeds 50 percent of the gross enclosed floor area of the nonresidential use, single or multiple station smoke alarms 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 alarms shall be AC powered with battery back-up. Hard-wired, interconnected smoke alarms installed throughout the building shall be accepted as meeting this requirement. (Fire)

### **History**

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#### **HISTORY:**

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

In (a), substituted references to automatic sprinkler for references to fire suppression throughout and deleted "use" preceding "group of that portion" in the introductory paragraph.

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (c), substituted "alarms" for "detectors" throughout.

Amended by R.2017 d.077, effective May 1, 2017.

§ 5:23-6.29 Mixed use buildings

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (b) and (c), inserted "or attached to"; and in (b), inserted "wall or" and "attached or".

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## [N.J.A.C. 5:23-6.30](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.30 Special technical requirements--all groups**

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- (a) The requirements of this section shall apply to reconstruction projects in all groups except R-3 and R-5.
- (b) When an automatic sprinkler system is required or 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.
1. Exception: This requirement shall not apply to limited area sprinkler systems installed in accordance with Section 903.3.8 of the building subcode. (Fire)
- (c) Windowless stories: In all buildings, any windowless basement or story located below the seventh story which is created by the work being performed or any existing windowless basement or story located below the seventh story in which the work area exceeds 50 percent of the gross enclosed floor area of the windowless story shall be equipped throughout with an automatic sprinkler system installed in accordance with the New Jersey Uniform Construction Code.
1. Stories or basements shall not be considered windowless when there is provided on at least one side of such story or basement firefighter access through openings, such as windows, doors or access panels, that are located entirely above the adjoining grade level.
  2. Such openings shall be at least:
    - i. Thirty-two inches by 48 inches in size, spaced not more than 100 feet apart in each story or basement; or
    - ii. Twenty-two inches by 42 inches in size, spaced not more than 30 feet apart in each story or basement.
  3. All openings for firefighter access shall conform to all the following:
    - i. Openings shall be unobstructed to allow fire fighting and rescue operations from the exterior;
    - ii. Openings in stories at or above grade shall have a sill height of not more than 36 inches as measured from the finished floor level. Openings in basements shall have no sill height restrictions; and
    - iii. Openings shall be readily identifiable and openable from the outside.
  4. When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be considered windowless unless openings as specified above are provided on at least two sides of the exterior walls of the story.
  5. If any portion of a basement is located more than 75 feet from openings as specified above, the basement shall be considered windowless.
  6. Windowless basements not exceeding 3,000 square feet in area shall be exempt from this automatic sprinkler system requirement, provided a supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code.

## § 5:23-6.30 Special technical requirements--all groups

7. In windowless basements greater than 3,000 square feet, but not exceeding 10,000 square feet in area, the required automatic sprinkler system need not be connected to a water supply other than an existing domestic supply if the following conditions are met:

- i. The automatic sprinkler system shall be provided with a fire department connection, which shall be marked with a sign reading "Basement Area Sprinkler Water Supply"; and
- ii. A supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code. (Fire)

**(d)** Supervision of automatic sprinkler systems: When automatic sprinkler systems are required by this subcode to be supervised, this shall be accomplished by one of the following methods as determined by the fire subcode official:

1. Approved central station system in accordance with NFPA 72;
2. Approved proprietary system in accordance with NFPA 72;
3. Approved remote station system of the jurisdiction in accordance with NFPA 72; or
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFPA 72;
5. The following are exceptions to (d) above:
  - i. Underground gate valves with roadway boxes;
  - ii. Halogenated extinguishing systems;
  - iii. Carbon-dioxide extinguishing systems;
  - iv. Dry chemical extinguishing systems; and
  - v. Limited area sprinkler systems. (Fire)

**(e)** Technical Requirements for Smoke Barriers: Wherever smoke barriers are required by this subchapter, they shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire resistance rating of not less than one-half hour and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions. Wire glass panels not exceeding 1,296 square inches in approved steel frames may be used in smoke barriers.

- i. Exception: Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.

2. A means of egress shall be provided from each smoke compartment created by smoke barriers such that it is possible to reach an exit without re-entering the smoke compartment.

3. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wire glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

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- i. Exception: Protection at the meeting edges of doors and stops at the head and sides of door frames may be omitted in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.
- 4. Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds against the hold-open device.
- 5. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.
  - i. In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke on either side of the smoke barrier door opening.
  - ii. Dampers are not required in buildings equipped with an approved engineered smoke control system.
  - iii. Dampers are not required where the openings in ducts are limited to a single smoke compartment and the ducts are of steel construction. (Plan review--Building, Fire. Inspection--Building)
- (f) Existing alarm systems and automatic sprinkler systems shall be accepted provided that they meet the requirements of [N.J.A.C. 5:23-6.8](#), Materials and methods, or the standards applicable at the time of their installation and provided that there is no increase in the hazard of the use or in the load. (Fire)
- (g) Technical Requirements for Elevator Devices: Where elevator requirements are triggered by the supplemental requirements for each group ([N.J.A.C. 5:23-6.12A](#) through [6.28A](#)), the following shall apply:
  1. Passenger elevators. Elevator devices accessible to the general public shall conform to:
    - i. ASME A17.3-2000 requirements for Hoistway Door Locking Devices, Parking Devices, and Access (Sections 2.7, 4.1); Hoistway Entrances (Sections 2.6, 4.1); Power Operation of Doors and Gates (Sections 2.8, 4.1); Floating Platforms (Section 3.3.4); Car Doors and Gates (Section 3.4.2); Location of Car Doors and Gates (Section 3.4.3); Emergency Exits (Section 3.4.4); Car Illumination (Section 3.4.5) and Protection of Light Bulbs and Tubes (Section 3.4.6); Terminal Stopping Devices (Sections 3.9, 4.6); Operating Devices and Control Equipment (Sections 3.10, 4.7 except 4.7.8); Car Emergency Signaling Devices (Sections 3.11.1 and 4.7.8); Stop Switch (Pits) (Sections 2.3.3, 4.1); Machine Rooms and Machinery Spaces: Lighting (Section 2.2.3) and Ventilation (Section 2.2.4) Check Valve (Hydraulic Elevators) (Section 4.4.2).
    - ii. ASME A17.1-1996 requirements for Shutoff Valve (Rule 303.4a) and Manual Lowering Valve (Rule 303.4d)
  2. Freight elevators. Elevators which are allowed to carry passengers by the authority having jurisdiction shall conform to ASME A17.1-1996 Rule 207.4 and ASME A17.3-1993 requirements for Car Frames and Platforms (Section 3.3) and Location of Car Doors and Gates (Section 3.4.3).
  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 high-rise buildings contained in the supplemental requirements for each 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 A17.1-1996 Rule 211.2.

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4. Escalators shall conform to ASME A17.3-2000 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 Group F which contain chemicals below the exempt amount for 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 sprinkler system.
  2. Incinerator rooms in all groups shall be separated from other portions of the building by a two-hour fire separation assembly and provided with an automatic sprinkler system.
  3. In Groups I-2, I-3 and I-4, 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 sprinkler system. (Building)

## History

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### HISTORY:

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (a), substituted "R-5" for "R-4"; in (b)1, substituted "Section 903.3.5.1.1" for "Section 907.0"; in (g)1ii and (g)3i, substituted "A17.1-1996" for "A17.1-1993"; in (g)1ii, deleted "Supply Line" preceding "Shutoff Valve"; in (h)3, substituted ", I-3 and I-4" for "and I-3".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted references to use preceding references to group throughout and substituted references to automatic sprinkler for references to fire suppression throughout.

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (g)1i and (g)4, substituted "2000" for "1993".

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (b)1, substituted "903.3.8" for "903.3.5.1.1".

## [N.J.A.C. 5:23-6.31](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE**

### **§ 5:23-6.31 Change of use**

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(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 automatic sprinkler 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 automatic sprinkler systems incorporate Relative 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 group in accordance with the provisions of this subcode.
4. Fire protection system removal: Any fire protection system providing partial or redundant protection originally installed to protect a special hazard that no longer exists and that is not required in accordance with the current Uniform Construction Code, is allowed to be removed with the written approval of the fire subcode official and fire official. All disconnected equipment and devices, such as pull stations, nozzles, detectors, sprinklers, sensors, panels, and hose connections, shall be removed so as not to give a false indication that the structure, area, or space is protected. (Fire)
5. Where the character of use of an existing building or portion thereof is changed to one of the following special use or occupancy categories, 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 and Open Mall Buildings--Section 402;
  - ii. Atriums--Sections 404;
  - iii. Underground Buildings--Section 405;
  - iv. Motor-Vehicle-Related Occupancies -- Section 406;



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- v. Motion Picture Projection Rooms--Section 409;
  - vi. Stages, Platforms, and Technical Production Areas --Section 410;
  - vii. Special Amusement Areas--Section 411:
    - (1) A variation shall not be granted for the flame spread and smoke development ratings of interior finish and trim requirements of Section 411.
    - (2) For the use of a building as a special amusement building, where a variation request has been submitted, the Construction Official shall consult with the Fire Official as required by [N.J.A.C. 5:23-6.2\(i\)](#).
  - viii. Aircraft-Related Occupancies--Section 412;
  - ix. Hazardous Materials--Section 414;
  - x. Spray Application of Flammable Finishes--Section 416;
  - xi. Drying Rooms--Section 417;
  - xii. Organic Coatings--Section 418;
  - xiii. Hydrogen Fuel Gas Rooms--Section 421;
  - xiv. Ambulatory Health Care Facilities--Section 422;
  - xv. Hyperbaric Facilities - Section 425;
  - xvi. Combustible Dusts, Grain Processing and Storage - Section 426;
  - xvii. Medical Gas Systems--Section 427; and
  - xviii. Higher Education Laboratories--Section 428.
  - xix. Live/Work Units--Section 508.5.
6. Any automatic sprinkler system or fire detection and/or alarm requirements applicable to the special use or occupancy shall be applied throughout the entire building unless the special use or occupancy is separated from the remainder of the building by fire separation assemblies having a rating of at least two hours. (Fire)
7. Group overnight stays: If any non-residential occupancy, other than Group F, H or S, accommodates seven or more non-consecutive group overnight stays within a calendar year for persons over 21/2 years of age, and the activities involve planned periods of sleep, the building is considered to have undergone a change of use. In such a case, it shall be necessary to apply for and be issued a Certificate of Occupancy. This shall be a dual Certificate of Occupancy to allow Group R-1 in addition to the existing use of a building. Any facility that accommodates six or fewer overnight stays within a calendar year shall obtain a permit under the Uniform Fire Code, [N.J.A.C. 5:70](#). Group overnight stays in Groups F, H and S shall be prohibited.
8. Where an existing single-family dwelling is converted into a two-family dwelling, the following shall apply:
- i. Smoke alarms shall be installed and maintained within each dwelling unit as required by Section 907.2.11.2 of the building subcode or Section R314 of the one- and two-family dwelling subcode, as applicable.
  - ii. Fire separation between dwelling units.
    - (1) One-hour dwelling unit separation; or
    - (2) Two layers of 5/8-inch thick type X gypsum wallboard. The base layer shall be applied at right angles to the joists with 1 1/4-inch minimum drywall screws or nails at 24 inches on center. The face layer shall be applied at right angles to the joists with 1-7/8-inch minimum

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drywall screws or nails at 12 inches on center. The face layer joints shall be offset from the base layer joints by a minimum of one joist bay. The joints of the face layer shall be taped and provided with a minimum of one layer of spackle. (Plan review--Building, Fire. Inspection--Building)

**(b) Compliance with Basic Requirements:** Compliance with the basic requirements shall be required as follows:

TABLE B

## Relative Group Hazard

1 (highest)	H-1, H-2, H-3
2	A-1, A-2 Nightclubs, H-4, H-5, F-1, I-3, M, S-1
3	A-2 Other than Nightclubs, A-3, A-4, A-5, B, F-2, I-2, I-4, R-1, S-2
4	A-3 Places of Worship, E, I-1, R-2, and R-4 buildings more than two stories in height or more than four dwelling units
5 (lowest)	R-2 and R-4 buildings two stories or fewer in height and four dwelling units or less, R-3, R-5, U

1. When the use of a building is changed to a higher relative 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 group unless otherwise provided. Where another lettered subsection of this section establishes a requirement that differs from the basic requirement, the requirement contained in that other lettered subsection shall govern.

i. Where a portion of a building is changed to a higher relative group hazard, the building shall comply with the basic requirements of [N.J.A.C. 5:23-6.10](#) through [6.30](#) for an automatic sprinkler system and fire detection and/or alarms applied throughout the building for the new group unless the proposed use is separated from the existing use(s) by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.10 of the building subcode in which case only the portion changed shall comply; mixed occupancies shall use the highest applicable rating from Table 707.3.10. 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 group.

2. When a change of use is made to an equal or lesser relative group hazard as shown in Table B above, the existing building is not required to comply with the basic requirements except:

i. Where required in connection with alteration or reconstruction work by the sections of this subcode applicable to alteration or reconstruction work; or

ii. Where the proposed use is subject to and not in compliance with the applicable requirements of N.J.A.C. 5:70-4.

**(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, A2 Nightclubs
2	I-2, I-3, I-4
3	A (other than A-2 nightclubs), E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, R-5, S-1, H-4, H-5
5 (lowest)	F-2, S-2, U

1. For any change of use, except a change of use to Group A-2 Nightclubs, the occupant load of the space shall be calculated based on the capacity of the exits as per [N.J.A.C. 5:23-6.11\(b\)](#). The occupant

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load shall not exceed one occupant per five square feet floor area unless the building complies with chapter 10 of the building subcode in its entirety.

i. For Group A-2 Nightclubs, the occupant load shall be calculated using section 1029.2 of the building subcode, except the maximum occupant load shall not exceed one occupant per five square feet of occupiable floor space.

ii. Where a portion of a building undergoes a change of use, the determination of the capacity of the exit(s) serving that portion shall include all spaces served by those exit(s).

2. When a change in use is made to a higher hazard category as shown in Table C above, the entire building or portion thereof shall comply with the following requirements of the building subcode or of this subcode as specified below.

i. Sections 1006 (Number of Exits and Exit Access Doorways) and 1007 (Exit and Exit Access Doorway Configuration).

(1) Exception: The occupant load of the space may be restricted in order to comply with the requirements of these sections;

(2) Exception: A single exit shall be permitted in a change of use to a Group R-2 or R-4 where the conditions of [N.J.A.C. 5:23-6.26\(b\)](#) for a single exit are met;

ii. Section 1008 (Means of Egress Illumination);

iii. Section 1010 (Doors, Gates and Turnstiles) except section 1010.1.1 (Size of doors). Apply the Basic Requirements (6.10 through 6.30) for door widths;

iv. Sections 1011.7.2 (Outdoor conditions), 1011.7.3 (Enclosures under interior stairways), 1011.12 (Stairway to roof), and the Basic Requirements (6.10 through 6.30) for stair widths;

v. Sections 1012.8 (Ramps - Handrails), 1012.9 (Guards), and 1012.10 (Edge protection), and the Basic Requirements (6.10 through 6.30) for ramp widths;

vi. Section 1013.1 (Exit signs - where required) and Section 1013.3 (Illumination);

vii. Section 1016.2 (Egress through intervening spaces);

viii. Section 1017 (Exit Access Travel Distance);

ix. Section 1018 (Aisles);

x. Sections 1020.2 (Corridor construction), 1020.4 (Corridor obstruction), 1020.6 (Air movement in corridors), 1020.7 (Corridor continuity), and the Basic Requirements (6.10 through 6.30) for corridor widths.

(1) Existing lath and plaster in good condition or existing 1/2-inch thick gypsum wallboard on both sides of the wall shall be accepted where a one-hour fire separation assembly is required by Table 1020.2 (Corridor Fire-Resistance Rating);

xi. Section 1025 (Luminous Egress Path Markings);

xii. Section 1026 (Horizontal Exits);

xiii. Section 1028 (Exit Discharge) and Section 1029 (Egress Courts); and

xiv. Section 1030 (Assembly).

3. When a change of use is made to an equal or lesser hazard category as shown in Table C above, the existing building is not required to comply with the requirements contained in (c)2 above except in areas where reconstruction work being performed in connection with the change of use triggers these requirements.

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4. Vertical opening protection shall be provided for all stairs in accordance with [N.J.A.C. 5:23-6.10](#) through [6.30](#) when a change of use that also constitutes a change of group is made and the proposed group is a higher hazard category as shown in Table C above.

i. Where the group of a portion of a building is changed to a higher hazard category, vertical opening protection shall be provided for all stairs serving the proposed group from the floor(s) on which the proposed group is located to the level of exit discharge.

5. Notwithstanding the relative hazard as determined by Table C above, where any change of use occurs to a story with one exit, the story shall meet the requirements at Section 1006.3.4 (single exits) of the building subcode for the proposed use.

i. Exception: A single exit shall be permitted in a change of use to a Group R-2 or R-4 where the conditions of [N.J.A.C. 5:23-6.26\(b\)](#) for a single exit are met.

6. When a change of use is made to any residential group (R-1, R-2, R-3, R-4 or R-5) or to 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 sprinkler system.

iii. In a building that originally was in Group R-3 or R-5 and is returning to Group R-3 or R-5, 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)

7. Notwithstanding the relative hazard as determined by Table B or C above, where any change in use occurs to a Group A or Group E with an occupant load of 50 or more, approved panic hardware shall be installed in accordance with Section 1010.2.9 (panic and fire exit hardware) of the building subcode.

8. Notwithstanding the relative hazard as determined by Table B or C above, a single exit shall not be permitted when a building is to be used as a child care center. (Plan review--Building, Fire. Inspection--Building)

**(d) Enclosure of vertical openings:**

1. For any change of use that also constitutes a change in 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 group is made and the proposed 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 Nightclubs, H-1, H-2, I-2, I-3, I-4
2	A-1, A-2 Other than Nightclubs, A-3, A-4, E, F-1, H-3, H-4, H-5, I-1, M, S-1

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A-3 Places of Worship, B, R-1, R-2, R-4

4 (lowest)

F-2, R-3, R-5, S-2, U

1. When a change of use is made to a higher hazard category as shown in Table E above, the height and area of the building shall meet the limitations of Chapter 5 of the building subcode for the proposed 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.

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 groups: The maximum allowable height and area shall be determined by applying the more restrictive of the height and area limitations of each group, as per Tables 504.3, 504.4, and 506.2 of the building subcode, to the entire building.

(1) Occupancies of Group H shall not be permitted to be unseparated when located in the same building as Groups A, E, I, M, R, or non-accessory Group B.

(2) Accessory occupancies in compliance with Section 508.2 of the building subcode are not required to comply with this requirement.

(3) When a change of use is made such that any nonresidential use is located below or attached to a residential use, a one-hour fire separation shall be provided between the groups. The exits from the residential floors shall be separately enclosed.

ii. Separated groups: Each portion of the building containing a group shall be completely separated from adjacent groups by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.10 of the building subcode; mixed occupancies shall use the highest applicable rating from Table 707.3.10. For buildings equipped throughout with an automatic sprinkler system, the required fire resistance rating for 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 Tables 504.3 and 504.4 of the building subcode for that group. In each story, the area shall be such that the sum of the ratios of the floor area of each group divided by the allowable area of Table 506.2 of the building subcode for each group shall not exceed 1.0.

(1) Exception: Accessory occupancies in compliance with Section 508.2 of the building subcode are not required to comply with this requirement.

iii. Separate buildings: If each group is separated from other groups by fire walls that meet the requirements of Table 601 of the building subcode, then each group shall be considered a separate building. Each building shall comply with the height and area limitation of Tables 504.3, 504.4, and 506.2 of the building subcode.

(1) Exception: Accessory occupancies in compliance with Section 508.2 of the building subcode are not required to comply with this requirement.

4. In an unlimited area building, when a change of use is made to a higher hazard category as shown in Table E above, the building or portion thereof is required to comply with Section 507 of the building subcode for the proposed new use. (Plan review--Building, Fire Inspection--Building)

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**(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, R-5, U

**1. Exterior Wall Protection:** If the 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&lt;b&gt;

Fire Separation Distance	H-2	F-1, H-3, M, S-1	A, B, E, F-2, S-2, H-4, H-5, I, R-1
0-5 feet	4	3	2<a>
Over 5-10 feet	3	2	1
Over 10-15 feet	2	r 1	0
Over 15-30 feet	r 1	-30	0
Over 30 feet	30	30	0

Note a: Existing eight-inch hollow or six-inch solid masonry walls shall be accepted as a two-hour rating in other than Group H-2 or H-3.

Note b: When the group of a building is changed to H-1, the building shall be located in accordance with Section 415.3 of the building subcode.

**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 Tables 504.3, 504.4, and 506.2 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 a fire barrier having a fire resistance rating in accordance with Table 707.3.10 of the building subcode, then only the portion changed must comply with the provisions of this section; mixed occupancies shall use the highest applicable rating from Table 707.3.10.

**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 sprinkler system. In a building equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13, the fire resistance rating of a non-loadbearing exterior wall may be reduced by one hour with the following exceptions:

**(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 Group H.

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**2. Exterior Wall Openings:** If the 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.

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 Nightclubs, A-2 Other than Nightclubs, A-3, A-4, A-3 Places of Worship, B, E, F-1, I-1, I-2, I-3, I-4, 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, but more than three feet, 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 sprinkler system throughout, the amount of unprotected openings shall be permitted to be increased to the limit for protected openings.

**ii.** In all occupancies other than Group H, unlimited unprotected openings are permitted in the first story of exterior walls facing a street which have a fire separation distance of greater than 15 feet, or facing unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet in width and shall have access from a street by a posted fire lane not less than 30 feet in width and shall have access from a street by a posted fire lane not less than 18 feet in width.

**iii.** When a change of use is made to an equal or lesser hazard classification as shown in Table F, no change in existing exterior wall openings is required. (Plan review--Building, Fire. Inspection--Building)

**(g) Automatic Sprinkler Systems:** The following automatic sprinkler system requirements apply in changes of use.

TABLE G

## Hazard Categories and Classifications Automatic Sprinkler Systems

Relative Hazard	Use Classification
1 (highest)	A-2 nightclubs, H, I
2	A-2 (other than nightclubs), R-1, R-2, R-3, R-4
3	A-1, A-3, A-4
4	F-1, M, S-1
5	A-3 Places of Worship, E
6 (lowest)	A-5, B, F-2, R-5, S-2, U

**1.** When a change of use is made to a higher hazard category as shown in Table G, the building shall be provided with an automatic sprinkler system as required by the following sections of the building subcode: 903.2.1 for Group A occupancies, 903.2.3 for Group E occupancies, 903.2.4 for Group F-1 occupancies, 903.2.5 for Group H occupancies, 903.2.6 for Group I occupancies, 903.2.7 for Group M occupancies, 903.2.8 for Group R occupancies, 903.2.9 for Group S-1, 903.2.10 for Group S-2, and 903.2.11.1 for windowless stories (stories without openings.) When this section requires an automatic sprinkler system, compliance with 903.3 of the building subcode is also required.

**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 a fire barrier or horizontal assembly, or both, having a fire

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resistance rating in accordance with Table 707.3.10 of the building subcode, an automatic sprinkler system as required above shall be installed only in the portion changed; mixed occupancies shall use the highest applicable rating from Table 707.3.10.

ii. When an attached single-family townhouse or portion thereof or a portion of a detached one- or two-family dwelling is changed to any nonresidential use, except Group H, Group F, or Group S, the remaining attached dwelling(s) or portion of the dwelling(s) are not required to be provided with an automatic sprinkler system.

2. When a change of use is made to an equal or lesser hazard category as shown in Table G, there is no requirement to install an automatic sprinkler system except in areas where work being performed in connection with the change of use triggers a requirement for an automatic sprinkler system and in windowless stories in accordance with [N.J.A.C. 5:23-6.30\(c\)](#) of this subchapter.

3. Notwithstanding the relative hazard as determined by Table G, when a change in the character of the use is made to a higher degree of hazard as defined by NFPA 13 (Light Hazard, Ordinary Hazard Group 1, Ordinary Hazard Group 2, Extra Hazard Group 1, Extra Hazard Group 2 and Special Occupancy Hazards), the sprinkler system shall be evaluated and, where required by NFPA 13, altered to conform to the required density and maximum sprinkler protection area per head for the proposed occupancy.

4. Notwithstanding the relative hazard as determined by Table G above, when a change in the group or a change in the character of the use is made to create a dormitory, the building or portion thereof is required to be provided with an automatic sprinkler system. (Fire)

**(h) Fire Alarm and Detection Systems:** When a change of use is made to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the building subcode. Where a portion of a building is changed to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed throughout the building in accordance with Section 907 of the building subcode unless the proposed use is separated from the other use(s) in the building by a fire barrier having a fire resistance rating in accordance with Table 707.3.10 of the building subcode in which case only the portion changed shall comply; mixed occupancies shall use the highest applicable rating from Table 707.3.10. (For purposes of applying this section, horizontal separation shall not be considered.)

1. Group A: A manual or automatic fire alarm system shall be installed and maintained as required by Section 907.2.1 of the building subcode.

2. Group B: A manual fire alarm system shall be installed and maintained as required by Section 907.2.2 of the building subcode.

3. Group E: A manual fire alarm system shall be installed and maintained as required by Section 907.2.3 of the building subcode.

4. Group F: A manual fire alarm system shall be installed and maintained as required by Section 907.2.4 of the building subcode.

5. Group H: A manual fire alarm system shall be installed and maintained as required by Section 907.2.5 of the building subcode.

6. Group I: A manual fire alarm system and an automatic smoke detection system shall be installed and maintained as required by Section 907.2.6 of the building subcode.

7. Group M: A manual fire alarm system shall be installed and maintained as required by Section 907.2.7 of the building subcode.

8. Group R-1: A manual fire alarm system and an automatic smoke detection system shall be installed and maintained as required by Section 907.2.8 of the building subcode.



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**9.** Group R-2: A fire alarm system shall be installed and maintained as required by Section 907.2.9 of the building subcode.

**10.** Group R-4: An automatic smoke detection system shall be installed and maintained as required by Section 907.2.9A of the building subcode.

**11.** Group S: A manual fire alarm system shall be installed and maintained as required by Section 907.2.10 of the building subcode. (Fire)

**(i)** Single and Multiple Station Smoke Alarms: When a change of use is made to any of the following groups, single and multiple station smoke alarms shall be installed in accordance with Section 907.2.10 of the building subcode.

**1.** Group R-1: Single or multiple station smoke alarms shall be installed and maintained as required by Section 907.2.11.1 of the building subcode.

**2.** Groups R-2, R-3, R-4, R-5, and I-1: Smoke alarms shall be installed and maintained as required by Section 907.2.11.2 of the building subcode or Section R314 of the one- and two-family dwelling subcode, as applicable.

**3.** Where the use of a portion of a building is changed such that any nonresidential use is located below or attached to one or more dwelling units (including single room occupancies), single or multiple station smoke alarms 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 alarms shall be AC powered with battery back-up. Hard-wired, interconnected smoke alarms installed throughout the building shall be accepted as meeting this requirement. (Fire)

**(j)** Carbon monoxide detection equipment: When the use of a building is changed and the building contains a fuel-burning appliance or has an attached garage, carbon monoxide detection equipment shall be installed in accordance with Section 915 of the building subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

**1.** Exception: In occupancies other than Group I-1, I-2, I-4 or R or classrooms in Group E occupancies, battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.

**(k)** 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, I-4, R-1, R-2, R-3, R-4, R-5

**1.** When the use or the character of use of a building is changed to a higher load category as shown in Table K above, then the structure shall be capable of supporting the load requirement for the new use or character of use as specified in Table 1607.1 of the building subcode.

**i.** If the building subcode official determines that the number of occupants or the placement and 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.

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**(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 1607.1 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 building is reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1613 of the building subcode: Fire, rescue and police stations; Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; post-earthquake shelters; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307 of the building subcode where the quantity of material exceeds the exempt amount as per Section 307.1 of the building subcode. (Building)

**(l)** 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)

**(m)** 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 at 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 group is involved:

i. Hazardous (classified) Locations;

ii. Commercial Garages, Repair and Storage;

iii. Aircraft Hangars;

iv. Motor Fuel Dispensing Facilities;

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- v. Bulk Storage Plants;
- vi. Spray Application, Dipping, Coating, and Printing Processes;
- vii. Health Care Facilities;
- viii. Assembly Occupancies;
- ix. Theaters, 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 Group R-2, R-3, R-4 or R-5, 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)

(n) 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 a 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 403.3.1.1 in the mechanical subcode for the new occupancy.

(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 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 suppression system that comply with the mechanical subcode shall be required for commercial cooking operations producing grease-laden vapors. No automatic 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 Section 502 of the mechanical subcode. (Building)

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TABLE N

## Outdoor Air Rates Based on Occupancy Type

Occupancy	P/1,000 sq. ft.	CFM/person
Storage Warehouses	5	10
Correction Facilities		
Dining Halls	100	15
Guard Stations	40	15
Dry Cleaners, laundries		
Coin oper dry cleaner	20	15
Coin oper laundries	20	15
Education		
Auditoriums	150	15
Classrooms	50	15
Libraries	20	15
Music Rooms	50	15
Food & Bev Service		
Dining Rooms	70	15
Kitchens (cooking)	20	15
Hospitals, Nursing & Convalescent Homes		
Med Procedure Rooms	20	15
Physical Therapy	20	15
Recovery and ICU	20	15
Hotels, Motels, Resorts, Dormitories		
Assembly Rooms	120	15
Dormitory Sleep Areas	20	15
Lobbies	30	15
Specialty Shops		
Barber	25	15
Florists	8	15
Hardware, drug, fabric	8	15
Reducing Salons	20	15
Supermarkets	8	15
Theaters		
Auditoriums	150	15
Stages and Studios	70	15
Transportation		
Platforms	100	15
Vehicles	150	15
Waiting Rooms	100	15
Workrooms		
Bank Vaults	5	15
Meat Processing<a>	10	15
Pharmacy	20	15
Photo Studios	10	15
Sports and Amusement		
Spectator Areas	150	15
Correctional Facilities		
Cells	20	20
Education		
Laboratories	50	20
Training Shops	30	20

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Food & Bev Service		
Cafeteria, fast food	100	20
Hotels, Motels, Resorts, Dormitories		
Conference Rooms	50	20
Dry Cleaners		
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
Theaters		
Lobbies	150	20
Ticket Booths	60	20
Sports and Amusement		
Playing floors (gym)	30	20
Sports and Amusement		
Ballrooms and Discos	100	25
Bowling Alleys		
(Seating areas)	70	25
Game Rooms	70	25
Hospitals, Nursing & Convalescent Homes		
Operating Rooms	20	30
Hotels, Motels, Resorts, Dormitories		
Gambling Casinos	120	30 CFM/sq. ft.
Occupancy		
Education		
Corridors		0.1
Locker Rooms		0.5
Hospitals, Nursing and Convalescent Homes		
Autopsy Rooms		0.5
Public Spaces		
Corridors and Utilities		0.05
Elevators		1.0

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Locker & Dressing Rooms	0.5
Public Restrooms	75 cfm per water closet or urinal
Retail Stores, Sales Floors and Showroom Floors	
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
Specialty Shops	
Automotive Service	1.5
Clothes and Furniture	0.3
Pet Shops	1.0
Sports & Amusement	
Ice Arenas	0.5
Swimming Pools (Pool & Deck Area)	0.5
Storage	
Repair Garages/Public Garages	1.5
Workrooms	
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.

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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.

**(o)** Accessibility requirements: The following accessibility requirements shall apply in changes of use:

**1.** Nonresidential buildings and buildings of Use Group R-1.

i. 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 Chapter 11 of the building subcode.

ii. 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 Chapter 11 of the building subcode, except as follows:

**(1)** 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](#).

**(2)** 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](#).

iii. 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 Chapter 11 of the building subcode.

iv. 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 Chapter 11 of the building subcode, except as follows:

**(1)** 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](#).

**(2)** 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](#).

**(3)** 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)

**2.** When an assisted living facility that was constructed with dwelling units or rooms pursuant to Chapter 11 of the building subcode because it provided accommodations for stays of 30 or more consecutive days makes any of those dwelling units or rooms available for less than 30 consecutive days, 50 percent of the accommodations or rooms made thus available shall be made fully accessible. The work needed to make those units accessible shall be completed and approved before any occupancy of less than 30 days.

**3.** Residential buildings, other than buildings of Group R-1, with four or more dwelling units.

i. A renovation project undertaken in connection with the change of use 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 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 shall provide accessibility as required by [N.J.A.C. 5:23-6.7](#). (Building)

**(p)** Change of use to a bed and breakfast shall be done in compliance with this subchapter except as modified below. (Plan review--Building, Fire. Inspection--Building)

**1.** Single-family dwellings of Group R-3, R-4, or R-5 that are being converted to bed and breakfast guest houses shall meet the requirements of this section.

i. "Bed and breakfast guest house" shall mean a facility providing sleeping or dwelling accommodations to transient guests which:

**(1)** Consists of a structure originally constructed for the purposes of a private residence;

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- (2) Includes individual sleeping accommodations for six to 12 guests;
  - (3) Has at least one dwelling unit occupied by the owner of the facility or the owner's agent as his or her place of residence during any time this facility is being used for the lodging of guests or has an owner or agent of the owner within 15 minutes travel distance of the facility while guests are lodging there;
    - (A) If the owner or agent is not on site, there shall be a clearly legible sign, conspicuously displayed in the area where guests register, containing the owner's or agent's name, address (including unit number or apartment number), and a 24-hour emergency telephone number;
  - (4) Has not less than 300 square feet of common area for the exclusive use of the guests, including, but not limited to, parlors, dining rooms, libraries, porches, verandas, and solariums for occupancies with more than 10 guests or not less than 150 square feet of common area for occupancies with 10 or fewer guests;
  - (5) Prohibits cooking and smoking in guest rooms;
  - (6) Provides a meal to the guests in the forenoon of each day but does not operate as a restaurant open to the general public;
  - (7) Is not a "rooming house" or "boarding house" as defined in [N.J.S.A. 55:13B-3](#);
  - (8) Does not allow more than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days; and
  - (9) Does not allow any guest to remain more than 60 successive days or more than 60 days of any period of 90 successive days.
2. Single-family dwellings of Group R-3, R-4, or R-5 that have been converted to bed and breakfast guest houses shall be deemed to have met the intent of the rules, as provided in [N.J.A.C. 5:23-2.6\(b\)](#), if the following requirements have been met:
- i. AC-powered interconnected smoke alarms with battery back-ups shall be installed in accordance with the building subcode in the locations listed below. Fixed temperature or rate-of-rise and fixed temperature heat detectors may be substituted for smoke alarms in those locations where frequent nuisance alarms would be likely to occur. At least one portable visual alarm-type smoke alarm for the deaf or hearing impaired shall be available. Notification of the availability of such devices shall be provided to each occupant. Installation shall be required at the following locations:
    - (1) In all guestrooms;
    - (2) On each story in common areas;
    - (3) In storage rooms;
    - (4) In basements; and
    - (5) In utility and mechanical rooms.
  - ii. Except as otherwise provided in (p)2ii(1) and (2) below, every story utilized for human occupancy shall be provided with a minimum of two exits.
    - (1) An existing fire escape shall be accepted as providing one of the required means of egress if it can safely be used under emergency exiting conditions. All occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking. Access to a fire escape shall be through a door, except that window access shall be permitted from guest rooms;
      - (A) Window access shall be permitted to serve more than one guestroom provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in



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height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

**(B)** Where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height, and a minimum net clear opening of 24 inches in width.

**(2)** In buildings having a single exit, no additional exit shall be required if all of the following conditions are met:

**(A)** At all locations in the story at the level of discharge, the exit access travel distance shall not exceed 75 feet;

**(B)** In buildings not more than two stories in height, from floors that are not more than 16 feet above grade, where there are not more than four guestrooms per floor and the exit access travel distance does not exceed 50 feet, the exit shall be enclosed with construction and opening protection providing a one hour fire-resistance rating; and

**(C)** No part of the building open to guests shall be on a floor that is more than 16 feet above exterior grade.

**iii.** Every sleeping room shall be provided with an operable window having a sill height of not more than 44 inches, having a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side.

**iv.** Dead-end corridors shall not exceed 35 feet.

**v.** Emergency egress lighting shall be provided and shall be connected to an emergency electrical system conforming to NFPA 70 to assure continued illumination for a duration of not less than one hour, in case of primary power loss in all building rooms or spaces required to have more than one exit or exit access.

**vi.** In all buildings, rooms or spaces required to have more than one exit or exit access, all required means of egress shall be indicated with approved, internally illuminated or self-luminous exit signs that comply with the building subcode. Exit signs shall not be required if the second means of egress is a fire escape that is accessed directly from an individual sleeping room(s) or on main exterior doors that are clearly identified as exits. Exit signs shall be connected to an emergency electrical system to assure continued illumination for not less than one hour in case of primary power loss.

**vii.** Means of egress doors shall comply with the following:

**(1)** All doors opening into a passageway at grade or exit stair shall be self closing or automatic closing by listed closing devices; and

**(2)** All guest room doors shall be at least 13/8 inch solid core wood or approved equal with approved door closers and shall be reasonably tight fitting. Replacement doors shall be 13/4 inch solid cord wood or approved equal unless existing frame will accommodate only a 13/8 inch door.

**viii.** Existing handrails and guardrails provided for stairways and open sided floor areas shall be permitted to remain in place, provided they are structurally sound. When handrails or guardrails do not exist in locations where the building subcode requires them, or where handrails or guardrails are in danger of collapse when used under emergency conditions, handrails and guardrails complying with the building subcode shall be provided.

**ix.** Transoms shall be either glazed with 1/4 inch wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

**x.** Interior finish shall comply with the following:

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- (1) Interior finish of exit enclosures shall have a flame spread of 0-25 and a smoke developed rating of 450 or less (Class I finish as determined by ASTM-E84);
- (2) Interior finish of exit access enclosures shall have a flame spread of 26-75 and a smoke developed rating of 450 or less (Class II finish as determined by ASTM-E84);
- (3) Interior finish of all other spaces shall have a flame spread rating of under 200 and a smoke developed rating of 450 or less (Class III finish as determined by ASTM-E84).

**xi.** Interior stairways and other vertical openings connecting more than six floor levels shall be enclosed with approved assemblies having a two-hour fire-resistance rating. Those connecting four to six floor levels shall be enclosed with approved assemblies having a one-hour fire-resistance rating. Interior stairways connecting three or fewer levels shall be enclosed as follows:

(1) A minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted provided that:

- (A) The building is provided throughout with an approved automatic fire suppression system complying with the building subcode; or
- (B) All of the following conditions exist:
  - I. Every sleeping room has an operable window with a sill height of not more than 44 inches, a width of at least 20 inches, a height of at least 24 inches and a minimum total area of 5.7 square feet measured from head to sill and from side to side;
  - II. The building is protected throughout by an automatic fire alarm system complying with the building subcode and is supervised in accordance with NFPA 72; and
  - III. Every sleeping room above the second floor or more than 16 feet above grade is provided with direct access to a fire escape or other approved secondary exit or any exit-access corridor exceeding 20 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.

(q) A change in the character of use of a single-family home to a cooperative sober living residence shall comply with this subchapter except as modified below. (Plan review--Building, Fire. Inspection--Building, Fire.)

1. Single-family dwellings of Group R-3 or R-5 that are being converted to a cooperative sober living residence shall meet the requirements of this section.
  - i. There shall be not more than 10 occupants, excluding staff; each occupant, including staff, shall be capable of prompt self-evacuation;
  - ii. Each home shall have smoke alarms that comply with the Uniform Fire Code ([N.J.A.C. 5:70-4.19](#)). Fire alarm systems installed in accordance with the One- and Two-Family Dwelling Subcode shall also be deemed to comply. Smoke alarms shall be located in each sleeping room, in the area outside separate sleeping rooms, and on each additional story of the dwelling, including basements and habitable attics;
  - iii. In the vicinity of each sleeping area, each home with a fuel burning appliance or with an attached garage shall have carbon-monoxide alarms that comply with the Uniform Fire Code ([N.J.A.C. 5:70-4.19](#)) or with [N.J.A.C. 5:27-14.1](#); and
  - iv. Each bedroom shall have an operable egress window that complies with the Uniform Construction Code ([N.J.A.C. 5:23](#)).

## History

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**HISTORY:**

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.

Amended by R.2002 d.15, effective January 22, 2002.

See: [33 N.J.R. 2933\(b\)](#), [33 N.J.R. 3883\(a\)](#), [34 N.J.R. 521\(a\)](#).

In (k), inserted the last sentence preceding "(Fire)" in the introductory paragraph, and rewrote 1.

Amended by R.2002 d.255, effective August 5, 2002.

See: [33 N.J.R. 4177\(a\)](#), [34 N.J.R. 2783\(a\)](#).

In (a), added 5 through 7; in (b), deleted 3 and 4.

Amended by R.2003 d.137, effective April 7, 2003.

See: [34 N.J.R. 4277\(a\)](#), [35 N.J.R. 1558\(c\)](#).

Rewrote (k).

Amended by R.2003 d.157, effective April 21, 2003.

See: [34 N.J.R. 4247\(a\)](#), [35 N.J.R. 1663\(b\)](#).

In (a)5x, added (1) through (3).

Amended by R.2003 d.218, effective May 19, 2003.

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See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

Rewrote the section.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Rewrote the section.

Administrative correction.

See: [36 N.J.R. 3398\(a\)](#).

Amended by R.2004 d.423, effective November 15, 2004.

See: [36 N.J.R. 3004\(a\)](#), [36 N.J.R. 5090\(a\)](#).

In (a), deleted former (1), recodified former (2) and (3) as (1) and (2), in 5.

Administrative correction.

See: [36 N.J.R. 5337\(a\)](#).

Amended by R.2005 d.82, effective March 7, 2005.

See: [36 N.J.R. 4222\(a\)](#), [37 N.J.R. 771\(a\)](#).

In (e), rewrote 4; in (i), deleted the last sentence; in (k), deleted "change of use results in a" following "When a", substituted "is" for "being" following "building", inserted "post-earthquake shelters;" following "vehicle garages".

Amended by R.2005 d.184, effective June 20, 2005.

See: [36 N.J.R. 5283\(a\)](#), [37 N.J.R. 2201\(b\)](#).

In (o), added 5.

Amended by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

In (k)3, substituted section 1617 with section 1623 and made "Subcode" lowercase throughout; in introductory paragraph (p), deleted N.J.A.C. reference and added "this subchapter except as modified below"; added (p)1 and 2.

Administrative Correction.

See: [38 N.J.R. 3024\(a\)](#).

Amended by R.2007 d.51, effective February 5, 2007.

See: [38 N.J.R. 375\(a\)](#), [39 N.J.R. 371\(a\)](#).

In the "Use Classification" column of TABLE C, inserted "A2 nightclubs" and "(other than A-2 nightclubs)"; in (g), substituted "TABLE" for "Table"; in the "Use Classification" column of TABLE G, inserted "A-2 nightclubs", substituted "(other than nightclubs)" for "Nightclubs", and deleted "A-2 Other than Nightclubs," following "A-1,"; and in (h)1, inserted "or automatic".

Administrative correction.

See: [39 N.J.R. 767\(b\)](#).

Amended by R.2007 d.122, effective May 7, 2007.

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See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

Rewrote the section.

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In (a)8i, substituted "alarms" for "detectors"; in (b)1i, (e)3ii, (f)1ii, (g)1i and the introductory paragraph of (h), substituted "706.3.9" for "508.3.3" and inserted "; mixed occupancies shall use the highest applicable rating from Table 706.3.9"; in (b)1i, substituted "a fire barrier or horizontal assembly, or both, having a" for "assemblies with the appropriate"; in (e)3ii, substituted "a fire barrier or horizontal assembly, or both" for "fire separation assemblies and floor/ceiling assemblies" and "rating" for "determined"; in (f)1ii, substituted "a fire barrier having a" for "walls with the appropriate"; in (g)1i, substituted "a fire barrier or horizontal assembly, or both, having a" for "assemblies that meet the applicable" and inserted "resistance" and "accordance with"; in the introductory paragraph of (h), substituted "a fire barrier having a" for "assemblies with the appropriate"; in the introductory paragraph of (i), in (i)1 through (i)3 and (p)2i, substituted "alarms" for "detectors" throughout; in the introductory paragraph of (i), substituted "Alarms" for "Detectors"; and in the introductory paragraph of (n)2, substituted "suppression" for "sprinkler" twice and "operations" for "equipment" and deleted ", except in groups R-2, R-3, R-4 and R-5" following "vapors".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In (a)5i, substituted "and Open Mall Buildings" for "Building"; in (a)5v, inserted "Rooms"; in (a)5vii(1), substituted "Section 411" for "section 413.0"; in (a)5x, substituted "Finishes" for "Finished"; added (a)5xiii and (a)5xiv; in (a)8i, substituted "Section 907.2.11.2" for "Sections 907.2.10.1.2 and 907.2.10.1.3"; in (a)8ii(2), substituted "1-7/8-inch" for "1-inch"; in (b)1i, substituted "707.3.9" for "706.3.9"; in (c)1i, substituted "1028.2" for "1025.2"; rewrote (c)2i through (c)2xiii and the introductory paragraph of (g)1; added (c)2xiv; in (c)5, substituted "1021.2" for "1019.2"; in (c)7, substituted "1008.1.10 (panic and fire exit hardware)" for "1008.1.9"; in (e)3i(2), (e)3ii(1) and (e)3iii(1), substituted "508.2" for "508.3.1"; in (e)3ii, (f)1ii, (g)1i and the introductory paragraph of (h), substituted "707.3.9" for "706.3.9" throughout; in the introductory paragraph of (i), substituted "907.2.11" for "907.2.10"; in (i)1, substituted "907.2.11.1" for "907.2.10.1.1"; and in (i)2, substituted "Section 907.2.11.2" for "Sections 907.2.10.1.2 and 907.2.10.1.3".

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In (e)3i(3) and (i)3, inserted "or attached to"; and added (g)1ii.

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Rewrote the section.

Amended by R.2017 d.107, effective June 5, 2017.

See: [48 N.J.R. 1851\(a\)](#), [49 N.J.R. 1381\(b\)](#).

Rewrote (j).

Amended by R.2018 d.060, effective January 16, 2018.

See: [49 N.J.R. 1276\(a\)](#), [50 N.J.R. 310\(a\)](#).

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Added (q).

Administrative correction.

See: [50 N.J.R. 2327\(a\)](#).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In (a)5xvi, substituted "Hyperbaric" for "Hyberbaric" and deleted "and" from the end; rewrote (a)5xvii; added (a)5xviii and xix; in the introductory paragraph of (e)3i, the introductory paragraph of (e)3iii, and (f)1i, substituted "504.3 and Table 506.2" for "503"; in the introductory paragraph of (e)3ii, substituted "504.4" for the first occurrence of "503", and "506.2" for the second occurrence of "503"; in (h)10, substituted "An" for "A manual fire alarm system and an" and "907.2.10A" for "907.2.10"; in the introductory paragraph of (i), substituted "907.2.10" for "907.2.11"; in (i)1, substituted "907.2.10.1" for "907.2.11.1"; in (i)2, substituted "907.2.10.2" for "907.2.11.2"; and in the introductory paragraph of (j), substituted "R315" for "315".

Administrative correction, effective September 10, 2021.

See: [53 N.J.R. 1671\(c\)](#).

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

In (e)3ii and iii, and (f)1i, substituted "Tables 504.3, 504.4, and 506.2" for "Table 504.3 and Table 506.2"; in (e)3ii, substituted "Tables" for "Table", and inserted "504.3 and".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

Rewrote the section.

Administrative correction, effective December 6, 2023.

See: [56 N.J.R. 36\(a\)](#).

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.32](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.32 Additions**

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**(a)** Any addition to a building or structure shall comply with the requirements of the Uniform Construction Code applicable to new construction.

1. Any repair, renovation, alteration or reconstruction work undertaken within an existing building in connection with an addition shall comply with the requirements of this subchapter.

**(b)** No addition shall create or extend any non-conformity in the existing building to which the addition is constructed with regard to accessibility, structural strength, egress capacity, exit access travel distance or the capacity of mechanical, plumbing, electrical or fire protection system provisions of the basic requirements of this subcode.

**(c)** No addition shall increase the height of an existing building beyond that permitted under the applicable provisions of the building subcode for a new building of the same group. (Plan review--Building, Fire. Inspection--Building)

**(d)** No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of the building subcode unless a fire wall is provided in accordance with Section 706 of the building subcode.

1. Infilling of floor openings, such as elevator and exit stair shafts, and the addition of mezzanines and equipment penthouses shall be permitted as allowed by the building subcode. (Plan review--Building, Fire. Inspection-- Building)

**(e)** Where an addition increases or extends the size of a fire area beyond that which is allowed by Section 903 of the building subcode, an automatic sprinkler system shall be provided throughout the fire area unless the addition is separated from the existing building by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.10 of the building subcode; mixed occupancies shall use the highest applicable rating from Table 707.3.10.

1. Exception: This requirement shall not apply to increases to the floor area of the building of less than five percent. (Fire)

**(f)** Whenever an addition is made to a dwelling of Group R-3 or R-5, smoke alarms shall be installed in accordance with the following:

1. If the cumulative area of all floors of the addition(s) is 25 percent or more of the floor area of the largest floor of the existing dwelling, smoke alarms complying with the

building subcode or one- and two-family dwelling subcode, as applicable, shall be installed throughout the addition and the existing dwelling.

2. If the cumulative area of all floors of the addition(s) is five percent or more, but less than 25 percent, of the floor area of the largest floor of the existing dwelling, hardwired, interconnected smoke alarms with battery back-up meeting the requirements of NFPA 72, except as otherwise provided in the building or fire protection subcode or one- and two-family dwelling subcode, as applicable, shall be installed and maintained in each story in the dwelling unit, including basements. (Fire)

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**(g)** All additions shall comply with the requirements at Chapter 11 of the building subcode for accessibility, where applicable.

1. The addition shall include accessible entrance(s) unless the requirement that 60 percent of the building entrances be accessible has been met in the existing building. (For purposes of calculating the number of accessible entrances required, all entrances in the existing building and planned for the addition shall be included.)

i. If the only accessible entrance to the addition is located in the existing building or facility, at least one interior accessible route shall provide access through the existing building to all rooms, elements, or spaces in the addition.

2. If there are no toilet rooms in the addition, accessible toilet facilities that comply with Chapter 11 of the building subcode shall be provided in the existing building. (Building)

**(h)** Structural loads: The following concern structural loads imposed by additions:

1. An addition shall not impose new loads which would cause the existing building to be subject to stresses exceeding those permitted by the building subcode.

2. An addition shall not increase the forces in any structural element of the existing building or structure by more than five percent, unless the increased forces on the element are still in compliance with the building subcode for new structures.

3. An addition shall not decrease the strength of any structural element of the existing building or structure unless the element still exceeds the strength required by the building subcode for new structures. (Building)

**(i)** When work is performed in a Class 1 structure or when work is performed on a smoke control system, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode shall be submitted as part of the permit application.

## History

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### HISTORY:

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)1, rewrote the first sentence; and in (g)2, deleted "Section 1110 of" following "comply with".

Administrative change.

See: [32 N.J.R. 1380\(a\)](#).

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (d), substituted "Section 705" for "Section 313.1.3"; in (e), substituted "which is allowed by Section 903" for "allowed by Chapter 9" and substituted "Table 302.3.3" for "Section 313.1.2" in the introductory paragraph; in (f), substituted "R-5" for "R-4" in the introductory paragraph.

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).



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In (c), deleted "use" preceding "group"; in (d), deleted 1 and recodified former 2 as 1; in (e), substituted "an automatic sprinkler system" for "suppression"; in (f), deleted "Use" preceding "Group" in the introductory paragraph, and substituted "If the cumulative area of all floors of the addition(s)" for "If the area of the addition" at the beginning of 1 and 2.

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (e), substituted "508.3.3" for "302.3.3".

Amended by R.2009 d.117, effective April 20, 2009.

See: [41 N.J.R. 18\(a\)](#), [41 N.J.R. 1726\(a\)](#).

In the introductory paragraph of (e), substituted "fire barrier or horizontal assembly, or both, having a fire resistance rating" for "fire separation assembly" and "706.3.9" for "508.3.3", and inserted "; mixed occupancies shall use the highest applicable rating from Table 706.3.9"; in the introductory paragraph of (f) and in (f)1 and (f)2, substituted "alarms" for "detectors"; and in (f)1 and (f)2, inserted "or one- and two-family dwelling subcode, as applicable".

Amended by R.2011 d.270, effective November 7, 2011.

See: [43 N.J.R. 1297\(a\)](#), [43 N.J.R. 2999\(a\)](#).

In the introductory paragraph of (d), substituted "706" for "705"; in the introductory paragraph of (e), substituted "707.3.9" for "706.3.9" twice; and added (i).

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In the introductory paragraph of (e), substituted "707.3.10" for "707.3.9" twice; in the introductory paragraph of (f), deleted "detached, single-family" preceding "dwelling"; in (f)1 and (f)2, substituted "dwelling" for "building" throughout; in the introductory paragraph of (g), substituted "Chapter 11 of the building subcode for accessibility" for "the barrier free subcode ([N.J.A.C. 5:23-7](#))"; in (g)2, substituted "Chapter 11 of the building" for "the barrier free"; and in (i), substituted "1" for "I".

Amended by R.2023 d.030, effective March 6, 2023.

See: [54 N.J.R. 1661\(a\)](#), [55 N.J.R. 349\(a\)](#).

In the introductory paragraph of (g), substituted "at" for "of"; and in (g)1, substituted "60" for "50".

NEW JERSEY ADMINISTRATIVE CODE

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## [N.J.A.C. 5:23-6.33](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 6. REHABILITATION SUBCODE***

#### **§ 5:23-6.33 Historic buildings**

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(a) Except as provided for in this section, historic buildings shall comply with the provisions of this subcode relating to the repair, renovation, alteration, restoration, reconstruction, movement and/or change of use of structures.

1. For purposes of applying this section, historic buildings shall include any building that meets one or more of the following criteria:
  - i. Buildings listed on the New Jersey or National Registers of Historic Places either individually or as a contributing building to a historic district;
  - ii. Buildings that have been issued a Determination of Eligibility by the Keeper of the National Register of Historic Places;
  - iii. Buildings identified as contributing buildings to Local Historic Districts which have been certified by the Keeper of the National Register as substantially meeting the National Register Criteria; or
  - iv. Buildings with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing building to a historic district.
2. Variations: Building owners wishing to use an alternative to compliance with specific provisions of this subcode shall submit request(s) for variations in writing in accordance with [N.J.A.C. 5:23-2.10](#). Requests for variations shall identify all nonconformities with the requirements of this subcode and shall include: a statement of the requirements of this subcode from which a variation is sought, a statement of the manner by which strict compliance with the provisions of this subcode would result in practical difficulties or would detract from the historic character of the building and a statement of feasible alternatives to the requirements of this subcode that would adequately protect the health, safety and welfare of the intended occupants and of the public generally.
  - i. The provisions of [N.J.A.C. 5:23-2.10](#), Variations, notwithstanding, a variation may be granted where no feasible alternative to the strict requirements of the subcode exists, provided that the owner submits a finding by a qualified architect that the feature of the building which cannot be brought into strict compliance with the requirements of this subcode is essential to maintaining the historical value and character of the building. Any such finding submitted in support of a variation application shall be in writing and shall state the basis and reasons for the finding.
  - ii. Variations to applicable barrier free requirements may be granted only if the historic character of the building would be threatened or destroyed as determined by the New Jersey State Historic Preservation Office.
3. When a historic building is used as a historic museum, the building shall be classified as Group B provided that the following conditions are met:
  - i. A limit on occupancy, not to exceed 50, is set by the construction official based on egress capacity and travel distance using the following parameters:

## § 5:23-6.33 Historic buildings

(1) For buildings with a single means of egress, occupancy shall be limited to the first and second floors, and the travel distance shall not exceed 75 feet;

(2) Two means of egress shall be required from all floors above the second floor where occupancy is permitted.

ii. There is supervision by a guide or other employee or volunteer knowledgeable in the emergency exiting procedures during all times that the building is occupied by visitors. (Plan review--Building, Fire. Inspection--Building)

(b) Special provisions: Historic buildings undergoing repair, renovation, alteration, restoration or reconstruction consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties may comply with the following in lieu of compliance with the corresponding requirements of this subcode.

1. Materials and methods: Original or replica materials and original methods of construction may be used, subject to the provisions of this section.

i. Exception: Components of building systems hidden from public view, including but not limited to electrical equipment and wiring, plumbing equipment and piping and heating equipment, shall comply with [N.J.A.C. 5:23-6.8](#), Materials and methods. (Plan review--Building, Fire. Inspection--Building)

2. Exterior Walls: Exterior walls shall not be required to be modified to meet the requirements for fire-resistive wall construction. (Plan review--Building, Fire. Inspection--Building)

3. One hour fire-resistive assemblies: Where one hour fire-resistive construction is required by this subcode, it need not be provided regardless of construction or occupancy where the existing wall and ceiling finish is lath and plaster. (Plan review--Building, Fire. Inspection--Building)

4. Roof covering: Historic buildings shall meet the intent of Section 1504 of the building subcode, but shall not be required to meet Sections 1506 and 1507. The existing type of roof covering may be continued or replaced with the same materials or the preexisting materials may be replaced or restored if the materials are documented to be historic. (Building)

5. Means of Egress: Existing door openings and corridor and stairway widths of less than that specified in [N.J.A.C. 5:23-6.10](#) through [6.30](#) may be approved, provided that, in the opinion of the subcode official, there is sufficient width and height for a person to pass through the opening or traverse the exit. (Plan review--Building, Fire. Inspection--Building)

6. Doors: The existing front or main exit doors need not swing in the direction of exit travel when serving fewer than 50 people or when other approved exits having sufficient capacity to serve the total occupant load are provided.

i. Existing or replica hardware shall be permitted provided that no life safety hazard is created and that the hardware meets the intent of the barrier free subcode if applicable (that is, operable without pinching, grasping or twisting.) Existing or replica hardware may be fixed in place or modified to meet the intent of the barrier free subcode. (Plan review--Building, Fire. Inspection--Building)

7. Transoms: Existing transoms in corridors and other fire rated walls may be retained in accordance with this subcode. (Plan review--Building, Fire. Inspection--Building)

8. Interior Finishes: The existing finishes or replacement finishes on corridor walls and ceilings may be accepted where it is demonstrated that it is the historic finish.

i. In buildings other than Group R-3 or R-5, finishes in exitways shall have a flame-spread classification of Class III or better. Existing nonconforming materials shall be surfaced with an approved fire-retardant paint or finish unless the building is equipped throughout with an automatic sprinkler system installed in accordance with the building subcode. (Plan review--Building, Fire. Inspection--Building)

## § 5:23-6.33 Historic buildings

- 9. Stairways:** Stairways shall comply with the following:
- i. Enclosure:** Stairway enclosures may be omitted in a historic building for that portion of the stair serving the first and second floor. This provision shall be applied to only one stair per building.
    - (1)** In buildings of three stories or less, exit enclosure construction shall limit the spread of smoke by the use of tight fitting doors and solid elements. Such elements shall not require a fire-resistance rating.
  - ii. Riser height and tread width:** When stairs are replaced or repaired, the existing or original riser height and tread width shall be permitted to remain. (Plan review--Building, Fire. Inspection--Building)
- 10. Railings:** Railings shall comply with the following:
- i. Handrails:** Existing handrails may remain or may be replaced with handrails matching the original handrails.
  - ii. Guardrails:** For vertical drops of between 30 inches and 48 inches, a rail height of at least 30 inches shall be accepted and the existing or original baluster spacing shall be permitted to remain.
    - (1)** Exception: Replacement guardrails in buildings of Group E or R-1 shall comply with Sections 1015.2 through 1015.7 of the building subcode. (Plan review--Building, Fire. Inspection--Building)
- 11. Exit Signs:** The fire protection subcode official may accept alternate exit sign design and/or location where strict compliance would damage the historic character of the building. Alternative signs shall identify the exits and exit path. (Plan review--Building, Fire. Inspection--Building)
- 12. Ceiling height:** Existing ceiling heights shall be permitted to remain.
- i. Exception:** Buildings of Group R-1 or R-2 shall comply with the applicable requirements of the Hotel and Multiple Dwelling Regulations ([N.J.A.C. 5:10](#)) or shall obtain an exception under those rules. (Building)
- (c) Relocated historic buildings:** The following apply to relocated historic buildings:
- 1.** Foundations of relocated historic buildings and structures shall comply with the building subcode. (Building)
  - 2.** Relocated historic buildings shall be so sited that exterior walls and openings comply with the requirements of the building subcode. (Plan review--Building, Fire. Inspection--Building)
- (d) Special change of use provisions:** Compliance with the following and with the provisions of (b) above shall be permitted for any change of use of a historic building provided that the restoration of the building is being performed consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties.
- 1. Building Area:** The floor area for historic buildings undergoing a change of use to a higher hazard category as per Table E of [N.J.A.C. 5:23-6.31](#) may exceed the allowable areas specified in the building subcode for the proposed group by 50 percent. (Plan review--Building, Fire. Inspection--Building)

## History

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### HISTORY:

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (a), inserted 2ii, deleted a former 3, and recodified former 4 as 3.

## § 5:23-6.33 Historic buildings

Amended by R.2003 d.218, effective May 19, 2003.

See: [35 N.J.R. 29\(a\)](#), [35 N.J.R. 2209\(a\)](#).

In (b)4, substituted "Section 1504" for "Section 1505.0" and substituted "Sections 1506 and 1507" for "Section 1507.0"; in (b)8i, inserted "or R-5" after "Use Group R-3"; in (b)10ii(1), substituted "Section 1003.2.12" for "Section 1021.0".

Amended by R.2004 d.145, effective April 5, 2004.

See: [35 N.J.R. 5190\(a\)](#), [36 N.J.R. 1758\(a\)](#).

Deleted "Use" preceding "Group" throughout, and substituted references to automatic sprinkler for references to fire suppression in (b)8i.

Administrative correction.

See: [36 N.J.R. 3398\(b\)](#).

Amended by R.2007 d.122, effective May 7, 2007.

See: [38 N.J.R. 4951\(a\)](#), [39 N.J.R. 1673\(a\)](#).

In (b)10ii(1), substituted "1013.1" for "1003.2.12".

Amended by R.2017 d.077, effective May 1, 2017.

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

In (b)10ii(1), substituted "1015.2 through 1015.7" for "1013.1".

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## [N.J.A.C. 5:23-7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23.  
UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE***

### **Title 5, Chapter 23, Subchapter 7 Notes**

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## [N.J.A.C. 5:23-7.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE***

### **§ 5:23-7.1 Barrier Free Subcode**

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The accessibility regulations, other than recreation, shall be found in Chapter 11 of the building subcode, as amended at [N.J.A.C. 5:23-3.14\(b\)](#).

### **History**

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#### **HISTORY:**

Repeal and New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Section was "Accessibility Standards".

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Applicability".

New Rule, R.2018 d.153, effective August 20, 2018.

See: [49 N.J.R. 2332\(a\)](#), [50 N.J.R. 1888\(a\)](#).

Section was "(Reserved)".

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## [N.J.A.C. 5:23-7.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.2 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to [N.J.A.C. 5:23-7.15](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Amended by R.2004 d.59, effective February 2, 2004.

See: [35 N.J.R. 4631\(a\)](#), [36 N.J.R. 649\(a\)](#).

Rewrote (b).

Amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Rewrote the section.

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2009 d.60, effective February 17, 2009.

See: [40 N.J.R. 3779\(a\)](#), [41 N.J.R. 875\(a\)](#).

Added new (b)20, (b)26, and (b)29; recodified former (b)20 through (b)24 as (b)21 through (b)25, former (b)25 and (b)26 as (b)27 and (b)28, and former (b)27 through (b)38 as (b)30 through (b)41; and rewrote (b)21.

Amended by R.2009 d.254, effective August 17, 2009.

See: [41 N.J.R. 1920\(a\)](#), [41 N.J.R. 3065\(b\)](#).

In (b)24 and (b)28, inserted "the text of" and substituted "and insert the following: 'In new construction, electrical panelboards shall meet 309.2 and 309.3 only' " for "in its entirety".



§ 5:23-7.2 (Reserved)

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Accessibility standard".

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## [N.J.A.C. 5:23-7.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.3 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.3, Recreation: definitions, recodified to [N.J.A.C. 5:23-7.16](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (a), rewrote the introductory paragraph, deleted (3), and recodified former (4) as (3); in (b), inserted "not" following "shall" and substituted "required to comply with" for "exempt from" in the introductory paragraph; added (c).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (b)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: [36 N.J.R. 5283\(a\)](#), [37 N.J.R. 2201\(b\)](#).

In (b), rewrote 1i and inserted "or partywalls" following "firewalls" in 2i.

Amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Rewrote (b)1; and added (b)2ii.

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Exceptions".

§ 5:23-7.3 (Reserved)

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## [N.J.A.C. 5:23-7.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.4 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former [N.J.A.C. 5:23-7.4](#), Recreation: exceptions, recodified to [N.J.A.C. 5:23-7.17](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Rewrote the section.

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Administrative correction.

See: [40 N.J.R. 4945\(a\)](#).

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Nonresidential buildings and buildings of Use Group R-1".

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## [N.J.A.C. 5:23-7.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.5 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.5, Recreation: route of travel, recodified to [N.J.A.C. 5:23-7.18](#).

Amended by R.2002 d.256, effective August 5, 2002.

See: [33 N.J.R. 4184\(a\)](#), [34 N.J.R. 2787\(a\)](#).

Rewrote the section.

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Administrative correction.

See: [34 N.J.R. 4195\(a\)](#).

Amended by R.2003 d.402, effective October 20, 2003.

See: [35 N.J.R. 2797\(b\)](#), [35 N.J.R. 4861\(b\)](#).

Rewrote the section.

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a), added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: [36 N.J.R. 5283\(a\)](#), [37 N.J.R. 2201\(b\)](#).

In (c), inserted "or that does not meet any of the exemptions provided at [N.J.A.C. 5:23-7.3\(b\)](#)" preceding "all multistory dwelling" in 2; rewrote (f); added a new (g); recodified former (g) as (h).

## § 5:23-7.5 (Reserved)

Amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Section was "Residential buildings other than Group R-1". Rewrote the section.

Administrative correction.

See: [39 N.J.R. 3296\(a\)](#).

Amended by R.2009 d.60, effective February 17, 2009.

See: [40 N.J.R. 3779\(a\)](#), [41 N.J.R. 875\(a\)](#).

In (a)3, inserted "required to comply with this subchapter" and inserted "one full" twice.

Amended by R.2009 d.254, effective August 17, 2009.

See: [41 N.J.R. 1920\(a\)](#), [41 N.J.R. 3065\(b\)](#).

In (e), inserted "and" following "Code" and updated the N.J.A.C. reference.

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In the introductory paragraph of (a), inserted a comma following "R-3"; rewrote (a)4 and (e); and in the introductory paragraph of (f), inserted "and shall comply with Section 1002 of ICC/ANSI A117.1-03", and substituted "elevator service" for "an elevator".

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Residential buildings other than buildings of Group R-1".

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## [N.J.A.C. 5:23-7.6](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.6 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.6](#), Exterior accessible route, recodified to [N.J.A.C. 5:23-7.7](#).

Amended by R.2009 d.60, effective February 17, 2009.

See: [40 N.J.R. 3779\(a\)](#), [41 N.J.R. 875\(a\)](#).

Added (e).

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Exception for accessible entrance due to site impracticality".

## [N.J.A.C. 5:23-7.7](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.7 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.6, Recreation: pools, recodified to [N.J.A.C. 5:23-7.19](#).

Recodified from [N.J.A.C. 5:23-7.6](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.7](#), Accessible building entrances, recodified to [N.J.A.C. 5:23-7.8](#).

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Exterior accessible route".

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## [N.J.A.C. 5:23-7.8](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.8 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.7, Recreation: swimming and skating areas, recodified to [N.J.A.C. 5:23-7.20](#).

Amended by R.2005 d.184, effective June 20, 2005.

See: [36 N.J.R. 5283\(a\)](#), [37 N.J.R. 2201\(b\)](#).

In (a), inserted the last sentence in the introductory paragraph.

Recodified from [N.J.A.C. 5:23-7.7](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In the introductory paragraph of (a), substituted "Unless exempted by [N.J.A.C. 5:23-7.6](#), for" for "For".

Former [N.J.A.C. 5:23-7.8](#), Interior accessible routes, recodified to [N.J.A.C. 5:23-7.9](#).

Repealed by R.2015 d.139, effective September 8, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Accessible building entrances".

## [N.J.A.C. 5:23-7.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.9 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.8, Recreation: boating areas, recodified to [N.J.A.C. 5:23-7.21](#).

Recodified from [N.J.A.C. 5:23-7.8](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.9](#), Accessible parking, repealed.

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Interior accessible routes".

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## [N.J.A.C. 5:23-7.10](#)

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### **§ 5:23-7.10 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.10](#), Requirements applicable to specific nonresidential Groups and Group R-1, recodified to [N.J.A.C. 5:23-7.11](#).

Amended by R.2009 d.60, effective February 17, 2009.

See: [40 N.J.R. 3779\(a\)](#), [41 N.J.R. 875\(a\)](#).

In the introductory paragraph of (a), inserted "provided", "those spaces" and "route, which shall be an", and inserted a comma following "accessible route".

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Accessible parking".

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## [N.J.A.C. 5:23-7.11](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.11 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.10, Recreation: court games, recodified to [N.J.A.C. 5:23-7.23](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (c)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: [36 N.J.R. 5283\(a\)](#), [37 N.J.R. 2201\(b\)](#).

Rewrote (b) and (c).

Recodified from [N.J.A.C. 5:23-7.10](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In the introductory paragraph of (a), deleted "Use" preceding "Group"; in (a)6, updated the N.J.A.C. reference; and rewrote the introductory paragraph of (c) and (c)2.

Former [N.J.A.C. 5:23-7.11](#), Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1, recodified to [N.J.A.C. 5:23-7.12](#).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

In the introductory paragraph of (c), inserted a comma; and added (c)5.

Amended by R.2009 d.60, effective February 17, 2009.

§ 5:23-7.11 (Reserved)

See: [40 N.J.R. 3779\(a\)](#), [41 N.J.R. 875\(a\)](#).

Added new (c); and recodified former (c) as (d).

Amended by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

In the introductory paragraph of (b)6, inserted "and shall be required to comply with Section 1003 of ICC/ANSI A117.1-03,"; and rewrote (a)6i.

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Requirements applicable to specific nonresidential Groups and Group R-1".

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## [N.J.A.C. 5:23-7.12](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.12 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.11, Recreation: ice rinks and roller rinks, recodified to [N.J.A.C. 5:23-7.24](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote (a), (b) and (h); in (j)3, amended the N.J.A.C. reference.

Recodified from [N.J.A.C. 5:23-7.10](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Deleted (a)2; recodified (a)3 and (a)4 as (a)2 and (a)3; in (a)3, inserted ", designed and constructed in accordance with Section 604.9 of ICC/ANSI A117.1-03,"; and in (b)2 and (j)3, updated the N.J.A.C. references.

Former [N.J.A.C. 5:23-7.12](#), Existing facilities, recodified to [N.J.A.C. 5:23-7.13](#).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

Inserted new (b); recodified former (b) through ( l) as (c) through (m); and in (i)3, substituted "(i)2" for "(h)2".

Amended by R.2009 d.60, effective February 17, 2009.

See: [40 N.J.R. 3779\(a\)](#), [41 N.J.R. 875\(a\)](#).

Section was "Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1". In (g)2i through (g)2iii, inserted "service" throughout.

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Requirements applicable to all nonresidential groups, including spaces other than guestrooms in Group R-1".

§ 5:23-7.12 (Reserved)

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## [N.J.A.C. 5:23-7.13](#)

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### **§ 5:23-7.13 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.12, Recreation: playing fields, recodified to [N.J.A.C. 5:23-7.25](#).

Recodified from [N.J.A.C. 5:23-7.12](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.13](#), Variations, recodified to [N.J.A.C. 5:23-7.14](#).

Amended by R.2007, d.384, effective December 17, 2007.

See: [39 N.J.R. 2684\(a\)](#), [39 N.J.R. 5211\(a\)](#).

In (c)4, substituted "A-3, places of religious worship" for "A-4".

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Existing facilities".



## [N.J.A.C. 5:23-7.14](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-7.14 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.13, Recreation: golf facilities, recodified to [N.J.A.C. 5:23-7.26](#).

Recodified from [N.J.A.C. 5:23-7.13](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.14](#), Enforcement, recodified to [N.J.A.C. 5:23-7.15](#).

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

Section was "Variations".

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## [N.J.A.C. 5:23-7.15](#)

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### **§ 5:23-7.15 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.14, Recreation: ski lifts, aerial tramways, and conveyors, recodified to [N.J.A.C. 5:23-7.27](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Recodified from [N.J.A.C. 5:23-7.14](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.15](#), Recreation, recodified to [N.J.A.C. 5:23-7.16](#).

Amended by R.2009 d.51, effective February 2, 2009.

See: [40 N.J.R. 5325\(a\)](#), [41 N.J.R. 738\(a\)](#).

In the introductory paragraph of (a)1, (a)2 and the introductory paragraph of (a)3, substituted "2003" for "1998"; in (a)1i, deleted "and water coolers" following "fountains"; in (a)1v, substituted "1003.11.7" for "1002.11.5"; in (a)1vi, substituted "1003.11.8" for "1002.11.6"; in (a)1vii, substituted "1003.11.9" for "1002.11.7"; in (a)1viii, substituted "1003.12.4" for "1002.12.4"; in (a)3iii, inserted "and sinks" three times; in (a)3iv, substituted "bathtubs--hand shower" for "bathtub--shower unit"; in (a)3v, inserted "and hand showers", deleted "and" preceding "608.6", substituted "hand shower" for "shower unit"; and inserted "and" preceding "608.7"; and in (a)3vi, substituted "1003.11.7.1" for "1002.11.15.1", "1003.11.7.4" for "1002.11.5.3", "1003.11.7.5" for "1002.11.3.3" and "1003.12.4" for "1002.12.4".

Repealed by R.2016 d.031, effective April 4, 2016.

See: [47 N.J.R. 2323\(a\)](#), [48 N.J.R. 581\(a\)](#).

Section was "Enforcement".

§ 5:23-7.15 (Reserved)

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## [N.J.A.C. 5:23-7.16](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE***

## **§ 5:23-7.16 Recreation**

---

(a) All facilities, equipment, and sites or portions thereof, intended for outdoor active or passive recreation shall meet all applicable requirements of this subchapter in addition to the provisions of [N.J.A.C. 5:23-7.17](#) through [7.32](#). All support facilities and site access points required to be on an accessible route of travel shall be made accessible in accordance with the applicable provisions of this subchapter.

1. Indoor recreational facilities shall be on an accessible route of travel and shall comply with all applicable requirements of this subchapter.

(b) Compliance with the provisions of this subchapter that relate to the accessibility of recreational equipment or recreation sites shall be the responsibility of the manager of that recreational facility, of the owner of that facility, whether publicly or privately held, and of the agency responsible for the administration of that facility.

1. The facility manager and/or the facility owner or agency responsible for administration of the facility shall certify, in writing, that any work performed complies with all applicable provisions of this subchapter and shall retain this certification on file.
2. The enforcement of the accessibility features of recreational equipment notwithstanding, the construction of recreational equipment may require a construction permit if so determined by the building subcode official.
3. The enforcement of the requirements for swimming pools, including the accessibility features, shall be the responsibility of the building subcode official.
4. Complaints regarding lack of enforcement of these provisions shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager shall respond within 30 days to any written complaint received detailing the position taken with respect to this complaint. If the facility manager fails to respond in a manner satisfactory to the party registering the complaint, then that party shall have recourse to the appeals process as set forth at [N.J.A.C. 5:23-2.38](#) and [3.11](#).
5. Any alteration, renovation and/or addition to any existing recreational facility, the cost of which meets or exceeds the limit set forth in [N.J.S.A. 40A:11-3](#), shall be performed in compliance with all applicable provisions of this subchapter. This limit shall apply to both privately- and publicly-owned recreational facilities. If it is feasible to achieve a greater degree of compliance with this subchapter with respect to the entire recreation area, then the facility manager may make alterations, renovations or additions in compliance with the applicable provisions of this subchapter to other facilities or equipment in lieu of the facility or equipment originally being altered, renovated and/or added.
  - i. Notwithstanding the above provisions, no alteration, renovation or addition shall be made which reduces or diminishes the degree to which any facility meets the criteria of this subchapter.

## **History**

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## § 5:23-7.16 Recreation

**HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Amended by R.1996, d.274, effective June 17, 1996 (operative October 1, 1996).

See: [28 N.J.R. 1443\(a\)](#), [28 N.J.R. 3121\(a\)](#).

Amended (b), added (b)2 and 3 and recodified former (b)2 and 3 as (b)4 and 5.

Recodified from [N.J.A.C. 5:23-7.2](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

In (a), changed N.J.A.C. reference in the introductory paragraph. Former N.J.A.C. 5:32-7.15, Recreation: trails, recodified to [N.J.A.C. 5:23-7.28](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (b)3, deleted the N.J.A.C. reference.

Recodified from [N.J.A.C. 5:23-7.15](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In the introductory paragraph of (a), updated the N.J.A.C. references.

Former [N.J.A.C. 5:23-7.16](#), Recreation: definitions, recodified to [N.J.A.C. 5:23-7.17](#).

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## [N.J.A.C. 5:23-7.17](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE***

#### **§ 5:23-7.17 Recreation: definitions**

---

"Multi-functional play equipment" means play equipment designed to provide multiple play activities such as, but not limited to, swinging, jumping, sliding, and climbing.

"Park" or "recreation area" means an area set aside and designated for recreation, including either active participation, as in sports, or passive recreation, as in the observation of nature.

"Recreation equipment" means equipment and prescribed surrounding safety areas, including, but not limited to, fixed equipment, fixed manipulative play equipment (such as playground equipment), picnic tables, benches, fire places and grills, ski lifts, and aerial tramways.

"Recreation facility" means a facility, body of water, dock, court, field, location, or portion thereof, intended for active or passive recreation that is required by this subchapter to be accessible regardless of whether the facility is indoor or outdoor.

"Single function play equipment" means play equipment designed to provide a single play activity, such as, but not limited to, swinging, jumping, climbing, or sliding.

"Site access points" means entrances, waiting areas, drop-off zones, parking areas, and public transportation stops serving the recreational area or facility, except those used solely for maintenance purposes.

"Support facility" means a facility ancillary to a recreation facility including, but not limited to, toilet facilities, food services, information services, first aid stations, drinking fountains, telephones, spectator seating and shelters. Facilities primarily housing mechanical equipment or those exclusively used for storage are not included in this definition.

"Transfer platform" means a platform with a minimum dimension of 18 inches by 24 inches mounted 15 inches to 17 inches above grade as an integral part of the multi-functional play equipment to provide access.

"Transfer point" means a clear space 36 inches by 60 inches adjacent to a transfer platform.

"Undeveloped areas" means areas used for activities such as camping, hunting, fishing, the observation of nature or open space conservation and which contain no recreation equipment or recreation facilities.

#### **History**

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##### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

§ 5:23-7.17 Recreation: definitions

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.3](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Former N.J.A.C. 5:32-7.16, Recreation: camping sites, recodified to [N.J.A.C. 5:23-7.29](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote "Recreational facility".

Recodified from [N.J.A.C. 5:23-7.16](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.17](#), Recreation: exceptions, recodified to [N.J.A.C. 5:23-7.18](#).

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## [N.J.A.C. 5:23-7.18](#)

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### **§ 5:23-7.18 Recreation: exceptions**

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These recreation requirements do not apply to undeveloped areas as defined in [N.J.A.C. 5:23-7.17](#).

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.4](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.17, Recreation: equipment, recodified to [N.J.A.C. 5:23-7.30](#).

Recodified from [N.J.A.C. 5:23-7.17](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Updated the N.J.A.C. reference.

Former [N.J.A.C. 5:23-7.18](#), Recreation: route of travel, recodified to [N.J.A.C. 5:23-7.19](#).



## [N.J.A.C. 5:23-7.19](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-7.19 Recreation: route of travel**

---

(a) There shall be an accessible route of travel connecting the following elements: at least one site access point and all support facilities, accessible recreation facilities, and accessible recreation equipment at each park or recreation area. For purposes of applying this requirement, parks may be divided into smaller areas and an accessible route provided from one site access point at each area to all support facilities, accessible recreation facilities, and accessible recreation equipment in that area.

(b) An accessible route of travel shall meet the following criteria:

1. An accessible route of travel that connects an accessible site access point and support facilities, accessible recreation facilities, and accessible recreation equipment shall meet all of the criteria for an accessible route in the technical standard adopted within Chapter 11 of the building subcode ([N.J.A.C. 5:23-3.14](#)), except that the following are also acceptable surfacing materials: flat surfaced pavers on concrete, flat surfaced pavers on sand, and wood decking. Crushed stone laid over a compacted subgrade and bound with sufficient cement to provide a non-shifting, firm surface shall also be acceptable.
2. A challenge level I accessible route may connect additional site access points, if provided, and support facilities, recreation equipment, and recreation facilities. A challenge level I accessible route shall meet the criteria for an accessible route in the technical standard adopted within Chapter 11 of the building subcode ([N.J.A.C. 5:23-3.14](#)), except as follows:
  - i. In addition to the materials listed in (b)1 above, the following materials are acceptable as surfacing: soil cement, graded wood chips, grass, and compacted earth.
  - ii. An accessible route with a running slope of 1:16 or steeper shall be considered a ramp. Cross slopes shall not exceed 1:30.
  - iii. Landings for ramps shall be provided at the top, bottom, at all changes in direction, and after each 48 feet of projection.
  - iv. Materials specified in (b)1 above are acceptable ramp surfacing materials.
  - v. When the running slope is between 1:20 and 1:16, a level rest area at least five feet by five feet shall be provided every 200 feet.

(c) The accessible route to multi-functional play equipment shall lead onto the equipment itself, as specified at [N.J.A.C. 5:23-7.31\(c\)1](#).

(d) When a resilient safety area is specified by the manufacturer of the play equipment, an accessible route through the resilient safety area shall be provided. It shall meet the following conditions:

1. Commercially manufactured or processed materials must be certified by the manufacturer as permitting independent wheelchair passage;

## § 5:23-7.19 Recreation: route of travel

2. Natural materials must be of the type and depth to meet the specifications in the Consumer Products Safety Commission Handbook on Playground Safety (Consumer Products Safety Commission, Washington, D.C. 20207) or must be one of the following:

- i. Wood chips of relatively uniform size from hard wood without bark, leaves, twigs, or brush, or
- ii. Double shredded bark and mulch of relatively uniform size without leaves, twigs, or brush; and

3. The accessible route and the resilient safety area shall be of the same material.

(e) The accessible route to single function play equipment shall lead to the safety area surrounding the equipment.

## History

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### HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: [19 N.J.R. 1270\(a\)](#), [20 N.J.R. 1873\(b\)](#).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.5](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

In (c), changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.18, Recreation: equestrian facilities, recodified to [N.J.A.C. 5:23-7.31](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (b), rewrote 1 and the introductory paragraph of 2; in (d), rewrote the introductory paragraph.

Recodified from [N.J.A.C. 5:23-7.18](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In (c), updated the N.J.A.C. reference.

Former [N.J.A.C. 5:23-7.19](#), Recreation: pools, recodified to [N.J.A.C. 5:23-7.20](#).

Amended by R.2022 d.047, effective April 4, 2022.

See: [53 N.J.R. 1659\(a\)](#), [54 N.J.R. 545\(b\)](#).

In (b)1 and the introductory paragraph of (b)2, substituted "within Chapter 11 of the building subcode ([N.J.A.C. 5:23-3.14](#))" for "as part of this subchapter".

## [N.J.A.C. 5:23-7.20](#)

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### **§ 5:23-7.20 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Added (a)2i and (a)3ii: also amended Figure 7.104b.

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.6](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Administrative Correction.

See: [38 N.J.R. 3024\(a\)](#), [38 N.J.R. 3776\(c\)](#).

Recodified from [N.J.A.C. 5:23-7.19](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.20](#), Recreation: swimming and skating areas, recodified to [N.J.A.C. 5:23-7.21](#).

Repealed by R.2015 d.139, effective September 21, 2015.

See: [47 N.J.R. 9\(a\)](#), [47 N.J.R. 2352\(b\)](#).

§ 5:23-7.20 (Reserved)

Section was "Recreation: pools".

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## [N.J.A.C. 5:23-7.21](#)

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### **§ 5:23-7.21 Recreation: swimming and skating areas**

---

(a) At each designated swimming and/or skating area at natural or man-made bodies of water, there shall be an accessible route or an accessible trail meeting the criteria of [N.J.A.C. 5:23-7.29](#) that connects at least one point to the water's edge to other elements at the site as required by [N.J.A.C. 5:23-7.19\(a\)](#).

1. At designated swimming and/or skating areas, the provision of access as described in (a) above at one location per site shall be deemed as satisfying the requirements of this section.
2. This provision shall not apply in those ocean front areas where wave action renders the provision of an accessible route or an accessible trail impractical from an engineering standpoint.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996.

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.7](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

In (a), changed N.J.A.C. references in the introductory paragraph.

Recodified from [N.J.A.C. 5:23-7.20](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In (a), updated the N.J.A.C. references.

Former [N.J.A.C. 5:23-7.21](#), Recreation: boating areas, recodified to [N.J.A.C. 5:23-7.22](#).

## [N.J.A.C. 5:23-7.22](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE**

### **§ 5:23-7.22 Recreation: boating areas**

---

- (a) Each boating area with docking facilities shall have one accessible docking space.
- (b) Each accessible mooring space shall adjoin an accessible route of travel and shall have a minimum clear space of five feet by five feet to allow transfer to the boat. Additionally, each accessible mooring space shall be a maximum of 36 inches above the mean water level in non-tidal areas.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: [19 N.J.R. 1270\(a\)](#), [20 N.J.R. 1873\(b\)](#).

Recodified from [N.J.A.C. 5:23-7.8](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (a), substituted "docking" for "mooring".

Recodified from [N.J.A.C. 5:23-7.21](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.22](#), Recreation: fishing areas, recodified to [N.J.A.C. 5:23-7.23](#).

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## [N.J.A.C. 5:23-7.23](#)

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### **§ 5:23-7.23 Recreation: fishing areas**

---

If docks are provided in a fishing area, the criteria of [N.J.A.C. 5:23-7.22](#) shall apply.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Recodified from [N.J.A.C. 5:23-7.9](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Changed N.J.A.C. reference.

Recodified from [N.J.A.C. 5:23-7.22](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Updated the N.J.A.C. reference.

Former [N.J.A.C. 5:23-7.23](#), Recreation: court games, recodified to [N.J.A.C. 5:23-7.24](#).

## [N.J.A.C. 5:23-7.24](#)

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### **§ 5:23-7.24 Recreation: court games**

---

- (a) The surface of at least one court must adjoin an accessible route of travel.
- (b) Entrances to the courts required to be accessible shall meet the criteria for accessible doors in the technical standard adopted as part of this subchapter.
- (c) On sites with more than one type of court, at least one of each type of court in each distinct area on a site shall adjoin an accessible route of travel.
  - 1. Where there is a main or center court, this court shall be included as one of those on an accessible route of travel.
- (d) All permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.
- (e) Court surfaces shall meet the criteria for an accessible route in the technical standard adopted as part of this subchapter, except in those instances where the recognized rules of the particular game dictate another surface.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: [19 N.J.R. 1270\(a\)](#), [20 N.J.R. 1873\(b\)](#).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: [26 N.J.R. 2698\(a\)](#), [26 N.J.R. 3524\(a\)](#), [27 N.J.R. 1180\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.10](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Recodified from [N.J.A.C. 5:23-7.23](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.24](#), Recreation: ice rinks and roller rinks, recodified to [N.J.A.C. 5:23-7.25](#).



§ 5:23-7.24 Recreation: court games

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## [N.J.A.C. 5:23-7.25](#)

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### **§ 5:23-7.25 Recreation: ice rinks and roller rinks**

---

The surface of at least one of each type of rink provided in each distinct area on a site shall adjoin an accessible route of travel.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: [19 N.J.R. 1270\(a\)](#), [20 N.J.R. 1873\(b\)](#).

Recodified from [N.J.A.C. 5:23-7.11](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.24](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.25](#), Recreation: playing fields, recodified to [N.J.A.C. 5:23-7.26](#).

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## [N.J.A.C. 5:23-7.26](#)

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### **§ 5:23-7.26 Recreation: playing fields**

---

There shall be an accessible route of travel to at least one of each type of playing field provided in each distinct area on a site. For an overlay field, an accessible route of travel to the primary field shall fulfill the requirements of this section. For a complex of playing fields in a single area, an accessible route of travel to the area shall fulfill the requirements of this section. Additionally, all permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: [19 N.J.R. 1270\(a\)](#), [20 N.J.R. 1873\(b\)](#).

Recodified from [N.J.A.C. 5:23-7.12](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.25](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.26](#), Recreation: golf facilities, recodified to [N.J.A.C. 5:23-7.27](#).

## [N.J.A.C. 5:23-7.27](#)

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### **§ 5:23-7.27 Recreation: golf facilities**

---

- (a) For golf facilities, there shall be an accessible route of travel to the area where the transfer to golf carts is made.
- (b) If provided, bridges shall either be designed for use by golf carts or shall meet the criteria for a ramp in the technical standard adopted as part of this subchapter.
- (c) Where curbs are provided at points where courses cross a thoroughfare, a ramp or a curb ramp that meets the criteria for ramps in the technical standard adopted as part of this subchapter shall be provided.
- (d) Miniature golf facilities shall be accessible as follows:
  - 1. The entire playing surface shall be accessible at starting points, end points, and at all points in-between where possible. In those areas where the ball cannot physically come to rest because of steep slopes, access is not required.
  - 2. The entry and exit points shall be a minimum of 32 inches wide, with no railings, obstacles, or elevation change.
  - 3. Each hole shall have a platform with a turn around radius of five feet.
  - 4. When obstacles are provided, there shall be a 32 inch minimum clear width on one side of the obstacle.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.13](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

§ 5:23-7.27 Recreation: golf facilities

Rewrote (b) and (c).

Recodified from [N.J.A.C. 5:23-7.26](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.27](#), Recreation: ski lifts, aerial tramways, and conveyors, recodified to [N.J.A.C. 5:23-7.28](#).

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## [N.J.A.C. 5:23-7.28](#)

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### **§ 5:23-7.28 Recreation: ski lifts, aerial tramways, and conveyors**

---

- (a) In areas where ski lifts or other comparable mechanisms for skiing are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities required to be accessible with the area where the transfer to skis is made.
- (b) In areas where aerial tramways, conveyors, or other comparable mechanisms for sightseeing are provided, an accessible route of travel shall be provided to connect site access point(s) and support facilities required to be accessible with the moving seat, car or platform of the aerial tramways, conveyors, or comparable mechanisms.
1. A five feet by five feet clear, level areas that meets the criteria for an accessible route in the technical standard adopted as part of this subchapter shall be provided immediately adjacent to the upper, lower, and any intermediate terminals of such mechanisms to facilitate transfer from a wheelchair to the car, seat or platform.
    - i. Where seats are provided, they shall be at a height of 16 inches to 18 inches above the clear, level area.
- (c) There shall be a control immediately available to the operator of the ski lift, aerial tramway or conveyor to stop and restart the mechanism to allow the transfer of a disabled person on and off.
- (d) The requirements of this section shall not apply to moving sidewalks or other horizontal conveyors guided by a track or tracks.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Recodified from [N.J.A.C. 5:23-7.14](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote (b).

§ 5:23-7.28 Recreation: ski lifts, aerial tramways, and conveyors

Recodified from [N.J.A.C. 5:23-7.27](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.28](#), Recreation: trails, recodified to [N.J.A.C. 5:23-7.29](#).

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## [N.J.A.C. 5:23-7.29](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE***

## **§ 5:23-7.29 Recreation: trails**

---

- (a) Trails through undeveloped areas are exempted from the requirements of this subchapter.
- (b) All other trails shall meet the requirements for slope and for the provision of rest areas of either (b)1 or 2 below and the surfacing requirements in (b)3 or 4 below.
1. A running slope shall not exceed 1:8 at any place and cross slopes shall not exceed 1:30. Level rest areas at least five feet by five feet shall be provided every 300 feet when the running slope is between 1:16 and 1:12. This shall be a challenge level 2 accessible trail. Level rest areas at least five feet by five feet shall be provided every 200 feet when the running slope is between 1:12 and 1:8. This shall be a challenge level 3 accessible trail.
    - i. If the topography of the site is such that average grade exceeds that in (b)1 above, an exception to the slope limitations may be allowed.
  2. Trails may also be constructed in accordance with the requirements of [N.J.A.C. 5:23-7.19\(b\)1](#) (accessible route) or [N.J.A.C. 5:23-7.19\(b\)2](#) (challenge level 1 accessible route).
  3. In addition to the materials listed at [N.J.A.C. 5:23-7.19\(b\)1](#) and 2, the following materials are acceptable as surfacing for trails: untreated, soils, compacted gravel, and ungraded wood chips.
  4. Each trail shall be marked in accordance with the technical criteria for permanent signs in the technical standard adopted as part of this subchapter.
    - i. Each sign shall contain the following information:
      - (1) The international symbol of access for an accessible route or the challenge level of the accessible route or accessible trail; and
      - (2) The length of the accessible route or accessible trail.

## **History**

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### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).



§ 5:23-7.29 Recreation: trails

Recodified from [N.J.A.C. 5:23-7.15](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

In (b), changed N.J.A.C. references in 2 and 3.

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (b)4, substituted "for permanent signs in the technical standard adopted as part of this subchapter" for "of CABO/ANSI A117.1, Section 4.28.1 through 4.28.5 and Section 4.28.6.1".

Recodified from [N.J.A.C. 5:23-7.28](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In (b)2 and (b)3, updated the N.J.A.C. references.

Former [N.J.A.C. 5:23-7.29](#), Recreation: camping sites, recodified to [N.J.A.C. 5:23-7.30](#).

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## [N.J.A.C. 5:23-7.30](#)

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### **§ 5:23-7.30 Recreation: camping sites**

---

(a) In camping areas in other than undeveloped areas, at least five percent (rounded off to the next higher whole number) of camp sites shall meet the following criteria:

1. There shall be an accessible route of travel connecting these accessible camp sites with site access point(s) and support facilities required to be accessible;
2. Sites and signs leading to such sites shall be marked with the International Symbol of Accessibility, which complies with the technical standard adopted as part of this subchapter;
3. Where tent platforms are provided, each of those required to be accessible shall be equipped with a ramp meeting the criteria of the technical standard adopted as part of this subchapter; and
4. The accessible camp sites shall be distributed throughout the camping area to the degree feasible as determined by the topography of the area.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.16](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (a)2, substituted "which complies with the technical standard adopted as part of this subchapter" for "displayed as specified in CABO/ANSI A117.1, Section 4.28"; in (a)3, substituted "the technical standard adopted as part of this subchapter; and" for "CABO/ANSI A117.1, Section 4.8".

Recodified from [N.J.A.C. 5:23-7.29](#) by R.2007 d.144, effective May 7, 2007.

§ 5:23-7.30 Recreation: camping sites

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Former [N.J.A.C. 5:23-7.30](#), Recreation: equipment, recodified to [N.J.A.C. 5:23-7.31](#).

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## [N.J.A.C. 5:23-7.31](#)

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#### **§ 5:23-7.31 Recreation: equipment**

---

- (a) Five percent of all picnic tables, benches, fireplaces, and grills provided, rounded to the next higher whole number, but not less than one, shall be on an accessible route of travel.
- Such equipment shall be distributed throughout the picnic area to the degree feasible as determined by the topography of the area.
- (b) Within each play area on a site:
- At least 25 percent of the single function play equipment shall be of a type identified by its manufacturer as accessible to and usable by both disabled and non-disabled persons; and
  - At least 25 percent of the play activities of all multi-functional play equipment within each play area on a site shall be of a type identified by its manufacturer as accessible to and usable by both disabled and non-disabled persons.
    - Access onto the multi-functional play equipment may include, but is not limited to, the following:
      - A ramp that complies with the technical standard adopted within Chapter 11 of the building subcode ([N.J.A.C. 5:23-3.14](#)) and that provides a landing at the top and at the bottom that has a minimum width of five feet by five feet;
      - Transfer point(s) adjacent to transfer platform(s); and
      - An accessible route that complies with [N.J.A.C. 5:23-7.19](#), which, because of the topography of the land, leads directly onto the equipment.
    - Accessibility features, such as ramps and transfer platforms, shall not be considered play functions. Passive activities shall not be considered play functions.
- (c) In addition to (b) above, completely inclusive playgrounds shall have elevated play equipment/elements in which at least 50 percent is accessible.
- Play elements include single-function play equipment, multi-function equipment, changes in topographical elevations that function as elevated play elements, and elements that otherwise meet the standards required by the Americans with Disabilities Act of 1990, [42 U.S.C. §§ 12101](#). et seq.
- (d) Playground equipment required to be accessible in (b) and (c) above shall be on an accessible route as delineated at [N.J.A.C. 5:23-7.19](#).
- (e) As existing play equipment is replaced in any play area, at least 50 percent of the replacement equipment shall be of a type identified by the manufacturer as usable by both disabled and non-disabled persons until the percentage as specified in (b) and (c) above is met.

#### **History**

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#### **HISTORY:**

## § 5:23-7.31 Recreation: equipment

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.17](#) and amended by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

In (c) and (d), changed N.J.A.C. references throughout.

Amended by R.2002 d.350, effective November 4, 2002.

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

In (c), substituted "its" for "the" preceding "manufacturer" in the introductory paragraph and rewrote 1i.

Recodified from [N.J.A.C. 5:23-7.30](#) and amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

In (c)1iii, substituted "that" for "which", and in (c)1iii and (d), updated the N.J.A.C. references.

Former [N.J.A.C. 5:23-7.31](#), Recreation: equestrian facilities, recodified to [N.J.A.C. 5:23-7.32](#).

Amended by R.2022 d.047, effective April 4, 2022.

See: [53 N.J.R. 1659\(a\)](#), [54 N.J.R. 545\(b\)](#).

Rewrote the section.

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## [N.J.A.C. 5:23-7.32](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 7. BARRIER FREE SUBCODE***

### **§ 5:23-7.32 Recreation: equestrian facilities**

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(a) At each equestrian facility, at the area used for mounting, a mounting platform shall be provided for people with disabilities.

1. To mount a pony, the top of the platform shall be 32 inches above the surface upon which the pony stands.
2. To mount a horse, the top of the platform shall be 41 inches above the surface upon which the horse stands.
3. The mounting platform shall have a minimum dimension of five feet long and three feet wide.
4. Any ramp that provides access to the mounting platform shall meet the criteria for ramps in the technical standard adopted as part of this subchapter, except that a maximum slope of 1:9 shall be allowed.

### **History**

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#### **HISTORY:**

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Platform height changed from 42 inches to 32 inches.

Administrative Correction.

See: 22 N.J.R. 1355(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: [27 N.J.R. 3870\(a\)](#), [28 N.J.R. 1505\(a\)](#).

Recodified from [N.J.A.C. 5:23-7.18](#) by R.1999 d.105, effective April 5, 1999.

See: [30 N.J.R. 2972\(a\)](#), [31 N.J.R. 852\(a\)](#).

Amended by R.2002 d.350, effective November 4, 2002.

§ 5:23-7.32 Recreation: equestrian facilities

See: [34 N.J.R. 626\(a\)](#), [34 N.J.R. 3772\(a\)](#).

Rewrote the section.

Recodified from [N.J.A.C. 5:23-7.31](#) by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

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## [N.J.A.C. 5:23-8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

### **Title 5, Chapter 23, Subchapter 8 Notes**

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## [N.J.A.C. 5:23-8.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

#### **§ 5:23-8.1 Title; scope; intent**

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(a) This part of the regulations, adopted pursuant to P.L. 1975, c.217, the Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.) and entitled Asbestos Hazard Abatement Subcode shall be known and may be cited throughout the regulations as [N.J.A.C. 5:23-8](#) and when referred to in this subchapter, may be cited as "this subchapter."

1. In addition, the New Jersey Departments of Health and Labor have jointly adopted regulations pursuant to P.L. 1984, c.217, the Asbestos Control and Licensing Act ([N.J.S.A. 34:5A-32](#) et seq.) and are cited as [N.J.A.C. 8:60](#), and [N.J.A.C. 12:120](#), respectively. These regulations provide for: a standardized training course for all asbestos workers; licensing of asbestos abatement contractors; and issuing asbestos worker performance permits for asbestos abatement workers.

i. Copies of [N.J.A.C. 12:120](#) may be obtained from the New Jersey Department of Labor, Division of Workplace Standards, Asbestos Control and Licensing, PO Box 054, Trenton, New Jersey 08625-0054. These rules provide that any asbestos abatement project, excluding an operations and maintenance activity, must be conducted by a licensed contractor pursuant to the referenced rules, including projects involving buildings and structures which are not within the scope of this subchapter.

2. The New Jersey Department of Environmental Protection has authority to enforce regulations regarding the transport and disposal of asbestos-containing materials pursuant to [N.J.S.A. 13:1D-9](#) and [13:1E-1](#) et seq. These rules are cited as [N.J.A.C. 7:26](#).

i. Copies of [N.J.A.C. 7:26](#) may be obtained from the New Jersey Department of Environmental Protection, Division of Solid Waste Management, 840 Bear Tavern Road, PO Box 414, Trenton, New Jersey 08625-0414.

3. All samples collected and submitted for analysis for asbestos pursuant to this subchapter shall be analyzed for asbestos in accordance with [N.J.A.C. 5:23-8.21](#).

(b) Unless otherwise specifically provided, all references to article or section numbers or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this subchapter.

(c) This subchapter, which pertains to educational facilities and public buildings as defined in [N.J.A.C. 5:23-8.2](#), shall control matters relating to: construction permits for asbestos abatement; fees; licenses; certification; work permits; reports required; documentation; inspections by the asbestos safety technician; air monitoring; enforcement responsibilities; and remedies and enforcement. This subchapter controls the abatement of asbestos from a building. A construction permit for renovation or demolition shall be required pursuant to [N.J.A.C. 5:23-2](#) for any other work performed subsequent to the asbestos abatement project.

1. Any private building that houses a day care center, nursery or educational facility shall be subject to this subchapter when an asbestos hazard abatement project takes place within the building or any part

## § 5:23-8.1 Title; scope; intent

of the building regardless of the remoteness of the facility or its size relative to the building. An asbestos hazard abatement project shall have a construction permit from the enforcing agency.

2. All common areas in a building, or part thereof, leased by a public entity, such as, but not limited to, building entrances and lobbies, rest rooms, cafeterias, hallways, stairwells, and elevators where public employees may normally traverse and all areas with mechanical equipment that serve the areas occupied by the public employees, shall be subject to this subchapter when an asbestos hazard abatement project takes place within the building or any part of the building.

3. This subchapter shall apply to exterior portions of buildings, such as: exterior hallways connecting buildings; porticos; mechanical system insulation; cooling towers; and steam or other service tunnels serving or connecting buildings. These exterior spaces are to be considered, for the purposes of obtaining a construction permit pursuant to this subchapter, a single homogeneous area for purposes of abatement project design.

4. Projects involving the removal of non-friable, miscellaneous asbestos-containing material from interior spaces shall be subject to this subchapter where the method chosen to remove the non-friable material may cause the building environment to become contaminated with airborne asbestos fibers. Removal shall be in accordance with [N.J.A.C. 5:23-8.20](#).

(d) Until further action is taken, this subchapter remains advisory for all other buildings and structures in the State.

(e) This subchapter seeks to provide and ensure public safety, health, and welfare insofar as they are affected by asbestos and asbestos-containing materials. It is not intended to, nor shall it be construed to, conflict with or impede the operation of the asbestos work standards issued by the Occupational Safety and Health Administration, [29 CFR Section 1910.1001](#) et seq., [29 CFR Section 1926.58](#) and [N.J.A.C. 12:100-12](#), the Asbestos Subchapter of the New Jersey Safety and Health Standards for Public Employees. The purpose of this subchapter is to assure that work is performed in a safe manner as a pre-condition to the issuance of a certificate of occupancy.

1. It is the purpose of this subchapter to establish standards and procedures to ensure that all State laws and regulations applicable to asbestos hazard abatement work are actually adhered to wherever work takes place.
2. Asbestos has been a pervasive construction material which in many of its forms poses no significant health risk. These standards and procedures need not be applied to all work involving asbestos-containing materials but only those which pose serious health hazards to the public.
3. Asbestos that is, or that can readily become, friable was a widely used construction material. Its removal, replacement, repair, enclosure or encapsulation shall be considered construction work and shall therefore require a construction permit issued pursuant to the State Uniform Construction Code Act ([N.J.S.A. 52:27D-119](#) et seq.). Asbestos and asbestos-containing materials were, in many cases, used in order to satisfy important code requirements pertaining to fire safety. Accordingly, where asbestos was used originally to satisfy fire code requirements, it shall not be removed unless it is replaced, as part of the project, with material or assembly which has equivalent fire resistive or heat resistive characteristics. Additionally, any encapsulation materials or methods shall conform to the construction requirements of the Uniform Construction Code.

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Deleted text in (c) "administrative authority having jurisdiction" and substituted "asbestos safety technician;".

§ 5:23-8.1 Title; scope; intent

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Revised section with stylistic changes.

In (a)1ii: added language regarding asbestos abatement projects. Added new (a)3.

In (c): added language clarifying subchapter's scope. Added new (c)3 and (c)4.

Amended by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

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## [N.J.A.C. 5:23-8.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

## **§ 5:23-8.2 Definitions**

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The following words, terms and abbreviations when used in this subchapter shall have the following meanings unless the context clearly indicates otherwise.

"Airlock" means a serial arrangement of rooms whose doors are spaced a minimum of four feet apart so as to permit ingress or egress through one room without interfering with the next and constructed in such a manner as to prevent or restrict the free flow of air in either direction.

"Air pressure differential" means air pressure lower than surrounding areas, generally caused by exhausting air from a sealed space (work area).

"Amended water" means water to which a surfactant has been added.

"Asbestos" means a general term used to describe a group of naturally occurring hydrated mineral silicates. The asbestiform varieties include chrysotile (serpentine); crocidolite (riebeckite); amosite (cumingtonite-grunerite); anthophyllite; tremolite and actinolite.

"Asbestos-containing material" means any material which contains more than one percent asbestos by weight.

"Asbestos hazard abatement project" means the removal, enclosure, or encapsulation of more than 25 square feet of asbestos-containing material used on any equipment or surface area such as wall, or ceiling area; or the removal or encapsulation of more than 10 linear feet of asbestos-containing material on covered piping.

"Asbestos Safety Control Monitor" means a business entity authorized pursuant to [N.J.A.C. 5:23-8](#) to ensure compliance with the Asbestos Hazard Abatement Subcode.

"Asbestos Safety Technician" means a person certified by the New Jersey Department of Community Affairs, hired by the asbestos safety control monitor who continuously monitors and inspects the asbestos abatement work pursuant to this subchapter. This person shall be required to be on the job site during the time the asbestos abatement work is taking place and perform all duties and responsibilities established by these regulations.

"Authorized personnel" means the owner, the owner's representative, asbestos abatement contractor personnel, asbestos safety control monitor personnel, emergency personnel, or a representative of any Federal, state, or local regulatory agency or other personnel under contract for or having jurisdiction over the project.

"Certificate of Completion" shall mean the certificate issued by the asbestos safety control monitor signifying that the asbestos hazard abatement work has been completed in conformance with [N.J.A.C. 5:23-8](#).

"Construction permit for asbestos abatement" means required official approval to commence any asbestos hazard abatement project. This permit is issued by the enforcing agency.

"Contractor" means the Asbestos Removal Contractor licensed by the New Jersey Department of Labor.

## § 5:23-8.2 Definitions

"County facility" means all buildings and structures, or parts thereof, which are under the ownership or control of a county. This includes, but is not limited to, administration offices, court houses, sheriff offices, welfare offices, maintenance facilities and garages.

"Critical barrier" means two layers of nominal six mil polyethylene sheeting that completely seals off the work area to prevent the distribution of fibers to the surrounding area, such as the opening between the top of a wall and the underside of ceiling construction, electrical outlets, nonremovable lights, HVAC systems, windows, doorways, entranceways, ducts, grilles, grates, diffusers, wall clocks, speaker grilles, floor drains, sink drains, etc.

"Decontamination unit" means serial arrangement of rooms or spaces for the purpose of separating the work area from the building environment upon entering the work area and for the cleaning of persons, equipment, and contained waste prior to returning to the clean environment.

"Demolition" means the actual destruction and removal of a building, or part of a building, without intent to renovate, repair, or replace.

"Educational facility" means all buildings and structures, or parts thereof, (both public and private) which are under the ownership or control of an educational institution and which are used for student residences, educational purposes or learning experiences, dining facilities, libraries, or support facilities. Educational institutions include schools, colleges, universities, academies, child day care centers and nurseries.

"Employee" means an asbestos abatement worker having a valid work permit, issued by the New Jersey Department of Labor and employed by the contractor.

"Encapsulation" means the treatment of asbestos-containing materials with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

"Enclosure" means the construction of an airtight, impermeable, permanent barrier around asbestos-containing material to control the release of asbestos fibers into the air.

"Engineering controls" means all methods used to maintain low fiber counts in work areas and occupied spaces, including, but not limited to, air management, barriers to ensure public safety, and methods to confine airborne asbestos fibers to the work area.

"EPA" means the United States Environmental Protection Agency.

"Flame-resistant polyethylene sheet" means a single polyethylene film in the largest sheet size possible to minimize seams, nominal six mil thick, conforming to requirements set forth by the National Fire Protection Association Standard 701, Small Scale Fire Test for Flame-Resistant Textiles and Films.

"Friable" means any material applied to ceilings, walls, piping, duct work, etc., which when dry may be crumbled, pulverized, or reduced to a powder by hand pressure.

"Glove bag" means a polyethylene bag or other techniques or work practices approved by Department especially designed to enclose sections of equipment for the purpose of removing asbestos-containing material without releasing fibers into the air.

"Glovebag work area enclosure" means the enclosure that defines the work area for glovebag activity.

"HEPA" means High Efficiency Particulate Air filter, capable of filter efficiency of 99.97 percent down to 0.3 um (microns).

"Local education agency" means any local educational agency as defined in Section 198 of the Elementary and Secondary Education Act of 1965 ([20 U.S.C. 3381](#)); the owner of any nonpublic, nonprofit elementary, or secondary

## § 5:23-8.2 Definitions

school building; or the governing authority of any school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 ([20 U.S.C. 921](#) et seq.).

"Miscellaneous asbestos-containing material" means interior building material on structural components, structural members or fixtures such as vinyl asbestos flooring, ceiling tiles, transite and asbestos cement board, and fire-resistant gaskets and seals but does not include surfacing material or thermal system insulation.

"Municipal facility" means all buildings and structures, or parts thereof, which are under the ownership or control of a municipality. This includes, but is not limited to, city halls, police stations, fire houses, welfare offices, maintenance facilities, and garages.

"NESHAP" means the National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61).

"NIOSH" means the National Institute for Occupational Safety and Health.

"Non-friable" means material which when dry may not be crumbled, pulverized, or reduced to powder by hand pressure.

"Occupied building" means a building or structure where occupancy is permitted in certain areas outside of the required containment during an asbestos hazard abatement project.

"Operations and maintenance activity" means corrective action not intended as asbestos abatement. The amount of friable asbestos-containing material that can be abated per year per project is 25 square feet or less or, if on covered piping, 10 linear feet or less.

"PCM" means Phase Contrast Microscopy.

"Polyethylene sheet" means a single nominal six mil thick polyethylene film.

"Privately owned buildings containing educational facilities" means all buildings and structures, or parts thereof, which are under the ownership or control of private parties, and which are used for educational purposes or learning experiences. Educational facilities include child day care centers, nurseries, laboratories, and schools.

"Public building" means any building or structure or part thereof, owned, leased or managed by the State or any of its departments, divisions, bureaus, boards, councils, authorities, or other agencies; or by any county, municipality, or any agency or instrumentality thereof.

"Removal" means the taking out or the stripping of asbestos-containing material from a building or structure.

"Repair" means returning damaged asbestos-containing material to an undamaged condition or to an intact state using recommended work practices so as to prevent the likelihood of fiber release.

"Sealant" means a liquid or solution to be used as a binding agent, such as a diluted encapsulant or a water based paint, on dried exposed surfaces from which asbestos containing material has been removed. The color of the coat shall be separate and distinct from the underlying substrate.

"Separation barrier" means a wall constructed to isolate the clean area from the work area and to support the polyethylene sheets.

"State facility" means all buildings and structures, or parts thereof, which are owned, managed or leased by the State of New Jersey.

"Strippable coating" means a water-based latex material, which is either available in aerosol cans or pre-mixed for spray application, formulated to adhere to surfaces and to be removed cleanly by peeling off at the completion of the abatement project.

## § 5:23-8.2 Definitions

"Surfacing asbestos-containing material" means material in a building that is sprayed-on, troweled-on, or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members, or other materials on surfaces for acoustical, fireproofing or other purposes.

"TEM" means Transmission Electron Microscopy.

"Thermal system insulation" means material in a building applied to pipes, fittings, boilers, breeching, tanks, ducts, or other interior structural components to prevent heat loss or gain, or water condensation, or for other purposes.

"um" means microns, or micrometers.

"Water column (w.c.)" means a unit of measurement for pressure differential.

"Wet cleaning" means the process of eliminating asbestos contamination from building surfaces and objects by using cloths, mops, or other cleaning utensils which have been dampened with amended water or a removal encapsulant and afterwards thoroughly decontaminated or disposed of as asbestos contaminated waste.

"Work area" means the area where asbestos related work or removal operations are performed which is defined and/or isolated to prevent the spread of asbestos dust, fibers or debris, and entry by unauthorized personnel.

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Added definitions and deleted "negative pressure".

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

In "Asbestos" definition, added: "anthophyllite; tremolite and actinolite."

Changed stylistically definitions of: "Construction permit for asbestos abatement"; "Engineering controls"; "Large asbestos hazard abatement project"; "Minor asbestos hazard abatement project"; and "Small asbestos hazard abatement project".

In "Encapsulation": Added new definition, deleting prior language.

In "Enclosure": Added new definition, deleting prior language.

Added new definitions for: EPA; Local education agency; Miscellaneous asbestos-containing material; Non-friable; PCM; Public building; Removal; Repair; Surfacing asbestos-containing material; TEM and Thermal system insulation.

Amended by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

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## [N.J.A.C. 5:23-8.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

## **§ 5:23-8.3 Enforcement; licensing; special technical services**

(a) Except as is otherwise provided in (b)1 below, the provisions of this subchapter shall be enforced by municipal enforcing agencies utilizing asbestos safety control monitors or by the New Jersey Department of Community Affairs, hereafter cited as the Department, if applicable, and shall be administered and enforced uniformly throughout the State. This subchapter shall be in addition to existing regulations already adopted pursuant to the Uniform Construction Code Act (P.L.1975, c.217 as amended) and known as the Regulations for the Uniform Construction Code ([N.J.A.C. 5:23](#)). This subchapter contains administrative procedures for the inspection of asbestos abatement work involving removal, encapsulation, enclosure, repair, renovation, or demolition work which disturbs asbestos.

1. Rules concerning exceptions are as follows:

- i. State-owned, State-managed or State-leased buildings: The Department utilizing asbestos safety control monitors shall be the sole enforcing agency to administer and enforce the Asbestos Hazard Abatement Subcode with respect to State-owned, State-leased or State-managed buildings.

(b) The joint regulations adopted by the New Jersey Departments of Health and Labor, which are cited as [N.J.A.C. 8:60](#) and [N.J.A.C. 12:120](#), respectively, provide the licensing requirements of contractors who perform any of the functions of application, enclosure, removal or encapsulation.

1. Rules concerning licenses are as follows:

- i. A licensed contractor shall be required for an asbestos hazard abatement project.
- ii. A licensed contractor shall not be required for an operations and maintenance activity.

2. Nothing herein shall be construed as limiting the ability of the Department of Labor to cite contractors for violations of the provisions of this subchapter.

(c) Whenever the Asbestos Safety Control Monitor determines that the need for interpretations and/or assistance exists with regard to a particular project, the asbestos safety control monitor shall contact the department who shall make such determination deemed necessary. Such may include, but not be limited to:

1. Plan and specification services;
2. Site investigation;
3. Site inspections.

## **History**

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### **HISTORY:**

§ 5:23-8.3 Enforcement; licensing; special technical services

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Added State-leased.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.3 as new 8.4 with minor stylistic changes. Section 8.4 was formerly "Minor asbestos hazard abatement job."

In (b)1i and ii: changed "job" to "project".

Recodified from 5:23-8.4 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Pre-project procedures," recodified as 5:23-8.13.

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## [N.J.A.C. 5:23-8.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

### **§ 5:23-8.4 Variations**

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- (a) No variations from the requirements of this subchapter shall be made except upon written approval from the Department. The application for a variation shall be filed by the owner or the agent of the owner and forwarded to the Department with the recommendation of the asbestos safety control monitor. Any variation shall be consistent with N.J.A.C. 5:23-2 and the intent of this subchapter.
- (b) An application for a variation pursuant to this section shall be filed in writing with the Department and shall include specifically:
1. A statement of the requirements of this subchapter from which a variation is sought;
  2. A statement of the manner by which strict compliance with said provisions would result in practical difficulties;
  3. A statement of the nature and extent of such practical difficulties;
  4. A statement of feasible alternatives to the requirements of this subchapter which would adequately protect the health, safety and welfare of the occupants or intended occupants and the public generally and which would adequately prevent contamination of the environment. Plans describing any relevant aspects of the variation requested, as pertaining to the layout of the work area, work procedures, exit requirements, or safety, shall be submitted with the statement of feasibility; and
  5. The appropriate fee.
- (c) The fee for an application for a variation from this subchapter shall be \$ 571.00 and shall be paid by check or money order payable to "Treasurer, State of New Jersey."
- (d) The validity of an approved variation shall be determined as follows:
1. Any approved variation shall become invalid if the authorized work is not commenced within 12 months after the approval of the variation, or if the authorized work is suspended or abandoned for a period of 12 months after the time of commencing the work.

### **History**

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**HISTORY:**

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(b), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

## § 5:23-8.4 Variations

Recodified old 8.5 as new 8.6. Section 8.6 was formerly "Construction permit for asbestos abatement".

In (a): changed "approval" to "recommendation regarding the asbestos safety control monitor firm".

In (a)1: deleted "and Health and New Jersey Department of Higher Education" from text, and added (a)1i.

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (a)1i, increased fee from \$ 325.00 to \$ 432.00.

Amended by R.1992 d.392, effective October 5, 1992.

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fee increased at (a)1i.

Recodified from 5:23-8.6 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Enforcement; licensing; special technical services," recodified as 5:23-8.3.

Administrative Correction.

See: 25 N.J.R. 2862(a).

Amended by R.1997 d.377, effective September 15, 1997.

See: [29 N.J.R. 2741\(b\)](#), [29 N.J.R. 4102\(b\)](#).

In (a) and (b), substituted "Department" for "enforcing agency"; in (a), added "and the intent of this subchapter"; and in (c), deleted "When the Department is the enforcing agency," preceding "The fee".

Amended by R.2002 d.260, effective August 5, 2002.

See: [34 N.J.R. 1572\(a\)](#), [34 N.J.R. 2781\(c\)](#).

In (c), substituted "\$ 560.00" for "\$ 467.00".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

In (c), substituted "\$ 571.00" for "\$ 560.00".

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## [N.J.A.C. 5:23-8.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

#### **§ 5:23-8.5 Construction permit for asbestos abatement**

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(a) It shall be unlawful to undertake an asbestos hazard abatement project unless the owner of the facility, or an authorized representative on behalf of the owner, first files an application in writing with the enforcing agency and obtains the required permit. This permit shall serve as notice for public record in the office of the enforcing agency. All work shall be monitored and controlled by the asbestos safety control monitor who will advise the enforcing agency of its findings.

1. The enclosure of any amount of asbestos-containing material used to cover pipes shall not require a permit for asbestos abatement pursuant to this subchapter, but it may be considered construction work.
2. A construction permit shall be obtained when required by the enforcing agency pursuant to N.J.A.C. 5:23-2.

(b) All asbestos abatement work shall be conducted in unoccupied buildings, unless a written statement signed by the asbestos safety control monitor denoting portions of the building that may be occupied is filed as required by [N.J.A.C. 5:23-8.19\(c\)8](#).

1. The asbestos safety control monitor shall not be required to file such a written statement denoting the occupancy of the building by maintenance personnel who are properly trained and/or security personnel essential to the building operation.
2. The asbestos safety control monitor shall not be required to file such written statement denoting occupied portions of the building for a cleared area in a multi-phase project that has received a Temporary Certificate of Occupancy from the enforcing agency when such occupancy applies to contractors or related personnel involved with post-abatement activity.

(c) The Department or a municipality utilizing an asbestos safety control monitor which has been authorized by the Department to enforce the Asbestos Hazard Abatement Subcode within its jurisdiction shall be the sole enforcing agency for asbestos hazard abatement work.

(d) The application for a construction permit for asbestos abatement shall be subject to the following:

1. The application for a permit shall be submitted in such form as the department may prescribe and shall be accompanied by the required fee as provided for in this subchapter.
2. The application for a construction permit for asbestos abatement shall be required to include the following:
  - i. The name, address and license number of the asbestos contractor pursuant to [N.J.A.C. 12:120](#) Asbestos Licenses and Permits under the jurisdiction of the New Jersey Department of Labor;
  - ii. The asbestos hazard assessment, which shall be prepared by the New Jersey Department of Health, or by a county or local department of health or a private individual who has received accreditation as an inspector under the United States Environmental Protection Agency's Model Accreditation Program as referenced in 40 CFR 763. The accreditation will be issued by an EPA-approved training agency, and that accreditation will include the place of training, accreditation

## § 5:23-8.5 Construction permit for asbestos abatement

number and expiration date. Accreditations are issued for one year. This assessment shall be required unless the requirement for an assessment has been waived in writing by the New Jersey Department of Health;

**iii.** The name and address of the private air monitoring firm, hired by the building owner, who shall act as the asbestos safety control monitor authorized by the New Jersey Department of Community Affairs and shall be responsible for continuously monitoring the asbestos abatement project;

**iv.** Four sets of plans and specifications indicating: the scope of the proposed work; type and percentage of the asbestos; the total amount of square and/or linear footage of asbestos-containing material to be abated; the provisions proposed to contain the asbestos-containing material during abatement work including, but not limited to, separation barriers, critical barriers, and the route of travel for removing asbestos waste from the work area; a copy of the site plan; and a floor plan indicating exits. The approved plans and specifications shall be distributed as follows: one set each to the construction official, asbestos safety control monitor, building owner, and project site;

**v.** Documentation that all buildings will be unoccupied at the time an asbestos abatement project takes place, except as approved by the asbestos safety control monitor as delineated in [N.J.A.C. 5:23-8.19](#);

**vi.** The name and address of the New Jersey Department of Environmental Protection and Energy registered waste hauler and of the New Jersey Department of Environmental Protection and Energy registered landfill where asbestos waste will be deposited;

**vii.** The scheduled starting and completion dates for the asbestos abatement project;

**viii.** The method of air analysis used pursuant to [N.J.A.C. 5:23-8.21](#) for determining the final clearance level in order to reoccupy the building.

**3.** It shall be the responsibility of the owner or his agent to file with the enforcing agency, in the event of any change in (d)2i, iii and vi above. Such change shall be filed as an amendment to the application and shall be forwarded to the Department as set forth in (h) below. The replacement firm shall assume all responsibilities for the asbestos abatement work to continue, while the preceding firm still bears responsibility for its action.

**(e)** The issuance of a construction permit for asbestos abatement shall be subject to the following:

- 1.** Submission of a completed application;
- 2.** The described work and containment measures shall conform to the requirements of this subchapter and the requirements of any other applicable law or rule adopted or enforced by any other State agency;
- 3.** A written release of the plans and specifications by the asbestos safety control monitor.
- 4.** Cursory plan review shall be done by the enforcing agency to determine the need of replacement material for maintaining the structural integrity of a building; if required, a separate construction permit shall be issued by the enforcing agency. In addition, a review shall be done to ensure that means of egress are maintained in occupied buildings.

**(f)** The issuance of the construction permit for asbestos abatement authorizes preparation of the work area. This initial preparation of the work area shall be observed by the asbestos safety technician to ensure compliance with this subchapter. No actual asbestos abatement work shall commence until a pre-commencement inspection has been conducted and approved by the asbestos safety technician.

**(g)** A permit, once issued, shall remain valid only as long as all of the information contained in the application remains correct and is adhered to. Any change shall require an amendment to the application before the change takes place. Failure to adhere to these requirements may result in a stop work order.

**(h)** The owner or his or her agent shall notify the Department, in writing, within three business days of the issuance of the construction permit for asbestos abatement, if the enforcing agency is a municipal enforcing

## § 5:23-8.5 Construction permit for asbestos abatement

agency and not the Department. Such notice shall be supplied in the form of a copy of the completed application for a construction permit for asbestos abatement and a copy of the permit.

1. Notification shall be sent to

[asbestos.notifications@dca.nj.gov](mailto:asbestos.notifications@dca.nj.gov)

or:

New Jersey Department of Community Affairs  
Asbestos Safety Unit  
PO Box 821  
Trenton, New Jersey 08625-0821

- (i) The owner or his or her agent shall notify the following, in writing, as required in NESHAPS (40 CFR Part 61, Subpart M):

1. Notification shall be sent to:

- i. U.S. Environmental Protection Agency  
Region II NESHAP 26 Federal Plaza, Room 1033 New York, New York 10278; and
- ii. New Jersey Department of Community Affairs by email at

[asbestos.notifications@dca.nj.gov](mailto:asbestos.notifications@dca.nj.gov)

or by mail to:

New Jersey Department of Community Affairs  
Asbestos Safety Unit  
PO Box 821  
Trenton, New Jersey 08625-0821

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.6 as new 8.7 with stylistic changes. Section 8.7 was formerly "Inspections; violations".

In (a): deleted "Health and New Jersey Department of Education ..." from text.

In (b)2ii: Added text regarding required accreditation of an asbestos hazard assessor.

In (b)2iv-v: revised text to clarify plans and specifications and added new (b)2viii.

In (f)1: changed address and name of "Asbestos Safety Unit."

§ 5:23-8.5 Construction permit for asbestos abatement

In (g): deleted "10 days prior to the start of the asbestos abatement project" and added text requiring compliance with Federal register.

Added new (g)1ii.

Recodified from 5:23-8.7 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Minor asbestos hazard abatement project," recodified as 5:23-8.14.

Administrative correction, effective May 2, 2022.

See: [54 N.J.R. 1017\(b\)](#).

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## [N.J.A.C. 5:23-8.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

#### **§ 5:23-8.6 Coordination with other permits**

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(a) When a building owner or an authorized representative on behalf of the owner submits an application for a construction permit for repair, renovation, or demolition work, the following information shall be required to be given to the construction official having jurisdiction before a construction permit is issued:

1. An architect/engineer certification concerning whether asbestos will be disturbed and to what extent it will be disturbed during the planned construction work.
  - i. Where any work not requiring an architect/engineer is involved then this certification will be required of the contractor undertaking the work.

(b) When it is certified that asbestos may become disturbed in a building or structure subject to this subchapter, an assessment performed by the New Jersey Department of Health, county or local health department, or by a private business entity authorized by the New Jersey Department of Health shall be required, unless the requirement for an assessment has been waived.

1. Boiler and water storage tank removal projects which require the removal of asbestos insulation from the boiler, water storage tank and piping shall not require an assessment before a permit is issued by the enforcing agency.
2. If the assessment indicates that the work and the disturbance which will result from it has made asbestos hazard abatement work necessary, then the construction official shall inform the building owner, or his agent, that all asbestos abatement work shall conform to this subchapter.
  - i. The work which will cause the disturbance will not be permitted to proceed until the hazard abatement work is complete or the asbestos-containing material clearly presents no further hazard.
  - ii. The construction official shall issue a partial permit for work which clearly will not disturb or interfere with the asbestos hazard abatement work.

#### **History**

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##### **HISTORY:**

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Recodified from 8.15 and (b) substantially amended. Old 8.16 has been repealed.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Added text in (b) "county or local ..."; added new (b)1 and renumbered old (b)1 to 2.

§ 5:23-8.6 Coordination with other permits

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.17 as new 8.18. Section 8.17 was formerly "Asbestos safety control monitor".

Recodified from 5:23-8.17 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Variations," recodified as 5:23-8.4.

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## [N.J.A.C. 5:23-8.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

#### **§ 5:23-8.7 Inspections; violations**

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**(a)** Pre-commencement inspections shall be conducted as follows:

1. Notification in writing to the Asbestos Safety Control Monitor shall be made by the applicant or contractor to request a pre-commencement inspection at least 48 hours in advance of the desired date of inspection. This inspection shall be requested each time another work area is started in a multi-phase project.
2. The asbestos safety technician shall ensure that:
  - i. The work area is properly prepared and that all containment measures are in place pursuant to this subchapter;
  - ii. All workers shall present to the asbestos safety technician a valid work permit issued by the New Jersey Department of Labor;
  - iii. Measures for the disposal of removed asbestos material are in place and shall conform to the adopted standards;
  - iv. The contractor has a list of emergency telephone numbers at the work area which shall include the asbestos safety control monitor firm employed by the building owner and telephone numbers for fire, police, emergency squad, local hospital and health officer, New Jersey Department of Labor and New Jersey Department of Health and New Jersey Department of Community Affairs.
3. If all is in order, the asbestos safety technician, shall issue a written notice to proceed with the asbestos abatement in the field. If the project site is not in order, then any needed corrective action must be taken before any work is to commence. Conditional approval shall not be granted.
4. The Department reserves the right to make a pre-commencement inspection in addition to the required pre-commencement inspection conducted by the asbestos safety technician before a written notice to proceed is issued.

**(b)** Progress inspections shall be conducted as follows:

1. Primary responsibility for ensuring that the asbestos abatement work progresses in accordance with this subchapter rests with the asbestos safety technician. This asbestos safety technician shall continuously be present to observe the progress of work and perform required inspections and tests.
2. If the asbestos safety technician observes irregularities at any time, the asbestos safety technician shall direct such corrective action as may be necessary.
3. Where a sealant is required to be applied after removal, a pre-sealant inspection shall be conducted to ensure that all asbestos-containing material has been removed properly before the sealant is applied. If the pre-sealant inspection is acceptable to the asbestos safety technician, he should indicate this acceptance in writing.

**(c)** Clean-up inspections shall be conducted as follows:

## § 5:23-8.7 Inspections; violations

1. Notice for clean-up inspection shall be requested by the contractor at least 48 hours in advance of the desired date of inspection;
  2. The clean-up inspection shall be conducted prior to the removal of the critical barriers;
  3. The asbestos safety technician shall ensure that:
    - i. The project site has been properly cleaned and is free of all visible dust and asbestos and asbestos-containing material; and
    - ii. All abated asbestos-containing material has been properly placed in a locked secure container outside of the work area.
  4. If all is in order, and acceptable air results have been achieved, the asbestos safety technician shall issue a written notice of authorization to remove barriers from the work area.
- (d)** Final inspections shall be conducted as follows:
1. Upon notice by the owner or by the contractor and within 48 hours after the removal of the critical barriers, a final inspection shall be made to ensure the absence of any visible signs of asbestos or asbestos-containing materials and that all removed asbestos and asbestos contaminated materials have been properly disposed of off-site in accordance with the rules of the New Jersey Department of Environmental Protection and Energy, [N.J.A.C. 7:26-1](#), which is referenced in [N.J.A.C. 5:23-8.22](#).
  2. The Department reserves the right to make a final inspection in addition to the required final inspection conducted by the asbestos safety technician before a certificate of occupancy is issued by the enforcing agency.
- (e)** The Department inspections shall be conducted as follows:
1. The Department shall make scheduled and/or unannounced periodic inspections of any work area involving asbestos abatement work for the purpose of enforcing this subchapter.
- (f)** Violations: The asbestos safety technician shall ensure that the work conforms to this subchapter. If it is found that the asbestos abatement work is being conducted in violation of this subchapter, the asbestos safety technician shall direct such corrective action as may be necessary. If the contractor fails to comply with the corrective action required, or if the contractor or any of their employees habitually and/or excessively violate the requirements of any rule, then the asbestos safety technician shall order, in writing, that the work be stopped. If the contractor fails to comply with the order, then the asbestos safety technician shall notify the enforcing agency, which shall issue a stop work order to the contractor, have the work area secured until all violations are abated, and assess a penalty, in accordance with [N.J.A.C. 5:23-2.31](#), which shall not be reduced or settled for any reason.

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Added New Jersey Department of Community Affairs.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

## § 5:23-8.7 Inspections; violations

Recodified old 8.7 as new 8.8 with various stylistic changes. Section 8.8 was formerly "Certificate of occupancy; certificate of completion".

In (a): added new 4.

In (d): added new 2.

In (f): revised language to specify order procedures regarding violations.

Administrative correction to (a)2.

See: 21 New Jersey Register 3747(a).

Recodified from 5:23-8.8 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Construction permit for asbestos abatement," recodified as 5:23-8.5.

Amended by R.2004 d.365, effective October 4, 2004.

See: [36 New Jersey Register 2605\(a\)](#), [36 New Jersey Register 4441\(a\)](#).

In (f), substituted "in accordance with [N.J.A.C. 5:23-2.31](#)" for "of \$ 500.00".

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## [N.J.A.C. 5:23-8.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

### **§ 5:23-8.8 Certificate of occupancy; certificate of completion**

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(a) Certificate of occupancy requirements are as follows:

1. It shall be unlawful to re-occupy the portion of a building that was vacated during an asbestos hazard abatement project until a certificate of occupancy has been issued by the enforcing agency. The certificate of occupancy shall be issued upon receipt of a certificate of completion issued by the asbestos safety control monitor and verified by the enforcing agency that the building or a portion of a building is in conformance with all applicable requirements of the Uniform Construction Code and that any walls, floors, trim, doors, furniture or other items damaged during the work shall be repaired or refinished to match existing materials.
2. The application for a certificate of occupancy shall be in writing and submitted in such form as the Department may prescribe and shall be accompanied by the required fee as provided for in this subchapter.
  - i. The application shall include the following:
    - (1) The name and address of the owner;
    - (2) The address of the building or structure;
    - (3) Certificate of Completion submitted by the asbestos safety control monitor.
3. If all the information required is complete and in accordance with this subchapter, a certificate of occupancy shall be issued.

(b) Certificate of Completion requirements are as follows:

1. It shall be unlawful to apply for a certificate of occupancy until a certificate of completion has been issued by the asbestos safety control monitor.
2. Within five days of completion of an asbestos hazard abatement project the owner/agent shall file for a certificate of completion from the asbestos safety control monitor.
3. The application for a certificate of completion shall be in writing and submitted in such form as the department may prescribe.
4. A Certificate of Completion shall be issued only if:
  - i. All information is complete.
  - ii. Final inspection by the asbestos safety technician reveals no visible evidence of asbestos.
  - iii. All requirements of this subchapter have been met.
  - iv. An acceptable final air monitoring level has been attained pursuant to [N.J.A.C. 5:23-8.21](#) and documentation of that air level has been submitted in writing.

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Changed level of fibers from .01 to .010.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.8 as new 8.9. Section 8.9 was formerly "Fees".

Deleted old (a)2i.(4) regarding air monitoring level requirement.

In (b)4iv.: added "an acceptable" defining Final air monitoring levels and deleted "of .010 fibers per cc or lower". Also added text regarding N.J.A.C. cite and "submitted in writing" requirement.

Recodified from 5:23-8.9 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Inspections; violations", recodified as 5:23-8.7.

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## [N.J.A.C. 5:23-8.9](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

## **§ 5:23-8.9 Fees**

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(a) The enforcing agency that issues the construction permit and the certificate of occupancy for an asbestos hazard abatement project shall establish by regulation or ordinance the following flat fee schedule:

1. An administrative fee of \$ 118.00 for each construction permit issued for an asbestos hazard abatement project.
2. An administrative fee of \$ 24.00 for each certificate of occupancy issued following the successful completion of an asbestos hazard abatement project.

(b) The authorization and reauthorization fees for the asbestos safety control monitor are delineated in [N.J.A.C. 5:23-8.11](#).

(c) The application fee for certification as an asbestos safety technician is delineated in [N.J.A.C. 5:23-8.10](#).

(d) All fees shall be paid by check or money order, payable to "Treasurer, State of New Jersey".

## **History**

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### **HISTORY:**

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.9 as new 8.10. Section 8.10 was formerly "Precautions and procedures during a large asbestos abatement job."

In (b): changed "defined" to "delineated" and "8.17" to "8.18".

Added new (c).

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (a)1, increased fee from \$ 50.00 to \$ 65.00.

In (a)2, increased fee from \$ 10.00 to \$ 13.00.

Amended by R.1992 d.392, effective October 5, 1992.



## § 5:23-8.9 Fees

See: 24 N.J.R. 2657(a), 24 N.J.R. 3521(b).

Fees increased at (a)1 and 2.

Recodified from 5:23-8.10 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Certificate of occupancy; certificate of completion", recodified as 5:23-8.8.

Amended by R.2002 d.260, effective August 5, 2002.

See: [34 N.J.R. 1572\(a\)](#), [34 N.J.R. 2781\(c\)](#).

In (a), substituted "\$ 84.00" for "\$ 70.00" in 1 and substituted "\$ 17.00" for "\$ 14.00" in 2.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

In the introductory paragraph of (a), substituted "or" for "/"; in (a)1, substituted "\$ 106.00" for "\$ 84.00"; and in (a)2, substituted "\$ 21.00" for "\$ 17.00".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

In (a)1 and (a)2, updated the fee amount.

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## [N.J.A.C. 5:23-8.10](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

#### **§ 5:23-8.10 Asbestos safety technician**

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(a) Any candidate for certification as an asbestos safety technician shall submit an application to the Department accompanied by the required application fee established in (c) below. The requirements for certification as an asbestos safety technician are as follows:

1. At least 24 college credits in academic sciences, including biology, chemistry, industrial hygiene, environmental science, physics, geology or related fields; or one year of work experience which included performing environmental assessment activities, which may be substituted for this education requirement;
2. Successful completion of a course in air monitoring methods consisting of a minimum of 30 contact hours that shall include hands-on experience with using and calibrating various types of air monitoring equipment; or six months of work experience performing air monitoring including at least 30 hours of on-the-job training, which may be substituted for this education requirement;
3. Successful completion of a training course for asbestos worker/supervisors approved by the New Jersey Department of Health pursuant to [N.J.A.C. 12:120](#) and [N.J.A.C. 8:60](#);
  - i. One year of experience in monitoring asbestos abatement activities may be substituted for completion of an approved training course;
  - ii. Six months of experience monitoring asbestos abatement may be substituted for completion of an approved training course if the individual is an industrial hygienist certified by the American Board of Industrial Hygiene;
4. Successful completion of a course for asbestos safety technicians approved by the New Jersey State Department of Community Affairs;
5. Successful passing of an examination for asbestos safety technicians administered by the National Assessment Institute in cooperation with the National Asbestos Council, or any equivalent examination approved by the Department.

(b) The Department shall renew the certification following submission of an application, payment of the required fee pursuant to (c) below, and verification by the Department that the applicant meets the requirements for the certification in this section.

1. Every two years any certification already issued shall be renewed upon submission of an application, payment of the required fee, and verification by the Department that the applicant has met such continuing educational requirements as may be established by the Commissioner. The Department shall renew the certification previously issued for a term of two years. The renewal date shall be 45 days prior to the expiration date. The expiration dates shall be July 31 or January 31.
2. The Department shall issue, upon application, a duplicate certification upon a finding that the certification has been issued and the applicant is entitled to such certification to replace one which has

## § 5:23-8.10 Asbestos safety technician

been lost, destroyed, or mutilated. Payment of a fee as established by [N.J.A.C. 5:23-8.10\(c\)](#) shall be required.

3. The Department may establish by rule continuing education requirements as deemed necessary for the renewal of a certification.

(c) No application for certification or recertification shall be acted upon unless said application is accompanied by a \$ 74.00 fee.

(d) Duties of the asbestos safety technician shall be as follows:

1. The asbestos safety technician shall perform all air sampling specified in this subchapter, as delineated in [N.J.A.C. 5:23-8.21](#) and shall be thoroughly familiar with this subchapter. He or she shall inform the department who his or her employer is at the time of his or her application for certification, and shall notify the department in writing within 10 working days of any change in status or employer. He or she shall have access to all areas of the asbestos abatement project at all times and shall continuously inspect and monitor the performance of the contractor to verify that said performance complies with this subchapter while work is in progress. The asbestos safety technician shall be on site from the initial preparation of the work area through the approved final visual inspection, and shall perform all inspections pursuant to [N.J.A.C. 5:23-8.7](#).

2. The asbestos safety technician shall direct the actions of the contractor verbally and in writing to ensure compliance with this subchapter. The asbestos safety technician shall require that all workers present a valid asbestos worker performance permit issued by the New Jersey Department of Labor before entering the work area. In matters of negligence and/or flagrant disregard for the safety of any person, including the possibility of contaminating the building environment and the emergence of an unsafe condition at the work area, the asbestos safety technician shall direct such corrective action as may be necessary. If the contractor fails to take the corrective action, or if the contractor or any of his or her employees continually violates the requirements of any regulation, then the asbestos safety technician shall order, in writing, that the work be stopped. If the contractor fails to comply with the order, the asbestos safety technician shall notify the enforcing agency, who shall issue a Stop Work Order to the contractor and have the work area secured until all violations are abated.

3. The asbestos safety technician shall calculate, based on the actual available output (not the rated output) of the air filtering units, the required number of air filtration units for each work area. This calculation shall be made whenever the volume of the work area changes. The asbestos safety technician shall inform the owner, contractor, and the abatement project designer of any discrepancies between the number of units required and those in operation within the work area. If problems are identified and not corrected, the asbestos safety technician shall inform the enforcing agency who shall take necessary measures to ensure corrective action;

4. At the beginning of each work shift, every four hours thereafter, and at the end of the contractor's work day, the asbestos safety technician shall monitor pressure differential by digital manometers with continuous printout or other approved low pressure monitoring devices for each work area. One or more separate monitoring systems shall be installed for every 10,000 square feet of separation surface adjacent to the work area. Pressure monitoring shall be representative of all adjacent areas. The pressure differential shall meet the minimum requirement set forth in [N.J.A.C. 5:23-8.15\(b\)9](#) or 8.17(d)6i or 8.19(c)4ii, as appropriate.

5. The asbestos safety technician shall ensure that the contractor smoke tests all the glovebags after they are attached and before the commencement of work.

6. For unoccupied buildings, upon receipt of testing results indicating that concentrations above the acceptance criteria established in [N.J.A.C. 5:23-8.21](#) have occurred during the abatement project, the asbestos safety technician shall immediately direct corrective action and verbally report these results within 24 hours to the contractor, the owner and the abatement project designer. Such verbal notification shall be followed by written notification to the contractor, the owner and the abatement project designer. A copy shall be sent to the enforcing agency and the Department within three

## § 5:23-8.10 Asbestos safety technician

business days from receipt of the results. For occupied buildings, the procedure set forth at [N.J.A.C. 5:23-8.19](#) shall be followed.

7. The asbestos safety technician shall monitor the removal of all asbestos-contaminated waste from the work area to ensure that it takes place in conformance with [N.J.A.C. 5:23-8.22](#), in the following manner:

- i. Direct removal by a collector/hauler registered with the New Jersey Department of Environmental Protection pursuant to *N.J.A.C. 7:26* and pursuant to New Jersey Department of Transportation rules at [N.J.A.C. 16:49](#).
- ii. Indirect removal by placement in a locked and secure container, for temporary storage, awaiting the New Jersey Department of Environmental Protection registered waste hauler.

8. The asbestos safety technician shall keep an up-to-date and comprehensive daily log of on-site activities. The log shall be updated continuously. The name of the project, name of the asbestos safety technician, and date shall be recorded daily. Each entry shall contain the event, the time of event and shall be initialed by the asbestos safety technician. One section of the log shall contain observations concerning contractor compliance with activities required under this subchapter listing all deficiencies encountered. In addition, the log shall list the name of each person entering the work area. The log shall be a bound book and all entries shall be in ink. The log shall be kept at the project site and shall be made available upon request at all times to the owner, the abatement project designer and to appropriate local and State agencies.

9. The asbestos safety technician shall prepare a comprehensive final report to include daily logs, required inspection reports, observations and air monitoring results. This report shall be made part of the official record filed by the asbestos safety control monitor.

(e) Penalties: The Department may suspend or revoke a certification, or assess a civil penalty, in accordance with [N.J.A.C. 5:23-2.31](#), for each offense, if the Department determines that an individual:

1. Has violated the provisions of the Uniform Construction Code regulations;
2. Has obtained a certification by fraud or misrepresentation;
3. Has aided or abetted in practice as an asbestos safety technician any person not authorized to practice as an asbestos safety technician under the provisions of this subchapter.
4. Has fraudulently or deceitfully practiced as an asbestos safety technician.
5. Has been grossly negligent or has engaged in misconduct in the performance of any of his duties;
6. Has failed to maintain a minimally acceptable level of competence;
7. Has been found to have accepted or failed to report an offer of a bribe or other favors in a proceeding under this act or other appropriate law of this or any other state or jurisdiction;
8. Has failed to comply with any order issued by the Department;
9. Has made a false or misleading written statement, or has made a willful material omission in any submission to the Department;
10. Has failed to enforce this subchapter; or
11. Has performed the duties of an asbestos safety technician without being certified as such.

(f) In addition to, or as an alternative to, revoking or suspending a certification or assessing a penalty, the Department may issue a letter of warning, reprimand, or censure with regard to any conduct which, in the judgment of the Department, warrants such a letter. Such letter shall be made a part of the certification file of the individual. A copy of such action shall be sent to an officer of the asbestos safety control monitor firm employing the individual.

## § 5:23-8.10 Asbestos safety technician

(g) Conviction of a crime or an offense shall constitute grounds for revocation or suspension of a certification.

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Recodified from 8.14 and substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Repeal and New Rule, R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Repealed old 8.15 and replaced with new rule 8.16. Section title remains same; new rule includes substantive changes regarding asbestos safety technician duties.

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.18 to new 8.19. Section 8.18 was formerly "Application of asbestos".

In (d)3: added language regarding professional experience substitution for education requirements.

In (d)5: added New Jersey Administrative code citations.

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (i)1 and 2, fee increased from \$ 30.00 to \$ 40.00.

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.

Recodified from 5:23-8.16 and 8.19 by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Fees", recodified as 5:23-8.9.

Amended by R.1994 d.436, effective September 6, 1994 (operative January 1, 1995).

See: 26 N.J.R. 2183(a), 26 N.J.R. 3707(a).

Amended by R.1997 d.409, effective October 6, 1997.

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See: [29 N.J.R. 2736\(a\)](#), [29 N.J.R. 4281\(a\)](#).

Amended by R.2002 d.260, effective August 5, 2002.

See: [34 N.J.R. 1572\(a\)](#), [34 N.J.R. 2781\(c\)](#).

In (c), substituted "\$ 52.00" for "\$ 43.00".

Amended by R.2004 d.365, effective October 4, 2004.

See: [36 N.J.R. 2605\(a\)](#), [36 N.J.R. 4441\(a\)](#).

In (e), substituted "in accordance with [N.J.A.C. 5:23-2.31](#)" for "of not more than \$ 500.00" in the introductory paragraph.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

In (c), substituted "\$ 66.00" for "\$ 52.00".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

In (c), substituted "\$ 74.00" for "\$ 66.00".

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## [N.J.A.C. 5:23-8.11](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

#### **§ 5:23-8.11 Asbestos safety control monitor**

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- (a) An asbestos safety control monitor may be an individual, partnership, corporation, or other business entity organized for the purpose of enforcing and administering this subchapter.
1. Each asbestos safety control monitor shall enter into a contract for each asbestos hazard abatement project with the building owner or his authorized agent. The contract shall specify: the scope of the project with the provision that the asbestos safety control monitor shall carry out all the rules and responsibilities established by this subchapter, how the asbestos safety control monitor is to be paid for its services and the name of the employee who shall serve as the representative of the asbestos safety control monitor authorized to review and approve all documents related to the administration of this subchapter.
  2. Each asbestos safety control monitor authorized by the Department shall organize its operation to effectively fulfill the requirements of this subchapter. Each person assigned to perform the duties of an asbestos safety technician shall be certified as an asbestos safety technician by the Department.
  3. The asbestos safety control monitor shall report to the Department through its designee and shall be subject to the orders and directives of the Department in matters relating to the enforcement of this subchapter.
- (b) The Department shall authorize the establishment of an asbestos safety control monitor:
1. No person shall undertake the services described in this section or enter into any contract pursuant to this subchapter without first receiving the authorization of the Department.
    - i. Except that applicants who have received notice from the Department that their application is complete and suitable for processing may begin to promote or otherwise make their anticipated availability known provided that the applicant discloses in writing at the time of undertaking any such activity that he has not yet been authorized by the Department.
  2. Applicants for authorization as an asbestos safety control monitor shall submit an application on the prescribed form, with the required fee pursuant to (h) below, and any additional information the Department may require.
  3. Following a determination by the Department that an application is complete and suitable for processing, the Department shall review and evaluate the information contained in the application and such other information as the Department shall deem necessary to enable it to make an accurate and informed determination of approval or disapproval. Within 30 days following the receipt of a completed application, the Department shall make its determination as to whether authorization as an asbestos safety control monitor shall be granted or denied, and shall notify the applicant. In the event of denial, the Department shall provide the applicant with a written explanation of the reasons for denial.
  4. The application for authorization shall contain information relating to:

## § 5:23-8.11 Asbestos safety control monitor

- i. The financial integrity of the applicant as evidenced by a reviewed financial statement prepared by an independent certified public accountant;
  - ii. The qualifications of the management and technical personnel of the applicant, including a statement that all technical personnel who are to be assigned as asbestos safety technicians are certified by the Department;
  - iii. The type of analysis done (for example, NIOSH 7400) and the laboratory(ies) that do the procedures. If the applicant does its own lab analysis, it shall list the type of equipment used and the personnel using it, with their qualifications. All laboratories shall be accredited by the National Institute of Standards and Technology (NIST). The laboratory shall be a current proficient participant in the American Industrial Hygiene Association Proficiency Analytical Testing Program or any other recognized equivalent program for PCM. All laboratory analysis shall be performed in accordance with [N.J.A.C. 5:23-8.21](#);
  - iv. The names of all technical personnel, including asbestos safety technicians with their certification numbers, and their range of salaries and other compensation;
  - v. The policies and procedures of the applicant for the hiring, training, education, and supervision of all technical personnel involved in the supervision and performance of duties pursuant to this subchapter;
  - vi. The prior experience of the applicant in performing similar or related functions;
  - vii. The capability of the applicant to review plans and specifications and to inspect asbestos abatement work to ensure that the completed work is in compliance with this subchapter;
  - viii. A statement that the applicant is not affiliated with, or influenced or controlled by any producer, manufacturer, supplier or vendor of products, supplies or equipment used in asbestos hazard abatement or by any abatement contractor;
  - ix. Proof of insurance as required pursuant to [N.J.A.C. 5:23-8.11\(c\)3v](#); and
  - x. The name and address of an agent upon whom service upon the business organization may be made within the State of New Jersey. The agent shall be either an individual who is a resident of the State of New Jersey or a corporation maintaining an office within the State of New Jersey. The agent listed shall be the same as the agent on record with the New Jersey Department of Treasury.
5. Authorization shall be valid for a period of one year. The expiration dates shall be March 31 or September 30.
6. Applications for reauthorization shall be filed with the Department at least 60 days prior to the scheduled expiration for the current authorization from the Department. The asbestos safety control monitor shall make current the information previously submitted to the Department. The asbestos safety control monitor shall provide additional information as the Department may request. The application shall be accompanied by the fee established pursuant to (h) below. The Department may conduct such additional investigations of the applicant as it may deem necessary.
  - i. Within 30 days following receipt by the Department of an application for reauthorization, the Department shall make its determination as to whether the asbestos safety control monitor continues to meet the requirements of the regulations. In the event of disapproval, the Department shall provide the asbestos safety control monitor with a written explanation of the reasons for such disapproval. Each reauthorization shall expire one year from the date of the current authorization from the Department.
  - ii. The Department, on its own motion or at the request of any asbestos safety control monitor, may grant a temporary reauthorization of such agency for a period not to exceed 60 days.



## § 5:23-8.11 Asbestos safety control monitor

7. It shall be the responsibility of the applicant to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the applicant or representative. Any change shall be reported to the Department in writing within 30 days of the change.

(c) Records shall be maintained by the asbestos safety control monitor of all inspections, applications, approved plans, air tests, log sheets and any other information that may be required by the enforcing agency or the department. These records shall be open to department audit and shall not be destroyed or removed from the offices of the asbestos safety control monitor without the permission of the department.

1. The asbestos safety control monitor shall provide the Department with written notification of any change of licensed personnel and any change of principals within 30 days.
2. The enforcing agency shall be the sole agent for the collection of all fees and penalties from the property owner, the designated agent or anyone in their employ.
3. Each asbestos safety control monitor shall have the following responsibilities:
  - i. To maintain an adequate number of certified staff to enforce the Asbestos Hazard Abatement Subcode for the projects contracted;
  - ii. To review and approve the plans and specifications, release them in writing, and forward them to the enforcing agency for issuance of a permit;
  - iii. To be subject to the department's rulings, directives and orders;
  - iv. To provide adequate supervision to its employees to ensure conformance to the provisions of this subchapter;
  - v. To carry liability insurance equal to that required of private enforcing agencies pursuant to [N.J.A.C. 5:23-4.14\(e\)5](#);
  - vi. To process and return all documents, plans, specifications, and applications within the time frame specified by this subchapter.
  - vii. To provide technical assistance to the building owner in the preparation of a construction permit application;
  - viii. To provide written notification of the start of a project to the department a minimum of 10 days prior to the start of the project and telephone notification to the department by the asbestos safety technician on the first day of the start of the project;
  - ix. To perform all required inspections and reinspections pursuant to this subchapter;
  - x. To perform all tests required by this subchapter;
  - xi. To give testimony at a hearing or in court, as required by the construction official or the Department;
  - xii. To prepare all reports required by this subchapter or as may be required by the Department from time to time;
  - xiii. To meet its obligations under its contract with the building owner;
  - xiv. To issue and maintain documentation and certification, including, but not limited to, plan release, permit application and permit issued by the enforcing agency (if a firm is the duly authorized agent of the owner), variations submitted, written notice to proceed, written notice to remove barriers, certificate of completion, violation notices, daily logs, inspection records, observations, calculations, backup records, air monitoring results and a separate listing of any contractor deficiencies observed during the course of the work;
  - xv. To ensure the attendance of all technical and supervisory employees at required training and orientation programs; and

## § 5:23-8.11 Asbestos safety control monitor

**xvi.** Upon completion of an asbestos hazard abatement project, the asbestos safety control monitor shall submit a final comprehensive report consisting of, but not limited to, plan release, permit application and permit issued by the enforcing agency (if a firm is the duly authorized agent of the owner), variations submitted, written notice to proceed, written notice to remove barriers, certificate of completion, violation notices, daily logs, inspection records, observations, calculations, backup records, air monitoring results and a separate listing of any contractor deficiencies observed during the course of the work. The final report shall be submitted to the building owner within 60 days of issuance of the Certificate of Completion. A copy of the final report shall be made available to the Department within 10 days of written request.

**(d)** Whenever an asbestos safety control monitor enters into a contract to provide asbestos safety control monitoring services in connection with an asbestos hazard abatement project, the asbestos safety control monitor shall not have any economic relationship with another party involved with the project. Laboratory services needed by the asbestos safety control monitor shall not be provided by any laboratory that has any economic relationship with the abatement contractor.

1. The asbestos safety control monitor may perform air monitoring required pursuant to the related OSHA requirements only through a contract with the building owner.

**(e)** Penalty, suspension and revocation procedures are as follows:

1. In addition to any other remedies provided by the Uniform Construction Code regulations, [N.J.A.C. 5:23](#), the Department may suspend or revoke its authorization of any asbestos safety control monitor or assess a civil penalty, in accordance with [N.J.A.C. 5:23-2.31](#), if the Department determines that the authorization or reauthorization was based on the submission of fraudulent or materially inaccurate information, or that the authorization or reauthorization was issued in violation of this subchapter, or that a change of facts or circumstances makes it unlikely that the asbestos safety control monitor can continue to discharge its responsibilities under this subchapter in a satisfactory manner, or any provision of this subchapter has been violated, or that the asbestos safety control monitor has been negligent or has engaged in misconduct in the performance of any of its duties, or that the asbestos safety control monitor has failed to maintain a minimally acceptable level of competence.

i. During the period of suspension, the affected asbestos safety control monitor shall not be authorized to discharge any of its responsibilities under this subchapter unless otherwise specified in the notice of suspension or order of the Department.

2. The Department shall notify such asbestos safety control monitor of its suspension or revocation in writing. Copies of the notice of suspension shall be forwarded by the Department to all building owners with implementing contracts with the affected asbestos safety control monitor. The suspension shall be effective on the date the affected asbestos safety control monitor receives the notice of suspension or on any later date that may be designated in the notice of suspension.

3. The Department may revoke its approval of any asbestos safety control monitor without previously suspending its authorization. In such event, the Department shall send a written notice to the affected asbestos safety control monitor of its intention to consider revocation of its authorization stating the grounds therefore. The notice shall be sent to the affected asbestos safety control monitor and to all building owners with implementing contracts with the affected asbestos safety control monitor.

i. No such asbestos safety control monitor shall reapply for approval as an asbestos safety control monitor until the expiration of one year from the date of the order of revocation.

4. Upon the suspension or revocation of approval of an asbestos safety control monitor, any building owner with an implementing contract with the asbestos safety control monitor shall have the right to terminate its contract with such asbestos safety control monitor and be free of all obligations thereunder and to enter into an implementing contract with any other asbestos safety control monitor.

**(f)** In addition or as an alternative to revoking or suspending an authorization, or assessing a penalty, the department may issue a letter of warning, reprimand, or censure with regard to any conduct which, in the

## § 5:23-8.11 Asbestos safety control monitor

judgment of the department, warrants such a response. Such letter shall be made part of the authorization file of the firm.

**(g)** Conviction of a crime or an offense shall constitute grounds for revocation or suspension of an authorization.

**(h)** Authorization and reauthorization fees are as follows:

1. Authorization fee: Any asbestos safety control monitor submitting an application to the Department under this subchapter for approval as an asbestos safety control monitor shall pay a fee of \$ 5,875 for the authorization which is sought.
2. Once authorized, the asbestos safety control monitor shall pay a fee of six percent of the gross revenue earned solely from asbestos safety control monitoring activities. This fee shall be payable quarterly, accompanied by a completed form prescribed by the Department, and is due within one month of the close of the indicated quarter according to the following schedule: First quarter--January 1 to March 31; second quarter--April 1 to June 30; third quarter--July 1 to September 30; and, fourth quarter--October 1 to December 31. The monies obtained from the preparation of plans and specifications and payments for laboratory services shall not be included in the calculation of this quarterly fee.
3. Reauthorization fee: Any asbestos safety control monitor submitting an application to the Department under this subchapter for reapproval as an asbestos safety control monitor shall pay a fee of \$ 2,937.

## History

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### HISTORY:

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Amended by R.1987 d.490, effective November 16, 1987.

See: 19 N.J.R. 1684(a), 19 N.J.R. 2134(a).

Fee raised from \$ 1,000 plus five percent to \$ 1,250 plus six percent.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Correction: Asbestos safety control monitor fee raised from \$ 2,000 to \$ 2,500 equal to six not five percent and reapproval fee raised from \$ 1,000 to \$ 1,250 equal to six not five percent.

See: 20 N.J.R. 1115(a).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.17 to new 8.18, with minor stylistic changes throughout. Section 8.18 was formerly "Asbestos safety technician: certification requirements". In (a)4iii: Revised text to specify program that testing laboratories are required to participate.

Amended by R.1991 d.181, effective April 1, 1991.

See: 23 N.J.R. 257(b), 23 N.J.R. 1029(a).

In (h)1, authorization fee increased from \$ 2,500 to \$ 3,250. In (h)2, reauthorization fee increased from \$ 1,250 to \$ 1,625.

## § 5:23-8.11 Asbestos safety control monitor

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.

Recodified from 5:23-8.18 by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Precautions and procedures during a large asbestos hazard abatement project", recodified as 5:23-8.15.

Administrative correction.

See: 26 N.J.R. 4760(a).

Amended by R.2002 d.260, effective August 5, 2002.

See: [34 N.J.R. 1572\(a\)](#), [34 N.J.R. 2781\(c\)](#).

In (h), substituted "\$ 4,200" for "\$ 3,500" in 1 and "\$ 2,100" for "\$ 1,750" in 3.

Amended by R.2004 d.365, effective October 4, 2004.

See: [36 N.J.R. 2605\(a\)](#), [36 N.J.R. 4441\(a\)](#).

In (e)1, substituted "in accordance with [N.J.A.C. 5:23-2.31](#)" for "of not more than \$ 500.00 per violation" in the introductory paragraph.

Administrative correction.

See: [36 N.J.R. 5337\(a\)](#).

Amended by R.2005 d.446, effective December 19, 2005.

See: [37 N.J.R. 2747\(a\)](#), [37 N.J.R. 4907\(a\)](#).

In (b), added 4x and 7.

Administrative correction.

See: [38 N.J.R. 1827\(b\)](#).

In (b)4x, substituted "The agent listed shall be" for "The agent list shall be".

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

In (h)1, substituted "\$ 5,292" for "\$ 4,200"; and in (h)3, substituted "\$ 2,646" for "\$ 2,100".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

In (h)1 and (h)3, updated the fee amount.

## [N.J.A.C. 5:23-8.12](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

## **§ 5:23-8.12 Application of asbestos**

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- (a) This section shall apply to the application of asbestos, except as provided in (a)1 below.
1. This section shall not apply to asbestos materials which are applied in solid, non-friable form, such as floor tiles or cement pipe.
- (b) The requirements of this section are set forth in order to prevent the contamination of the building environment which may be caused by improperly performed asbestos application work.
1. No person may cause or allow surface coating by spraying on any building structure, facility, installation or internal or external portion thereof, using asbestos or any friable material containing in excess of 0.25 percent by weight of asbestos. See [N.J.A.C. 7:27-17](#).
  2. The direct application of asbestos material during construction or renovation of structures, facilities or installations by means such as troweling by hand shall be prohibited.
  3. The only permissible applications of asbestos-containing materials during construction or renovation of structures, facilities or installations shall be those in which the asbestos is securely bound into a solid matrix before the application is performed, such as floor tiles in which asbestos is a minor component.

## **History**

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### **HISTORY:**

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.11 as new 8.12, changing abatement "job" to "project" throughout with stylistic changes. Section 8.12 was formerly "Asbestos encapsulation and enclosure".

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Recodified from 8.17.

§ 5:23-8.12 Application of asbestos

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.19 to new 8.20. Section 8.20 was formerly "Appeals".

Recodified from 5:23-8.20 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Precautions and procedures during a small asbestos hazard abatement project", repealed.

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End of Document

## [N.J.A.C. 5:23-8.13](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

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### **§ 5:23-8.13 Pre-project procedures**

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Before an asbestos abatement project begins, the owner shall have evaluated whether or not the scope of work for a specific project will require that all surfaces in the work area are to be HEPA vacuumed and/or wet-wiped. This is in order to remove any dust which may contain asbestos and might, therefore interfere with the final inspection and final air clearance level needed to reoccupy the building. The surfaces to be cleaned shall include, but not be limited to, all horizontal and vertical surfaces and such inside spaces as room ventilators, storage lockers, and utility and storage closets. The cleaning shall be accomplished by trained employees of the building owner as delineated in this subchapter before the asbestos abatement project begins or it shall be made part of the scope of work of an asbestos abatement project to be completed by the licensed contractor.

### **History**

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#### **HISTORY:**

New Rule, R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Section 8.3 formerly was "Enforcement; licensing; special technical services".

Recodified from 5:23-8.3 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Asbestos encapsulation and enclosure", recodified as 5:23-8.16.

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End of Document

## [N.J.A.C. 5:23-8.14](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

#### **§ 5:23-8.14 Operations and maintenance activities**

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(a) Operations and maintenance activity, as defined in [N.J.A.C. 5:23-8.2](#), involves asbestos abatement work that may be performed without application or notice to the enforcing agency. Mechanical, electrical, plumbing or general construction work that involves the incidental disturbance of asbestos-containing material shall also be considered an operations and maintenance activity. Examples include, but are not limited to, corrective action which includes removal, repair, encapsulation and enclosure of asbestos-containing insulation on pipes, beams, walls or ceilings, etc.; disturbance or routine maintenance activities which may involve asbestos-containing material; clean up of asbestos debris from a floor; and maintenance activities that may include the removal of asbestos-containing material, if required in the performance of another maintenance activity not intended as asbestos abatement, or minor repairs to damaged insulation which do not require removal. The stabilization of any amount of asbestos-containing materials used to cover piping, boilers, tanks, structural members, or similar equipment by applying duct tape, re-wettable glass cloth, canvas, cement, or other sealable material to seal exposed areas where asbestos fibers may be released, shall also constitute an operations and maintenance activity. Asbestos hazard abatement projects shall not be broken down into smaller component parts in order to qualify as an operation and maintenance activity.

(b) Specific records of each operations and maintenance activity shall be kept on file at a central location by the owner of the facility and shall be open for review and audit by the enforcing agency and for public inspections during normal business hours.

1. The information required shall be:

- i. Location/name/number of building;
- ii. Exact locations of the work area within the building;
- iii. Type of abatement work conducted;
- iv. Scope of work;
- v. Type of replacement material used (if applicable);
- vi. Date;
- vii. Name(s) and address(es) of personnel; and
- viii. Location of the disposal site.

(c) A certificate of occupancy or completion is not required for an operations and maintenance activity.

(d) Requirements concerning wetting methods are as follows:

1. Wetting methods shall be used whenever asbestos-containing materials are disturbed.
2. Asbestos materials shall be wetted using amended water applied by means of an airless sprayer to minimize the disturbance of asbestos-containing material. Asbestos-containing materials shall be



## § 5:23-8.14 Operations and maintenance activities

wetted from the initiation of the maintenance or renovation operation that disturbs asbestos-containing material. The wetting agents shall be used continually throughout the work period to ensure that any dry asbestos-containing material exposed in the course of the work is water-soaked and remains wet until final disposal.

- (e) Asbestos-containing material shall be disposed of as specified in [N.J.A.C. 5:23-8.22](#).

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Added text to (a) "Mechanical, electrical, plumbing ... hazard abatement job"; deleted text in (a)1 "although asbestos abatement ... to N.J.A.C. 5:23-2." and added "Although the enclosure ... to N.J.A.C. 5:23-2."

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Deleted text in (a) "This work requires ... job takes place." Added (b) and (c).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.4 as new 8.5 and changed "abatement job" to "abatement project." Section 8.5 was "Variations".

In (a): Revised language and added text to define work involved in project.

In (b): Added language regarding the wearer of a respirator.

Recodified old (c) in the new (d), with stylistic changes. Added new (c)1-4 and new (e).

Recodified from 5:23-8.5 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Glove bag technique", recodified as 5:23-8.17, "Limited containment removals".

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## [N.J.A.C. 5:23-8.15](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

#### **§ 5:23-8.15 Asbestos hazard abatement projects**

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- (a) No asbestos hazard abatement work including preparation shall be performed or continued without having a certified asbestos safety technician at the work area.
- (b) Protective clothing, equipment, and general procedures for asbestos abatement shall be subject to the following requirements:
1. Only authorized personnel shall be permitted in the work area. The contractor shall provide the required respirators and protective clothing to all who may inspect or visit the work area;
  2. The protective clothing and equipment requirements set forth in this section shall be used to prevent the contamination by persons engaged in asbestos abatement projects of areas and buildings accessible to or used by the public;
  3. All persons entering the work area shall wear protective clothing. All clothing worn during removal operations shall be disposed of as contaminated waste. The requirement that clothing be disposed of as contaminated waste shall not include rubber boots, respirators, eye protection, hard hats, and other protective clothing, which can be easily cleaned.
  4. Polyethylene bags shall be six mil thick and of sufficient size for their intended use;
  5. All tape, spray-on adhesives, glove bags, glue, and other materials used in the abatement process shall be of sufficiently high quality to serve their intended purpose;
  6. The contractor shall have available sufficient inventory of protective clothing, respirators, filter cartridges, polyethylene sheeting, duck tape, spray-on adhesives, and air filters. Sufficient personal protective equipment shall be available for usage by authorized personnel;
  7. The contractor shall have available shower stall(s) and sufficient plumbing for these showers including hot and cold running water and sufficient hose length and drain systems or an acceptable alternate such as a portable decontamination trailer with showers. Waste shower water shall be added to asbestos-contaminated waste material before disposal in a permitted asbestos waste landfill or it shall be solidified using an approved polymer to prevent leaks or accidental spills within a facility or during transport for disposal to a permitted asbestos waste landfill or it shall be filtered using a five [mu] filter and disposed of in the sanitary drain, if allowed by local treatment works by regulation or as allowed by permit;
  8. The contractor shall have available adequate ladders and/or scaffolds and sufficient temporary lighting equipped with ground fault circuit interruptors for the asbestos safety technician and all others who may inspect the work;
  9. The contractor shall have available HEPA filter equipped air filtering equipment capable of filtering asbestos fibers to 0.3 [mu] at 99.97 percent efficiency and of sufficient quantity and capacity to cause a complete air change or total air filtration within the work area at least once every 15 minutes. Nothing in this subchapter shall be construed to limit the maximum exhaust capacity from the work area. If the

## § 5:23-8.15 Asbestos hazard abatement projects

situation warrants, the specifications for the abatement project may require additional air changes per hour. The exhaust capacity from the work area shall be sufficient to establish a pressure differential between the work area and all adjacent spaces greater than or equal to 0.03 inches w.c. for unoccupied buildings and greater than or equal to 0.05 inches w.c. for occupied buildings.

i. Pressure differential shall be monitored by digital manometers with continuous printout or other approved low pressure monitoring devices. The asbestos safety technician shall zero and level the gauges each time a reading is taken.

ii. One or more separate pressure monitoring systems shall be installed by the asbestos safety control monitor firm near the entrance(s) to the work area and between the work area and any interior spaces from which make-up air is drawn.

iii. In unoccupied buildings, if the pressure differential drops below 0.01 inches w.c., the asbestos safety technician and the contractor supervisor shall investigate and evaluate the engineering controls to determine the source of the pressure loss and the contractor shall institute corrective action as indicated.

iv. In occupied buildings, the procedures set forth in [N.J.A.C. 5:23-8.19](#) shall be followed.

**10.** Air shall flow into the work area through all openings, including the decontamination chamber and waste exit ports, any areas in the work area where air leakage may occur, and other controlled makeup air inlets. Air shall exhaust through the air pressure differential filtration unit by means of flexible or solid duct leading outside the building. The air-filtering equipment should be positioned at a maximum distance from the decontamination chamber to maximize filtration of airborne fibers. Sufficient air shall be exhausted by an approved HEPA equipped vacuum truck or HEPA equipped air filtration units when necessary to provide air pressure differential. Air filtration units shall be in operation at all times;

**11.** Asbestos-containing material shall be disposed of as specified in [N.J.A.C. 5:23-8.22](#).

**(c)** Decontamination procedures are as follows:

**1.** The contractor shall provide an adequate decontamination unit consisting of a serial arrangement of rooms or spaces adjoining the work area or a decontamination trailer. Each airlock shall be clearly identified and separated from the other by polyethylene crossover sheet doors designed to minimize fiber and air transfer as people pass between areas. A minimum of two layers of polyethylene sheeting shall be required for floors, walls, and the ceiling for on-site constructed decontamination units. Polyethylene crossover sheet doors shall have at least three layers of polyethylene sheeting and be weighted so as to fall into place when people pass through the area. Decontamination chamber doors shall be of sufficient height and width to enable replacement of equipment that may fail and to safely stretch or carry an injured worker from the site without destruction of the chamber or unnecessary risk to the integrity of the work area. Such doors must be at least four feet wide, and the distance between sets of doors must be at least four feet.

i. As an alternative to the use of polyethylene crossover sheet doors, any other suitable method to accomplish this end shall be acceptable, if it is approved by the asbestos safety control monitor. Alternative doors shall provide for adequate exiting in accordance with the building subcode of the Uniform Construction Code.

**2.** The decontamination areas shall consist of the following:

i. Clean room: In this room persons remove and leave all street clothes and put on clean disposable coveralls. Appropriate NIOSH approved respiratory protection equipment is also picked up in this area. No asbestos contaminated items are permitted in this room.

ii. Shower room: This is a separate room used for transit by cleanly dressed people entering the work area from the clean room and for showering by them after they have undressed in the equipment room. This is a contaminated area.

## § 5:23-8.15 Asbestos hazard abatement projects

iii. Equipment room: Work equipment, footwear, and all other contaminated work clothing shall be stored here. This is also a change and transit room for people. All areas between the shower room and work area shall be considered part of the equipment room. This is a contaminated area.

3. In order to prevent contamination of the environment, the contractor shall be responsible for controlling access at the work area and shall maintain a daily log of personnel entering the work area. A list of names of workers shall be posted with their start and stop times for each day. In addition, the contractor shall ensure that all persons who enter the work area shall observe the following work area entry and exit procedures:

i. Person enters clean room and removes street clothing, puts on protective clothing and a respirator, and passes through shower room into equipment room.

ii. Any additional required clothing and equipment previously deposited in the equipment room is put on.

iii. Person proceeds to work area.

iv. Before leaving the work area, the person shall remove all gross contamination and debris from the coveralls using a vacuum with a high efficiency particulate air (HEPA) filter. In practice, this is usually carried out by one person assisting another.

v. The person then proceeds to equipment room and removes all clothing except approved respirators. Extra clothing may be stored in contaminated end of the unit. Disposable coveralls are placed in a bag for disposal with other material.

vi. The person then proceeds directly into the shower room. Respirators shall be taken off last to prevent inhalation of fibers during removal of contaminated clothing, and shall not be removed until they have been washed free of dust.

vii. After showering, the person moves to the clean room and dresses in street clothing prior to exiting.

viii. Respirators are picked up, washed thoroughly, and disinfected as required, wrapped and stored in the clean room.

4. The contractor shall ensure that filters in cartridge type respirators used during the preparation and abatement phase of the project are removed, wetted, and discarded as contaminated waste. All new filters shall be in place in the respirator prior to reuse. For powered air purifying respirators or supplied air respirators, the manufacturer's instructions shall be followed about the proper decontamination sequence.

5. There shall be no smoking, eating, or drinking in any contaminated areas (shower room, equipment room, and work area). Respirators shall be worn in all contaminated areas.

6. Nondisposable footwear shall remain inside the contaminated area until completion of the activity, and shall be thoroughly cleaned at that time.

(d) Preliminary preparations in the work area shall be conducted as follows:

1. The contractor shall provide and post in clearly visible locations, appropriate caution and/or danger signs indicating that asbestos work is being conducted and that unprotected persons should not enter;

2. Employees of the contractor permitted pursuant to [N.J.A.C. 8:60](#) and [N.J.A.C. 12:120](#) or persons employed by the building owner who have successfully completed a maintenance/custodial or worker training course approved by the New Jersey Department of Health shall clean with wet cloths and/or with HEPA vacuums as appropriate all objects that can be removed from the work area without disrupting the asbestos-containing material. Objects shall include, but not be limited to, furniture, equipment, drapes, and curtains. The cloths used for cleaning shall be disposed of as asbestos contaminated waste. If the room and objects within it are shown to be uncontaminated by asbestos, then other employees of the building owner or contractor may remove such objects;

## § 5:23-8.15 Asbestos hazard abatement projects

3. The contractor shall install or build a decontamination facility in accordance with this section;
  4. The contractor shall arrange for shutting down and sealing off all electrical, heating, cooling, and ventilating or other air handling systems. However, if approved by the asbestos safety control monitor, the lighting and the receptacles in the work area may be used if these are properly protected by ground fault circuit interruptors and can be adequately cleaned following abatement;
  5. The contractor shall establish written emergency procedures to be posted within each work area. These procedures shall include plans for medical emergencies, fire evacuation, temporary loss of electrical power or water and procedures for repair and clean-up following temporary breach of containment barriers.
- (e) Isolation and barrier construction in the work area shall be conducted as follows:
1. Before removing any asbestos from the work area, the contractor shall ensure that the outer perimeters of the work area have been securely sealed off from the rest of the building;
  2. All vertical and horizontal surfaces except those of asbestos containing materials shall be sealed with watertight polyethylene sheeting except as provided in (e)3 below;
  3. The only permissible exception to total enclosure shall be:
    - i. An entrance airlock with showers and a decontamination chamber;
    - ii. A debris removal airlock to permit cleaning and removing asbestos waste;
    - iii. Staircases; and
    - iv. Controlled makeup air inlets into the work area.
  4. Polyethylene sheeting shall be used to isolate contaminated from uncontaminated areas. This polyethylene sheeting shall be replaced or repaired immediately if torn or damaged. One layer of polyethylene sheeting shall be required for walls and two layers of polyethylene sheeting shall be used to seal open space between work areas and non-contaminated areas and for all floors. In buildings required by the Uniform Construction Code to be of noncombustible construction, all materials used to construct separation barriers must meet the Uniform Construction Code, building subcode requirements for that building and all plastics used must be flame resistant.
- (f) Initial activity in the work area shall be conducted in the following order:
1. Remove filters from all heating, ventilating, and air conditioning systems. Wet the filters and place them in polyethylene bags, double bagged with visible labels, for disposal as asbestos-containing waste. Squeeze all excess air out of the bag before sealing to prevent puncture during disposal. Secure bags by twisting, taping, folding over, and sealing them with duct tape.
  2. The contractor shall wet clean and/or HEPA vacuum all non-removable non-asbestos items such as radiators and suspended light fixtures in the work area, including built-in equipment; and shall cover with two layers of polyethylene sheeting taped securely in place;
  3. The contractor shall detach and wet clean removable electrical, heating, and ventilating equipment and other items which may be connected to the asbestos surfaces. These items shall be removed from the work area and returned and reattached to their proper place when the work area has been decontaminated and final air testing has provided satisfactory results;
  4. The contractor shall seal all floor, wall, and ceiling penetrations with suitable material such as expanding foam insulation before covering the surfaces with polyethylene sheeting. The contractor then shall seal all openings between the work area and uncontaminated areas including but not limited to, windows, doorways, elevator openings, skylights, corridor entrances, floor and sink drains, air ducts, grills, grates and diffusers with critical barriers consisting of two layers of polyethylene sheeting taped securely in place or stapled or fastened by spray-on adhesives, glue beads, or horizontal wood battens or the equivalent. Floor drains shall be sealed individually and then covered as all other floor surfaces

## § 5:23-8.15 Asbestos hazard abatement projects

with two layers of polyethylene sheeting. Separation barriers may be constructed to support the critical barriers. Separation barriers shall not block any required means of egress;

5. For floor covering two layers of polyethylene sheeting shall be used. The first layer of floor sheeting shall extend up the wall at least 12 inches. The second layer shall be extended up walls at least 24 inches. Sheeting shall be sized so as to minimize the number of seams necessary. No seams shall be located at the joints between walls and floors;
  6. Wall sheeting shall consist of one layer of polyethylene sheeting. It shall be installed to minimize joints and shall overlap floor sheeting by at least 18 inches. No seams shall be located at the corners. Wall coverings shall be taped first to the upper most edge of the wall and shall hang straight down;
  7. When a strippable coating is used in place of polyethylene sheeting, it must be manufactured for the specific application required for walls, floors, or windows.
    - i. When dry, the strippable coating must have a class A rating as a building material and must meet the following requirements when tested in accordance with ASTM E-84: flame spread no greater than 20, fuel contributed 0, and smoke developed no more than 110.
    - ii. The strippable coating shall be applied uniformly in such a manner as to achieve a minimum uniform final thickness of six mil for each layer required pursuant to this subchapter.
    - iii. Manufacturer's specifications shall be followed for the method of application and for the protection of the applicators and building occupants.
    - iv. Use of the product shall be authorized in advance by the asbestos safety control monitor firm. The material shall be delivered to the project site in unopened, factory-labeled containers.
  8. As all existing ventilating systems in work area are to be sealed throughout the removal operation, an alternative system shall be utilized. Install approved HEPA equipped air filtration units with filters in place. HEPA equipped air filtration units shall be of sufficient number and capacity to ensure that total air volume is exchanged at least once every 15 minutes and an acceptable pressure differential is established and maintained. These units shall be rated by the manufacturer as to their actual working air capacity and field tested pursuant to [N.J.A.C. 5:23-8.10\(d\)4](#).
- (g) Sequence of asbestos removal activities shall be as follows:
1. The asbestos-containing material shall be sprayed with water containing an additive to enhance penetration (amended water) or removal encapsulant. All wetting agents shall be tested on a small area before use to ensure effectiveness. A fine low-pressure spray of this solution shall be applied to prevent fiber disturbance preceding removal. The removal encapsulant or amended water shall be sprayed on as many times and as often as necessary to ensure that the asbestos material is adequately wetted throughout (especially that asbestos nearest the substrate) to prevent dust emission.
  2. As a method of organizing the asbestos removal work, workers shall begin working on the areas nearest to the decontamination unit and work towards the HEPA equipped air filtration units. If this is not feasible, the asbestos safety control monitor firm shall approve an alternative to this requirement.
  3. The wet material from each section shall be packed and sealed into labeled six mil polyethylene bags and double bagged with visible labels or placed in labeled, leak-proof containers, prior to starting the next section. Water-soaked fallen material shall be picked up while wet.
  4. Contaminated material containing sharp edged items shall be cut to manageable size while adequately wet, and then placed in suitable leak-tight and puncture-proof containers or wrapped individually in two separate polyethylene sheets and double bagged.
  5. Bags and drums shall be marked with the label prescribed by 40 CFR Part 61, Subpart M of the US EPA, 29 CFR 1926 of OSHA, and 49 CFR--Parts 100-199 of the US DOT Hazardous Waste Hauling regulations. The outside of all containers shall be wet-cleaned or HEPA vacuumed before leaving the work area.

## § 5:23-8.15 Asbestos hazard abatement projects

6. After completion of this removal phase (stripping), all surfaces from which asbestos has been removed shall be scrubbed using nylon or bristle brushes and wet sponged or cleaned by an equivalent method to remove visible asbestos-containing material. During this work, the surfaces being cleaned shall be kept wet using amended water or a removal encapsulant. All disposable equipment shall be packaged for disposal. Containers shall be washed with amended water or a removal encapsulant and shall have all exterior particulate matter removed prior to removal from the contaminated area.

7. All accessory equipment shall be moved to the equipment room and decontaminated for removal.

8. All free water (in contaminated areas) shall be retrieved and added to asbestos-contaminated waste and/or placed in plastic lined leak-tight drums and/or solidified with an acceptable polymer or it shall be filtered using a five [ $\mu$ ] filter and disposed of in the sanitary drain, if allowed by local treatment works by regulation or as allowed by permit.

9. Final clean-up of the work area may commence.

(h) Final clean-up of the work area shall be conducted as follows:

1. The contractor shall first clean all surfaces in the work area using a fine spray or mist of amended water or removal encapsulant applied to all surfaces followed by the wet-wiping procedure using disposable cloths. These cloths shall be disposed of or rinsed thoroughly on a frequency sufficient to eliminate visible accumulation of debris. The contractor shall allow all surfaces to dry before re-entering the work area and proceeding to (h)2 below.

i. The contractor shall notify the asbestos safety technician in writing that a pre-sealant inspection is requested.

2. After completion of cleaning all surfaces in the work area and upon receiving a satisfactory pre-sealant inspection, the contractor shall spray coat all dried exposed surfaces with a sealant. The color of this coat shall be separate and distinct from the underlying substrate. The surfaces to be coated shall include surfaces from which asbestos-containing materials have been removed (such as ceilings) and polyethylene which has been used to cover walls, floors and non-removable fixtures and equipment.

3. The polyethylene sheeting used to protect floors, walls, fixtures and equipment shall be carefully removed and rolled up, with the contaminated portion on the inside, and packaged for disposal. Tape and any other debris shall also be disposed of in sealed polyethylene bags labeled as asbestos-contaminated waste.

4. Wet clean with amended water or a removal encapsulant all walls, floors, woodwork, ceilings, electric light fixtures and other surfaces. Allow all surfaces to dry and repeat procedure. Cloths or sponges used in the cleaning operation shall be disposed of as contaminated waste.

5. The polyethylene sheeting used to maintain critical barriers between work areas and clean areas such as those in doorways, windows and air vents shall be sprayed with encapsulant, but not removed until air monitoring is completed and satisfactory results have been obtained.

6. After completion of the cleaning operations the contractor shall:

i. Notify the asbestos safety technician that a clean-up inspection can be performed to ensure all visible asbestos has been removed and the area is dust free;

ii. Request final air clearance monitoring of the work area.

7. After the work area is found to be in compliance with the acceptance criteria, the following tasks shall be performed by the contractor:

i. All critical barriers shall be removed and bagged in polyethylene bags for disposal;

ii. The inside of windows shall be washed;

iii. Any walls, floors, trim, doors, furniture or other items damaged during the work shall be repaired and refinished to match existing material;

## § 5:23-8.15 Asbestos hazard abatement projects

8. Notice for a final inspection shall be made by the owner or contractor to the asbestos safety control monitor.
  9. Upon receiving a satisfactory final inspection, application for a Certificate of Completion may be made.
- (i) Special precautions shall be implemented, where appropriate, including, but not limited to, the following examples:
1. Asbestos abatement projects involving ceiling tile and T-grid components, elevators, carpet, contaminated soil and projects in tunnels, crawl spaces, plumbing access panels, and/or involving live electrical panels or live steam lines are likely to present unique conditions that will require special precautions in addition to the procedures described in this section. In instances where special precautions need to be instituted, they shall be described in plans and specifications approved by the asbestos safety control monitor firm.

## History

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### HISTORY:

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 N.J.R. 902(a), 19 N.J.R. 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.10 to new 8.11, changing abatement "job" to "project" throughout with stylistic changes. Section 8.11 formerly was "Precautions and Procedures during a small hazard abatement job".

In (g): deleted old 7 regarding air monitoring results and recodified old 8 through 10 as new 7 through 9 with no change in text.

Recodified from 5:23-8.11 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Disposal of asbestos waste", recodified as 5:23-8.22.

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## [N.J.A.C. 5:23-8.16](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

## **§ 5:23-8.16 Asbestos encapsulation and enclosure**

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(a) Encapsulation constitutes spraying friable asbestos-containing material with a liquid sealant (not including paint) that helps bind the asbestos together with other material components to adhere it firmly to the building structure.

1. The requirements of this section are set forth in order to prevent the contamination of the building environment which may be caused by improperly performed asbestos encapsulation work.

i. Encapsulation shall not be performed where:

- (1) Asbestos-containing material is friable, damaged, or deteriorating;
- (2) Effective long-term inspection of the encapsulated site cannot be assured;
- (3) The source of asbestos is highly accessible to building occupants and damage to material is possible;
- (4) The asbestos-containing material does not adhere well to the substrate;
- (5) There is existing or potential water damage to asbestos containing material;
- (6) The asbestos-containing material is more than one inch thick; and is used to cover ceilings, walls, beams, or other structural members;
- (7) The asbestos-containing material is subject to high vibration.

ii. Encapsulation may be performed when:

- (1) Damage to the material is improbable;
- (2) The asbestos-containing material is granular or cementitious;
- (3) The encapsulating material is known to bond asbestos to the subsurface and asbestos-containing material and also retains its bonding integrity;
- (4) Asbestos-containing material has been removed and loose fibers remain which should be bonded.

iii. If encapsulation is used as a method of asbestos abatement the following maintenance procedures shall be employed:

- (1) A periodic monitoring and maintenance program consisting of inspection at least annually to check for damage to all encapsulated surfaces;
- (2) Maintenance of records by the building owner, on the locations and condition of the encapsulated material;
- (3) The removal of encapsulated asbestos when conditions change, making encapsulation no longer an appropriate method of asbestos abatement.

## § 5:23-8.16 Asbestos encapsulation and enclosure

- iv.** Sealants considered for use in encapsulation shall first be tested to ensure that the sealant is adequate for its intended use. A section of the asbestos-containing material shall be evaluated following this initial test application of the sealant to quantitatively determine the sealant's effectiveness in terms of penetrating and hardening the asbestos-containing material, its toxicity, its flammability, its tolerance to disturbance or abuse, its solubility (dissolvability) in water, its effects on the acoustical properties of the asbestos-containing material, and its tolerance to top-covering paints. The United States Environmental Protection Agency, Office of Toxic Substances, has developed guidelines for the use of encapsulants on asbestos-containing materials which discuss advantages and disadvantages of encapsulation. The American Society of Testing and Materials (ASTM) Committee E06.21.06E on Encapsulation of Building Materials has developed a guidance document to assist in the selection of an encapsulant once a decision to encapsulate has been made. When a choice of an encapsulant has been made, written justification of this choice (based on the characteristics of the encapsulant, the asbestos-containing material to be encapsulated, and the substrate surface underneath the asbestos-containing material) shall be included in the job specifications, and a copy of this justification shall be available for review at the job site.
- v.** Before encapsulation is performed, all loose and hanging asbestos-containing material shall be removed while damp, and disposed of in accordance with this subchapter.
- vi.** Filler material used to repair damaged and missing areas of asbestos-containing material shall contain no asbestos, shall adhere well to the substrate and shall provide an adequate base for the encapsulating agent.
- vii.** Encapsulated asbestos containing materials shall be identified by signs, labels, color coding or some other mechanism to warn persons who may be required to disturb the material that asbestos is present.
- viii.** Where encapsulants are sprayed on asbestos-containing materials:
- (1)** Low pressure airless spray shall be used. The airless spray gun shall have an appropriately sized tip which shall be tested by briefly spraying the encapsulant onto a surface from approximately 12 inches away. An appropriately sized tip will spray the encapsulant in a fan approximately eight inches wide; it will also distribute the encapsulant uniformly within the fan, giving even coverage.
  - (2)** A suitable quantity of HEPA filtration units shall be used during the encapsulation process which shall have sufficient capacity to cause one complete air exchange every 30 minutes.
  - (3)** At least three coats of the encapsulant shall be applied to the surface of the asbestos-containing material. Each coat shall be applied in a two-step procedure. The first step is to apply a light mist coat to moisten and seal any loose fibers and keep them from breaking away from the surface. This mist coat should be applied in three or four quick passes with the gun held 18 to 24 inches from the surface. After an area of 16 to 20 square feet has been given the mist coat, a heavier coating is applied, using 8 or 10 passes with the gun held 10 and 12 inches from the material. The gun should be kept in constant motion to create a smooth and even coat. This two-step application shall be considered one coat of encapsulant. Each subsequent coat shall be applied at a 90 degree angle to the direction of the preceding coat application, to ensure complete coverage of the asbestos-containing material. When questions rise regarding drying time, curing time, dilution, or use under different weather conditions, the manufacturer's recommendations and instructions shall be consulted.
  - (4)** All other preparation, decontamination, and work requirements and procedures used in encapsulation projects shall be the same as those used in removal projects.
- ix.** Sealants used in the encapsulation shall not alter the existing fire rating and shall be flame resistant and meet the flame spread and smoke generation requirements of N.J.A.C. 5:23-3 of the Uniform Construction Code.

## § 5:23-8.16 Asbestos encapsulation and enclosure

**(b)** Enclosure constitutes construction of a permanent (that is, for the life of the building), air-tight, impact-resistant, solid structure of new construction materials which must be built around the asbestos covered pipe or structure to prevent the release of asbestos-containing materials into the area beyond the enclosure and to prevent these materials from casual contact during future maintenance operations. The enclosure shall not alter the existing fire rating and shall be flame resistant and meet the flame spread and smoke generation requirements of N.J.A.C. 5:23-3 of the Uniform Construction Code.

1. The requirements of this section are set forth in order to prevent the contamination of the building environment which may be caused by improperly performed asbestos enclosure work. The following procedures shall be adhered to:
  - i. Before constructing the enclosure, all electrical conduits, telephone lines, recessed lights, and pipes in the area shall be moved to ensure that the enclosure will not have to be reopened later for routine or emergency maintenance. If for any reason, lights or other equipment cannot be moved, removal of the asbestos-containing materials rather than enclosure shall be the appropriate control method to use;
  - ii. Enclosure walls shall be made of tongue and groove boards, boards with spine joints, or gypsum boards having taped seams. All joints between the walls and ceiling of the enclosure shall be caulked to prevent the escape of asbestos fibers;
  - iii. The underlying structure must be able to support the weight of the enclosure. Suspended ceilings with laid-in panels do not provide air-tight enclosures and shall not be used to enclose structures covered with asbestos-containing materials;
  - iv. The surface of the asbestos-containing material which will be disturbed during the installation of hangers, brackets or other enclosure supports shall first be sprayed with amended water or a removal encapsulant using a low pressure airless spray:
    - v. Power drills or other tools which may disturb asbestos containing material shall be equipped with or used in conjunction with HEPA vacuum filters;
    - vi. Loose and hanging asbestos-containing materials shall be removed while damp and disposed of in accordance with this subchapter;
    - vii. After the installation of hangers, brackets or other supports and before the asbestos-containing material is enclosed, asbestos containing materials shall be repaired, using materials which do not contain asbestos;
    - viii. Enclosures for asbestos-containing materials shall be identified by signs, labels, color coding or some other mechanism to warn persons who may be required to disturb the enclosure that asbestos is present; and
    - ix. Enclosures shall be inspected at least annually to ensure their integrity.

## History

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### HISTORY:

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.12 as new 8.13. Section 8.13 was formerly "Glove bag technique".

§ 5:23-8.16 Asbestos encapsulation and enclosure

In (a)1ix: added "shall not alter the existing fire rating and..."

Deleted old (b) and added new (b) defining "enclosure".

Added new (b)1i-iii and recodified old i-vi as new iv-ix, with stylistic or no changes in text.

Recodified from 5:23-8.13 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Duties of the asbestos safety technician", recodified as 5:23-8.10(d).

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## [N.J.A.C. 5:23-8.17](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

#### **§ 5:23-8.17 Limited containment removals**

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- (a) The following procedures shall be followed for the use of glove bags or other techniques or work practices approved by the Department which similarly contain asbestos fibers. The glove bag work area enclosure shall be either an enclosure, built out of polyethylene sheeting around the glove bag, or the entire room if no enclosure is built.
- (b) The preparation of the work area for glove bag removal shall include the following:
1. A minimum of two persons shall perform a glove bag removal project. A third person may be required to conduct air monitoring or assist with supplies.
  2. The work area where the technique is to be utilized shall be roped off and appropriate caution and/or danger signs posted on the perimeter to prevent unauthorized personnel from entering the work area.
  3. All necessary materials and supplies shall be brought into the work area before any removal begins.
  4. One air change every 15 minutes shall be provided in a glovebag work area enclosure.
  5. If no mini-enclosure is established, then the contractor shall arrange for shutting down and sealing off all electrical, heating, cooling, and ventilating or other air handling systems.
    - i. If approved by the asbestos safety control monitor, the lighting and receptacles in the work area may be used if these are properly protected by ground fault circuit interruptors and can be adequately cleaned following abatement.
- (c) The following is a list of equipment and tools for the removal of asbestos by the glove bag technique:
1. Glove bag(s) in suitable number, size and configuration for the specific abatement project. The glove bag is an air-tight, tear-resistant enclosure, designed to enclose an object from which asbestos-containing material is to be removed, constructed of a minimum of six mil polyethylene or other suitable material with inward projecting long-sleeve gloves, a tool pouch or other place where tools can be placed, and facilities for water application and a HEPA equipped vacuum attachment.
  2. A pump-up sprayer (garden type) with a two or three gallon capacity;
  3. Wetting agent: Amended water (water with a surfactant) or a removal encapsulant;
  4. Six mil polyethylene disposal bags or leak-proof containers with the proper markings for asbestos waste;
  5. A HEPA filtered vacuum with a capillary tube for insertion into the glove bag;
  6. Tools such as a small scrub brush, a utility knife for cutting the insulation, a stapler, wire cutters, smoke tubes with aspirator bulb, a bone saw or other appropriate tool, tin snips, duct tape and wettable cloths;
  7. A roll of six mil polyethylene; and

## § 5:23-8.17 Limited containment removals

8. An encapsulant (tinted).

(d) Removal procedures shall be conducted as follows:

1. A visual inspection of the pipe where the work will be performed shall be made to determine if any damaged pipe covering (such as broken lagging, or hanging) exists. If there is damage, then the affected portion of the pipe shall be wrapped in polyethylene and fully secured with duct tape. This procedure will prevent excessive airborne fiber concentrations from occurring during the glove bag work caused by pipe lagging hanging several feet or even several yards away which may be jarred loose by the activity. All dust and debris on the floor and other surfaces which has accumulated due to the abatement project and which contains asbestos shall be cleaned up as necessary. If the pipe is undamaged, one layer of duct tape shall be placed around the pipe at each end where the glove bag will be attached. This permits a good surface to which to seal the ends of the glove bag, and it minimizes the chance of releasing fibers when the tape at the ends of the glove bag is peeled off at the completion of the project.
2. Slit the top of the glovebag open (if necessary) and cut down the sides to accommodate the size of the pipe (about two inches longer than the pipe diameter).
3. Place the necessary tools into the pouch located inside the glove bag. This will usually include the bone saw, utility knife, rags, scrub brush, wire cutters, tin snips and pre-cut wettable cloth. Cut out a donut shape in the cloth with the inner diameter one-half-inch smaller than the diameter of the pipe beneath the insulation. The outer diameter of the donut should be three inches longer than the diameter of the pipe insulation being removed. Finally, cut a slit in each of the two donuts so they can be slipped around the pipe. A piece of cloth that can be easily bent around the surface to be cleaned may be used instead of the donut-shaped cloth.
4. One strip of duct tape shall be placed along the edge of the open top slit of the glovebag for reinforcement.
5. Place the glove bag around the section of pipe to be worked on and staple the top together through the reinforcing duct tape. Staple at intervals of approximately one inch. Next, fold the stapled top flap back and tape it down with a strip of duct tape. This should provide an adequate seal along the top. Next, duct tape the ends of the glove bag to the pipe itself, previously covered with polyethylene or duct tape (see (d)1 above). The bottom seam of the glove bag shall be sealed with high quality duct tape or equivalent to prevent any leakage from the bag that may result from a defect in the bottom seam.
6. Before the commencement of the abatement work, but after the glove bag is attached, the contractor shall smoke test each glove bag to ensure that it does not leak. The asbestos safety technician shall personally witness the smoke testing of each of these glove bags. Using the smoke tube and aspirator bulb or other approved smoke generating device, place the tube into the wetting agent sleeve (two-inch opening to glovebag). Fill the bag with visible smoke. Remove the smoke tube and twist the wetting agent sleeve to close it. While holding the wetting agent sleeve tightly, gently squeeze the glovebag and look for smoke leaking out, especially at the top and ends of the glovebag. If leaks are found, they shall be taped closed using duct tape and the bag shall be re-tested.
  - i. Exception: If negative pressure is established and maintained at .02 inches w.c., smoke testing of glove bags is not required.
7. Insert the wand from the wetting agent sprayer through the wetting agent sleeve. Using duct tape, tape the wetting agent sleeve tightly around the wand to prevent leakage.
8. One person places his hands into the long-sleeved gloves while the second directs the wetting agent spray at the work.
9. If the section of pipe is covered with a protective jacket, this is removed first, using the wire cutters to cut any bands and the tin snips to remove the jacket. It is important to fold the sharp edges in to prevent cutting the bag when it is placed in the bottom. A box may be put in the bottom of the bag when the tools are placed in, and the metal placed in the box to further protect the bag from being cut.

## § 5:23-8.17 Limited containment removals

10. With the insulation exposed, using the bone saw, cut the insulation at each end of the section to be removed. A bone saw is a serrated heavy-gauge wire with ring-type handles at each end. Throughout this process, wetting agent is sprayed on the cutting area to keep dust to a minimum.
11. Once the ends are cut, the section of insulation should be split from end to end using the utility knife. The cut should be made along the bottom of the pipe and the wetting agent continuously supplied. Again, care should be taken when using the knife not to puncture the bag. Some insulation may have wire to be clipped as well. Again, a box may be used as in (d)9 above to protect the bag from puncture.
12. Rinse all tools with wetting agent inside the bag and place back into pouch.
13. The insulation can now be lifted off the pipe and gently placed in the bottom of the bag, while the side of the insulation adjacent to the pipe is being thoroughly wetted.
14. Using the scrub brush, rags and water, scrub and wipe down the exposed pipe.
15. Wet the donut-shaped pieces of wettable cloth over the exposed ends of insulation remaining on the pipe.
16. Remove the wetting agent wand from the wetting agent sleeve and attach the small nozzle from the HEPA-filtered vacuum. Turn on the vacuum only briefly to collapse the bag.
17. Remove the vacuum nozzle and twist the wetting agent sleeve closed and seal with duct tape.
18. Remove all the tools and draw them out into one of the arm sleeves, twist the sleeve tightly, and seal with tape, and cut the sleeve away from the bag, cutting through the tape. In this manner, the contaminated tools may be placed directly into the next glovebag without being cleaned. Alternatively, the sleeve with the tools in it can be placed in a bucket of water, opened underwater and dried without releasing asbestos into the air. This water shall be handled as asbestos-contaminated waste. Rags and scrub brushes cannot be cleaned in this manner and should be discarded with the asbestos-contaminated waste. No more than one use of a glovebag shall be permitted.
19. With removed insulation in the bottom of the bag, twist the bag several times and tape it to keep the material in the bottom during removal of the glovebag from the pipe.
20. Slip a six mil disposal bag over the glovebag (still attached to the pipe). Remove the tape and open the top of the glovebag and fold it down into the disposal bag.
21. All surfaces in the work area should be cleaned using disposable cloths wetted with wetting agent. These cloths shall be disposed of or rinsed thoroughly to eliminate visible accumulation of debris. Then, when these surfaces have been allowed to dry, all surfaces shall be cleaned again using a HEPA filtered vacuum. If no mini-enclosure was built, then the entire room shall be cleaned.
22. Place any contaminated articles or debris into the bag with the waste.
23. Twist the top of the bag closed, fold this over, and seal with duct tape. Label the bag with labels prescribed by 40 CFR Part 61, Subpart M of the USEPA, 29 CFR 1926 of OSHA and 49 CFR--Parts 100-199 of the US DOT Hazardous Waste Hauling regulations.
24. Asbestos-containing waste material shall be disposed of as specified in [N.J.A.C. 5:23-8.22](#).
25. Air sampling shall be conducted after completion of glovebag projects pursuant to [N.J.A.C. 5:23-8.21](#) to determine if undetected leakage occurred. Once the area has been found to be safe for re-entry by unprotected personnel, the barriers may be removed.

## History

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### HISTORY:

§ 5:23-8.17 Limited containment removals

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.13 as new 8.14. Section 8.14 was formerly "Disposal of asbestos waste."

In (b)1: changed "are required to" perform to "shall" perform and changed "and" assist to "or" assist.

In (d)1: added text to specify removal procedures.

In (d)5: added text regarding the handling of the glove bag.

In (d)24: changed "8.14" to "8.15".

Recodified from 5:23-8.14 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Coordination with other permits", recodified as 5:23-8.6.

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## [N.J.A.C. 5:23-8.18](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

## **§ 5:23-8.18 Demolition**

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- (a) In buildings undergoing partial demolition and in buildings to be reoccupied by persons other than workers wearing appropriate NIOSH-approved respiratory protection, all friable asbestos or asbestos-containing material that will become friable during demolition must be properly removed.
- (b) The removal of asbestos shall require a construction permit in accordance with [N.J.A.C. 5:23-8.5](#). Additionally, a demolition permit must be obtained pursuant to N.J.A.C. 5:23-2.
- (c) Asbestos abatement shall be done in accordance with all applicable provisions of this subchapter.
- (d) Air monitoring samples during the removal phase and final air samples after removal shall be required for an asbestos abatement project.

## **History**

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### **HISTORY:**

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

(e) substantially amended and results of .02 fibers change to .020.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.21 as new 8.22.

In (a): added "Friable" to describe asbestos.

In (a)1i.: added text to specify accreditation requirements for asbestos hazard assessors.

Deleted old (c)1ii(1)-(4) regarding plans and specifications, added new (1) and recodified (5) and (6) as new (2) and (3), with no change in text.

Changed throughout "administrative authority having jurisdiction" to "asbestos safety control monitor".

In (e)1: changed "0.2 fibers/cc" from "0.20" and added "by phase contrast microscopy (PCM)".

Recodified from 5:23-8.22 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Asbestos safety control monitor", recodified as 5:23-8.11.

§ 5:23-8.18 Demolition

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## [N.J.A.C. 5:23-8.19](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

#### **§ 5:23-8.19 Abatement in occupied buildings**

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- (a) The requirements of this section are intended to prevent contamination and exposure of building occupants to asbestos fibers.
- (b) The building owner shall notify building occupants in writing 20 business days prior to the commencement of an asbestos abatement project. The building owner shall outline in writing any procedures and/or precautions that are deemed necessary in order to protect the health, safety and welfare of the occupants. This notification shall include, but not be limited to: relocation plans, if any; entrances and exits that may temporarily be blocked and alternate routes to be used; the name and telephone number of the owner's representative for the occupant to call in case of an emergency or to answer any questions with regard to the project. This notification shall accompany the application for a construction permit for asbestos abatement and shall be filed with the enforcing agency.
1. This notification shall be posted seven days prior to the preparation of the work area, in visible locations, for the benefit of the affected occupants of the work place, and in areas immediately adjacent to the asbestos abatement project. It shall be the owner's responsibility to ensure that these postings are maintained throughout the project.
  2. When circumstances require immediate removal of asbestos-containing material, notification shall be provided to the building occupants as soon as possible.
  3. Nothing in this section shall be interpreted as prohibiting the building owner from providing additional notification.
  4. The asbestos safety control monitor firm shall notify the Department in writing 10 days prior to the commencement of an abatement project in an occupied building.
- (c) A building or structure or part thereof may be occupied during an asbestos abatement project when all of the following conditions are met:
1. Isolation conditions include a requirement that the work area be physically separated from occupied areas by separation barriers of rigid construction consisting of nominal two inch by four inch studs spaced 16 inches on center and covered with a minimum of one-half inch plywood or comparable metal framing and 1/2 inch gypsum board covering. All seams shall be caulked to render the barrier air tight before two layers of polyethylene sheeting are applied on both sides. The polyethylene sheeting shall overlap at the seams. All penetrations around conduits, pipes, ducts or other openings between the work area and adjacent spaces shall be sealed, using materials determined to be suitable in accordance with the applicable subcode. In buildings required by the Uniform Construction Code to be of noncombustible construction, all materials used to construct separation barriers shall meet the Uniform Construction Code, building subcode requirements for that building and all plastics used shall be flame resistant. A separate means of egress for abatement personnel, materials and equipment shall be maintained. Adequate fire evacuation routes shall exist for all building occupants at all times.



## § 5:23-8.19 Abatement in occupied buildings

- ii. Walls shall be covered with one layer of polyethylene sheeting individually sealed to the wall. The layer shall hang straight down overlapping the second layer of floor sheeting on the wall by at least 18 inches.
  - iii. Sheeting shall be sized to minimize the number of seams. No seams shall be located at the joints between walls and floors. As a minimum, no seam shall stop within 12 inches of a corner and sheeting shall overlap at least 12 inches between seams of adjacent layers.
  - iv. When a strippable coating is used in place of polyethylene sheeting, it shall be used in accordance with [N.J.A.C. 5:23-8.15\(f\)](#)<sup>7</sup> and the product shall be applied during periods of minimal occupancy as determined by the owner and included in the approved plan.
4. Monitoring shall be conducted as follows:
- i. Air sampling shall be done as follows:
    - (1) At a minimum, one sample at the beginning of each work shift, one every four hours thereafter, and one at the end of the contractor's work day for every 10,000 square feet of occupied space adjacent to the work area shall be collected and analyzed. Air samples shall be taken in areas where the greatest potential for fiber migration exists. In addition to the requirements noted above, air samples shall be taken at the entrance(s) to the work area and any other interior spaces from which make-up air is drawn. Additional samples shall be taken for all areas such as stairwells, communicating shafts, elevators, plenums, ducts which pass through the work area and which are in service, and unusual room and building configurations. If air levels exceed the permitted fiber count, the applicable requirements of the contingency plan in (c)5 below shall be followed.
      - (A) At least one air sample shall be collected and analyzed during the work shift inside the work area. The results of this test will not, however, trigger the requirements of the contingency plan.
    - (2) A secure chain of custody for air samples shall be established in writing as part of the approved plan by the asbestos safety control monitor firm. The final disposition of samples (whether they should be retained or disposed of after analysis and if retained, who keeps them) shall be determined prior to the commencement of asbestos abatement.
    - (3) The services of a testing laboratory, as delineated in [N.J.A.C. 5:23-8.21\(a\)](#)<sup>1</sup> and 2, shall include a microscope and laboratory technician at the project site or the capacity to obtain results within four hours from start of sample. The laboratory technician shall be listed in the Asbestos Analyst Registry of the American Industrial Hygiene Association for PCM analysis or qualified by other programs recognized by the Department as equivalent. If the laboratory technician is on site, the owner shall provide a safe and clean space for the analysis of samples separate and distinct from the work area. Air samples are to be analyzed via NIOSH 7400 and verbal results made available for a determination regarding continued occupancy. A written record of test results shall be kept at the job site and included in the final report.
    - (4) Ten percent of all abatement samples shall be re-analyzed within 24 hours at a laboratory for quality control purposes.
    - (5) Daily occupancy shall be allowed when the results of all the air samples are less than or equal to 0.010 fibers/cc by Phase Contrast Microscopy. If air levels exceed 0.010 fibers/cc, the contingency plan during abatement in (c)5 below shall be followed.
    - (6) In the case of reoccupancy and final clearance, all air samples used to determine reentry shall be analyzed by an accredited laboratory.
  - ii. Pressure monitoring shall be carried out as follows:
    - (1) Pressure differential shall be monitored by digital manometers with continuous printout or other approved low pressure monitoring devices. Sensor tubes used for monitoring shall be

## § 5:23-8.19 Abatement in occupied buildings

placed so that the air filtration devices shall not cause false readings. The asbestos safety technician shall zero and level the gauges each time a reading is taken.

**(2)** One or more separate pressure monitoring systems shall be installed by the asbestos safety control monitor firm near the entrance(s) to the work area and between the work area and any interior spaces from which make-up air is drawn.

**(3)** Written documentation of pressure differential shall be provided by the asbestos safety technician either by continuous printout devices. The asbestos safety technician and the contractor supervisor will ensure, prior to the completion of the work shift, the integrity of the containment site before workers depart.

**(4)** The pressure differential shall be greater than or equal to 0.05 inches w.c. at the pre-commencement inspection (at the time of approval immediately prior to the start of abatement work).

**(A)** In addition to providing a pressure differential greater than or equal to 0.05 inches w.c. for the pre-commencement inspection, a smoke test shall be conducted to demonstrate that the work area has been isolated properly and that the pressure differentials have been established to prevent fiber migration from the work area.

**(5)** Daily Occupancy shall be allowed when the pressure differential is equal to or exceeds 0.05 inches w.c. If the air pressure differential drops below 0.05 inches w.c., the contingency plan during abatement in (c)5 below shall be followed.

**5.** Contingency plan during abatement shall be implemented as described below. These are the minimum requirements which shall be enforced by asbestos safety control monitors. These requirements shall not limit the asbestos safety control monitors from instituting additional requirements, if necessary, for the protection of the building occupants.

**i.** If the pressure differential drops below 0.05 inches w.c., the following procedures shall be implemented:

**(1)** The asbestos safety technician and the contractor supervisor shall investigate and evaluate the engineering controls to determine the source of the pressure loss.

**(2)** The contractor shall institute corrective action such as: additional sealing, critical barrier maintenance and construction, changing of exhaust unit filters, adjustment of make-up air, operation of additional exhaust units or other necessary measures to reestablish an acceptable pressure differential.

**ii.** If the pressure differential drops below 0.01 inches w.c., the following procedures shall be implemented:

**(1)** The contractor shall cease abatement activity in the work area.

**(2)** The asbestos safety control monitor shall notify the building owner to evacuate the pressurized space(s). The pressurized space(s) shall include all space outside the work area which is pressurized to maintain the required pressure differential relative to the work area and is isolated from the rest of the building in terms of air flow. The pressurized space may include the entire building exclusive of the work area or any part of the building that is pressurized to isolate it from the work area.

**(3)** The asbestos safety technician and the contractor supervisor shall investigate and evaluate the engineering controls and determine the source of the pressure loss.

**(4)** The contractor shall institute corrective action such as: additional sealing, critical barrier maintenance and construction, changing of exhaust unit filters, adjustment of make-up air, operation of additional exhaust units or other necessary measures to reestablish an acceptable pressure differential.

## § 5:23-8.19 Abatement in occupied buildings

**(5)** Reoccupancy shall not be permitted in any area unless a pressure differential of 0.05 inches w.c. or greater is reestablished.

**(6)** If a pressure differential of 0.05 inches w.c. or greater is not reestablished within 24 hours of the first reading below 0.01 inches w.c., then the building shall be evacuated.

**iii.** If air levels exceed 0.010 f/cc, the following procedures shall be implemented:

**(1)** The asbestos safety technician and the contractor supervisor shall investigate and evaluate the engineering controls to determine the source of the high air level.

**(2)** An additional/second PCM air sample shall be taken at each place at which a high air level was obtained. The additional/second PCM sample may be split, and if the result of the air sample is less than or equal to 0.010 f/cc the contingency plan is terminated. If the result of the air sample exceeds 0.010 f/cc, the contractor, in consultation with the asbestos safety control monitor, shall choose the option of cleaning and retesting by PCM analysis or analyzing the split sample by TEM analysis. If the result of the TEM analysis exceeds 0.010 f/cc, then cleaning shall be undertaken.

**(3)** The decision as to the timing of the cleaning activity shall be made by the asbestos safety control monitor firm in consultation with the building owner and the contractor.

**(4)** Cleaning shall include, but not be limited to, wet wiping and misting the air. Cleaning the affected area shall be continued outside of containment and PCM sampling shall also be continued until the result in the area is equal to or less than 0.010 f/cc by either PCM or TEM analysis.

**(5)** If laboratory analysis of air samples does not yield a reading less than or equal to 0.010 f/cc within 24 hours of receipt of the first test result above 0.010 f/cc, then the building shall be evacuated.

**(6)** Reoccupancy shall not be permitted in any area where PCM analysis reveals results greater than 0.010 f/cc, unless TEM results indicate asbestos fibers are equal to or less than 0.010 f/cc. In the case of reoccupancy, all air samples used to make the determination to allow reentry shall be analyzed by an accredited laboratory.

**iv.** If a power outage occurs during active abatement work, the building occupants shall be evacuated until the air samples determine that the occupied spaces are safe, and power has been restored. If a power outage occurs when the building is unoccupied, occupancy will not be permitted until air samples determine that the spaces to be occupied are safe and power has been restored.

**6.** Security shall be required as follows:

**i.** In high risk areas, the owner shall provide a 24 hour security guard to ensure protection against damage or vandalism to separation barriers, engineering systems, monitoring devices, or other equipment.

**ii.** The owner shall provide continuous unlimited access for the asbestos safety technician in all occupied spaces for installation, maintenance, and data collection from monitoring systems.

**iii.** The asbestos safety control monitor firm shall include provisions in the plan and the asbestos safety technician shall ensure that filters are changed as necessary and that pressure differential is maintained around the clock until the project is completed.

**7.** Waste removal shall be accomplished as follows:

**i.** The waste removal route of travel is to be designated on the abatement plans and shall be separate and distinct from the normal route of travel used by building occupants. Waste removal shall occur during the time of least amount of building occupancy. If the route of travel is to be used the following day by building occupants, air monitoring must be performed, and if the results of air

## § 5:23-8.19 Abatement in occupied buildings

levels exceed 0.010 f/cc, then the waste removal route is to be wet wiped using amended water, HEPA vacuumed and retested until an acceptable air level is achieved prior to allowing occupancy of the area.

ii. The waste removal process shall be closely monitored visually and through air sampling by the asbestos safety technician.

iii. No dumpster shall remain on the premises overnight unless the dumpster is locked and labeled to indicate that it contains asbestos-contaminated waste.

8. A written statement shall be signed by the asbestos safety control monitor denoting that an asbestos abatement will occur during building occupancy and verifying that the above requirements will be maintained. This written statement shall accompany the application for a construction permit for asbestos abatement and shall be filed with the enforcing agency. This statement shall include the areas to be occupied during the abatement and the number of occupants.

## History

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### HISTORY:

Recodification and New Rule, R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Asbestos safety technician; certification requirements", recodified as 5:23-8.10(a)-(c).

Administrative Correction.

See: [28 New Jersey Register 1981\(b\)](#).

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## [N.J.A.C. 5:23-8.20](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

### **§ 5:23-8.20 Removal of non-friable asbestos-containing material**

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- (a) This section applies to all non-friable, miscellaneous asbestos-containing material.
1. When the removal method will cause the building environment to become contaminated with airborne asbestos fibers caused by a combination of mechanical and manual tasks, such as grinding the surface of vinyl asbestos floor tiles, then complete separation of the worksite from the rest of the building shall be required and the precautions and procedures as delineated in [N.J.A.C. 5:23-8.15](#) or [8.19](#), as appropriate, shall be followed. A construction permit for asbestos abatement pursuant to this subchapter shall be required.
  2. When the removal method will not contaminate the building environment with airborne asbestos fibers, such as when an electric heating appliance is used to loosen vinyl asbestos floor tiles or when the "Recommended Work Practices for the Removal of Resilient Floor Coverings" (latest edition) by the Resilient Floor Covering Institute are followed in removing floor tile, sheet vinyl flooring and the associated adhesives, then general isolation of the work area from the surrounding environment by the closing of doors and windows in the removal areas, when feasible, safe work practices and proper clean-up procedures shall be required.
- (b) The disposal of non-friable asbestos-containing material and/or asbestos-contaminated waste shall conform to the New Jersey Department of Environmental Protection and Energy requirements specified in [N.J.A.C. 7:26](#).
- (c) Exception: This section shall not apply to non-friable asbestos-containing material found on the exterior of the building such as asbestos siding, transite and asbestos cement board, asbestos roof shingle, felts and build up roofing materials. Safe work practices shall be employed to minimize asbestos fiber exposure during the tear-off period. A construction permit shall be obtained if required pursuant to [N.J.A.C. 5:23-2](#). Disposal of this waste shall be in accordance with regulations for the disposal of such material adopted by the New Jersey Department of Environmental Protection and Energy.

### **History**

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#### **HISTORY:**

Recodified from 5:23-8.24 by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior text at section, "Application of asbestos", recodified as 5:23-8.12.

§ 5:23-8.20 Removal of non-friable asbestos-containing material

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End of Document

## [N.J.A.C. 5:23-8.21](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE**

#### **§ 5:23-8.21 Air monitoring methodology**

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(a) Air sampling specified in this section shall be performed by the asbestos safety technician in accordance with the procedures specified in this subchapter and shall be analyzed by a laboratory pursuant to [40 CFR 763.90](#).

1. For phase contrast microscopy (PCM) analysis, laboratories shall be currently enrolled in the American Industrial Hygiene Association Proficiency Analytical Testing Program or an equivalent recognized program.
2. Analysis by PCM shall use the NIOSH 7400 method delineated in "Fibers" publication in the NIOSH Manual of Analytical Methods, 3rd edition, 2nd supplement, August 1987 or the latest edition. Maximum turnaround time from sample collection through data reporting shall be 24 hours.
3. For transmission electron microscopy (TEM) analysis, laboratories shall participate in the National Institute of Standards and Technology--National Voluntary Laboratory Accreditation Program (NIST-NVLAP) and shall certify that the analysis they performed was according to the protocol listed in Appendix A to Subpart E of 40 CFR 763. Maximum turnaround time from sample collection through data reporting shall be 72 hours.
4. All pumps shall be calibrated prior to initial sampling using a primary standard. Pumps shall be re-calibrated with a minimum of a secondary standard before and after each sample is collected. Protocols shall be established for periodic calibration, using a primary standard. The frequency of primary recalibration checks shall be initially high, until experience is accumulated to show that it can be reduced while maintaining the required sampling accuracy. Records shall be kept of all calibrations and shall be part of the daily log.

(b) Air sampling while abatement is in progress shall comply with the following procedures:

1. A minimum of three samples per eight hour shift shall be collected (one at the beginning of each shift, one every four hours thereafter, and one at the end of the contractor's work day). One stationary sample shall be collected within the clean room of the decontamination unit and two samples collected adjacent to the work area but remote from the decontamination unit entrance. In the selection of adjacent areas to be monitored, preference shall be given to rooms adjacent to critical barriers and/or work area. Testing results shall not indicate that concentrations above 0.01 fibers per cubic centimeter have occurred outside the containment barrier or above 0.02 fibers per cubic centimeter within the clean room of the decontamination chamber during the abatement project.
2. For abatement projects in occupied buildings, additional samples shall be taken in spaces adjacent to the work area and inside the work area and analyzed by PCM as required by [N.J.A.C. 5:23-8.19\(c\)4](#). The contingency plan in [N.J.A.C. 5:23-8.19\(c\)5](#) shall be followed if test results indicate that this is necessary.

(c) Post abatement visual inspections and air monitoring shall comply with the following procedures:

## § 5:23-8.21 Air monitoring methodology

1. Within 48 hours after clean-up for post-removal air testing, and before the removal of critical barriers, a thorough and complete visual inspection and a subsequent final air test shall be performed. This test is required to establish safe conditions for the removal of critical barriers and to permit the beginning of reconstruction activity, if required. Sufficient time following clean-up activities shall be allowed so that all surfaces shall be dry during monitoring. Air pressure differential filtration units shall be in use during this monitoring. Post removal testing shall begin when all work area surfaces are completely dry.
  2. Aggressive air sampling shall be employed using propeller-type fans and leaf blowers as follows:
    - i. The fans shall be placed in each room to be sampled so as to cause settled fibers to rise and enter the air.
    - ii. Prior to air monitoring, floors, ceilings, and walls shall be swept with the exhaust of a one-horsepower leaf blower. The areas which would be subject to dead-air conditions shall be swept clean.
    - iii. The fans used shall be capable of creating a minimum air velocity of 500 feet per minute. These fans may be of the oscillating type.
    - iv. The sampling pump and sampling media shall be placed in the abatement area on a random basis to provide unbiased and representative samples. Stationary fans shall be placed in locations which will not interfere with air monitoring equipment. Fan air shall be directed toward the ceiling.
    - v. One fan shall be used for each 10,000 cubic feet of the work area.
    - vi. The leaf blower and its use must meet the criteria set forth in EPA document 560/5-85-024, "Guidance for Controlling Asbestos-Containing Materials in Buildings," appendix section M.1.5, or any replacement criteria set forth by the EPA. Their use should be restricted to general occupancy areas that are contained, and they should not be used in any space with an open dirt, sand or gravel floor.
    - vii. The work site shall be kept free of non-asbestos abatement debris that would render aggressive air sampling impractical.
- (d) Post abatement sampling and analysis for an asbestos hazard abatement project shall be performed as per EPA 40 CFR 763.90i. Samples collected within the affected work area shall be analyzed by TEM.
- (e) Post abatement sampling and analysis for an asbestos hazard abatement project utilizing the glovebag technique and encapsulation shall be as follows:
1. One sample per 10,000 square feet of work area with a minimum of five samples shall be required. Samples collected within the affected work area may be analyzed by PCM to confirm completion of an asbestos abatement project using the methodology specified in NIOSH 7400.
- (f) For TEM analysis, the project shall be considered complete when the results of samples collected in the affected work area comply with [40 CFR 763.90](#) and Appendix A to Subpart E. Maximum turnaround time from sample collection through data reporting shall be 72 hours.
- (g) For PCM analysis, the project shall be considered complete when the results of samples collected in the affected work area show that the concentration of fibers for each of the five samples is less than or equal to 0.01 fibers per cubic centimeter.
- (h) When the air analysis results for projects covered by this subchapter show asbestos fiber concentrations above the acceptance criteria, then clean-up shall be repeated until compliance is achieved by re-cleaning all surfaces using wet methods and operating all HEPA equipped air pressure differential units to filter the air.

## § 5:23-8.21 Air monitoring methodology

**HISTORY:**

New Rule R.1986 d.143, effective May 5, 1986.

See: 18 N.J.R. 378(a), 18 N.J.R. 949(a).

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 N.J.R. 1130(b), 21 N.J.R. 1844(b).

Recodified old 8.20 as new 8.21. Section 8.21 was formerly "Demolition".

Recodified from 5:23-8.23 by R.1993 d.198, effective June 7, 1993.

See: 24 N.J.R. 1422(a), 25 N.J.R. 2519(b).

Prior text at section, "Appeals", repealed.

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## [N.J.A.C. 5:23-8.22](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 8. ASBESTOS HAZARD ABATEMENT SUBCODE***

### **§ 5:23-8.22 Disposal of asbestos waste**

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(a) The disposal of friable/non-friable asbestos-containing material and asbestos-contaminated waste from the project site shall be in accordance with New Jersey Department of Environmental Protection and Energy requirements specified in *N.J.A.C. 7:26* and 40 CFR Part 61, Subpart M.

### **History**

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#### **HISTORY:**

Amended by R.1986 d.143, effective May 5, 1986.

See: 18 New Jersey Register 378(a), 18 New Jersey Register 949(a).

Recodified from 8.13 and substantially amended.

Amended by R.1987 d.525, effective December 21, 1987.

See: 19 New Jersey Register 902(a), 19 New Jersey Register 2389(a).

Substantially amended.

Amended by R.1989 d.342, effective July 3, 1989.

See: 20 New Jersey Register 1130(b), 21 New Jersey Register 1844(b).

Recodified old 8.14 as new 8.15, no change in text. Section 8.15 was formerly "Duties of the asbestos safety technician".

Recodified from 5:23-8.15 and amended by R.1993 d.198, effective June 7, 1993.

See: 24 New Jersey Register 1422(a), 25 New Jersey Register 2519(b).

Prior section, "Demolition", recodified as 5:23-8.18.

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## [N.J.A.C. 5:23-9.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS**

### **§ 5:23-9.1 (Reserved)**

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### **History**

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#### **HISTORY:**

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: [27 N.J.R. 3517\(a\)](#), [27 N.J.R. 5012\(a\)](#).

Amended by R.2002 d.319, effective October 7, 2002.

See: [33 N.J.R. 4185\(a\)](#), [34 N.J.R. 3497\(b\)](#).

Rewrote the section.

Amended by R.2003 d.386, effective October 6, 2003.

See: [35 N.J.R. 2550\(b\)](#), [35 N.J.R. 4714\(a\)](#).

In (b), inserted "owner" preceding "entity" in 1 and 2.

Repealed by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Section was "Interpretations: Plumbing Subcode".

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## [N.J.A.C. 5:23-9.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS**

### **§ 5:23-9.2 (Reserved)**

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### **History**

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#### **HISTORY:**

Amended by R.2003 d.216, effective May 19, 2003.

See: [35 N.J.R. 16\(a\)](#), [35 N.J.R. 2203\(a\)](#).

In (b)3, inserted "and submissions" following "details" in the introductory paragraph, added new ii, recodified former ii through iv as iii through v and added vi.

Administrative correction.

See: [35 N.J.R. 2865\(a\)](#).

Amended by R.2004 d.144, effective April 5, 2004.

See: [35 N.J.R. 4944\(a\)](#), [36 N.J.R. 1753\(a\)](#).

Rewrote (b)6.

Administrative correction.

See: [39 N.J.R. 4571\(a\)](#).

Amended by R.2012 d.139, effective July 16, 2012.

See: [44 N.J.R. 8\(a\)](#), [44 N.J.R. 1969\(a\)](#).

In (b)3vi, substituted "REScheck" for "RES Check" twice and "11-1" for "03-2", and deleted "from the Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625 or" following "available".

Recodified to [N.J.A.C. 5:23-2.15A](#) by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Section was "Interpretation: Construction Permit for a single-family residence".



## [N.J.A.C. 5:23-9.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS**

#### **§ 5:23-9.3 Interpretation: Recreational park trailers**

---

**(a)** This is a binding, prospective interpretation of the Uniform Construction Code (UCC) issued pursuant to the Uniform Construction Code Act, *N.J.S.A. 52:27D-124*.

1. The Uniform Construction Code Act gives the Commissioner the authority to issue such prospective interpretations to resolve inconsistent or conflicting code interpretations.
2. With regard to recreational park trailers, the Construction County Board of Appeals of Sussex County rendered a decision that no permit is required for the installation of these structures. This is inconsistent with the Uniform Construction Code Act itself and with the application of the Uniform Construction Code to recreational park trailers by the Department and by local enforcing agencies around the State.
3. Recreational park trailers, also known as "park models," are subject to all of the provisions of the Uniform Construction Code, including the requirement to obtain a permit for installation and the requirement to have all applicable prior approvals. They are closed construction and are subject to the requirements of [N.J.A.C. 5:23-4D](#). The basis for this determination is presented in (b) through (h) below.

**(b)** Any "building" or "structure" is subject to the State Uniform Construction Code. A building or a structure is, therefore, subject to all the substantive and procedural requirements of the Code. A "structure" is "a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of a parcel of land..." [N.J.A.C. 5:23-1.4](#).

**(c)** A recreational park trailer is a combination of materials. In fact, it is a combination of the same types of materials used in any home and it involves all the same safety issues as a home. It is intended for occupancy-the same type of occupancy as any other vacation home. While there may be some dispute as to whether it is on or above the surface of the parcel, it clearly is one or the other.

**(d)** The jurisdictional definitions of the Uniform Construction Code were deliberately made very expansive. The intent was that there be no loopholes. That is why the Act provides for full pre-emption of any construction regulations incorporated in any Act of the State of New Jersey, or any municipality, board, department, commission or agency upon promulgation of a regulation by the Department. The Department has not yet promulgated regulations for everything potentially covered by the Act. It has, however, adopted rules governing recreational park trailers. (See [N.J.A.C. 5:23-4D](#).)

**(e)** A recreational park trailer is a structure that is enclosed with exterior walls-walls identical in construction to those of any dwelling. It is clearly designed for housing or shelter and it is arranged for the support of individuals. It is equipped with plumbing, electrical and mechanical systems just as is any dwelling.

**(f)** A recreational park trailer can be distinguished from a conventional recreational vehicle (RV). The full term is "recreational park trailer." It is a special type of RV that is intended for installation in a "park." They are built under a different standard than conventional RVs. The principal difference between the national consensus standard for RVs, ANSI A119.2, and the recreational park trailer standard is that the recreational park trailer standard covers all types of the requirements typically found in a building code while the RV

## § 5:23-9.3 Interpretation: Recreational park trailers

standard does not. The two are sufficiently different that there are even two different trade associations, one for recreational park trailers and one for traditional RVs.

**(g)** The UCC's jurisdiction in this matter is not pre-empted by the Federal Manufactured Housing and Safety Standard Act (MHSSA), [42 U.S.C. §§ 5401](#) et seq. No manufacturer is required to submit to the Federal system. If they voluntarily submit, then the Federal rules preempt any otherwise applicable State rules.

1. The reason for this approach is simple. Regulation to protect public health and safety is reserved, by the Constitution, to the states. Federal involvement in health and safety is only possible when a Federal interest can be found. The Federal interest in this case is the commerce clause.
2. The Federal government, therefore, can and does regulate in this area, but only so far as is necessary to facilitate interstate commerce. Multiple state regulations and enforcement procedures clearly can interfere with commerce in factory constructed buildings. It is not uncommon, however, for a manufacturer to build identical units on the same assembly line with some having Federal labels and some having none. Those with none are intended for shipment to states and localities that do not have codes.
3. In that context, it is clear that the jurisdictional definitions of the MHSSA only establish an eligibility for Federal regulation, not a requirement for it. Recreational park trailers were written out of the Federal law and then that opt-out was broadened by U.S. Department of Housing and Urban Development (HUD) regulations (something quite inconceivable if Federal regulation was mandatory). When recreational park trailers were written out of Federal law, any possibility of the pre-emption of state rules was eliminated.

**(h)** The fact that a recreational park trailer may be exempt from Federal regulation does not mean that it is exempt from State regulation. Exactly the opposite is the case. Confusion has arisen because there are State laws and rules that had to be passed to enable the State to work with HUD to administer the Federal standards when they are applicable. N.J.A.C. 5:23-4C.2 is such a rule. It only governs those structures that are eligible for and, in fact, have been made subject to Federal law by the manufacturers. Recreational park trailers are not eligible for Federal regulation, so [N.J.A.C. 5:23-4C](#) does not apply.

## History

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### HISTORY:

New Rule, R.1993 d.487, effective October 4, 1993.

See: [25 N.J.R. 2159\(a\)](#), [25 N.J.R. 4592\(a\)](#).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: [27 N.J.R. 3517\(a\)](#), [27 N.J.R. 5012\(a\)](#).

Amended by R.1999 d.424, effective December 6, 1999.

See: [31 N.J.R. 2428\(a\)](#), [31 N.J.R. 4001\(c\)](#).

In (a), substituted references to maintenance for references to repairs throughout, and inserted 4iii.

Amended by R.2003 d.473, effective December 15, 2003.

See: [35 N.J.R. 2421\(a\)](#), [35 N.J.R. 5543\(a\)](#).

In (a), rewrote 2vii, rewrote the first sentence in 2x, and substituted references to maintenance for references to repair throughout.

Amended by R.2004 d.60, effective February 2, 2004.

§ 5:23-9.3 Interpretation: Recreational park trailers

See: [35 N.J.R. 4000\(a\)](#), [36 N.J.R. 649\(b\)](#).

Added (a)4iv.

Repealed by R.2004 d.131, effective April 5, 2004.

See: [35 N.J.R. 5336\(a\)](#), [36 N.J.R. 1755\(a\)](#).

Recodified to [N.J.A.C. 5:23-2.7\(c\)](#). Section was "Interpretation: Ordinary maintenance".

New Rule, R.2007 d.47, effective February 5, 2007.

See: [38 N.J.R. 3710\(a\)](#), [39 N.J.R. 376\(a\)](#).

Administrative correction.

See: [39 N.J.R. 1249\(b\)](#).

Amended by R.2008 d.213, effective August 4, 2008.

See: [39 N.J.R. 2411\(a\)](#), [40 N.J.R. 4523\(b\)](#).

In (a)3 and (d), updated the N.J.A.C. references; and in (d), deleted "; UCC bulletin 93-6" following the N.J.A.C. reference.

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## **N.J.A.C. 5:23-9.4**

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23.  
UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS**

### **§ 5:23-9.4 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1990 d.490, effective October 1, 1990.

See: 22 New Jersey Register 592(a), 22 New Jersey Register 3148(a).

Repealed by R.1995 d.121, effective March 6, 1995 (operative July 1, 1995).

See: 26 New Jersey Register 4875(a), 27 New Jersey Register 894(c).

Formerly "Seismic Zones".

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## [N.J.A.C. 5:23-9.5](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS***

### **§ 5:23-9.5. (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.2006 d.24, effective January 17, 2006.

See: [37 New Jersey Register 2111\(a\)](#), [38 New Jersey Register 485\(a\)](#).

Section was "Interpretation: Records retention."

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## [N.J.A.C. 5:23-9.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS***

## **§ 5:23-9.6 Interpretations: Construction requirements for new and existing casinos**

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(a) Fixed central pedestal seating (stools) shall be allowed within major aisles and cross-aisles in casinos for gaming patrons who use standard size slot machines or other similar machines, within these aisles, provided the following requirements have been met:

1. Schematic drawings which indicate the dimensions and locations of the stools, and the distances from adjacent fixtures, walls or other objects shall be submitted to the Department for review and release;
2. Stool placement shall not result in any reduction of the required aisle accessway width when measured from the stool and any other adjacent obstacle, including, without limitation, other stools in back-to-back seating arrangements; and
3. Stools that swivel and have a back rest shall be self-centering.

(b) The following code requirements shall apply to gaming floors:

1. The use group of the gaming floor area shall be A-2.
2. Each gaming floor area shall be designed using an open landscape plan such that there is clear visibility throughout the floor and at least two of the exits are clearly discernible from all portions of the floor. Line of sight obstructions shall be limited and shall be subject to the approval of the Department.
3. An egress study shall be provided for each new egress route and for all modifications to an existing egress route, increases in occupant load or change of egress elements for gaming floor areas.
  - i. The occupant load shall be calculated at 11 square feet gross per person for all gaming floor areas, regardless of the gaming activity.
  - ii. The total capacity of the means of egress shall be calculated based on 116 2/3 percent of the calculated occupant load of any floor area containing gaming activities and any adjacent spaces using the gaming floor for exit access.
  - iii. Travel distances shall be delineated on the egress study and shall be measured from each and every occupiable point on the gaming floor to the closest exit. The travel distance shall be measured along the natural path of travel using a distance of one foot from obstructions, corners and walls and using the center of door openings.
  - iv. Each egress route shall identify the travel distance, number of occupants and size and type of egress elements.
4. Areas that are back-of-house to the gaming floor where security is necessary shall be permitted to apply the following special locking arrangements: Doors in means of egress serving rooms or spaces required by the Division of Gaming Enforcement to be controlled for security reasons shall be permitted to be locked if equipped with egress control devices which shall unlock manually and by any of the following means:

## § 5:23-9.6 Interpretations: Construction requirements for new and existing casinos

- i. Actuation of an automatic fire suppression system on any casino floor or back-of-house zone;
  - ii. Actuation of a manual alarm station contained within the secured area;
  - iii. A signal from a fire command center; or
  - iv. Loss of power to the egress control device.
5. Gaming equipment, change banks, monitor cabinets, and other obstructions located on the gaming floor shall not exceed 75 inches in height except as provided in this paragraph:
  - i. Equipment and obstructions located at or within 27 feet of perimeter walls surrounding the casino floor and walls with a minimum height of 75 inches throughout the casino floor, measured perpendicular to the wall, may be of unrestricted height;
  - ii. Equipment and obstructions located at columns, but not extending more than 14 feet in any direction around the column, including the column itself, may be of unrestricted height;
  - iii. Equipment and obstructions located so that they do not obstruct visibility throughout the gaming floor, the visibility of at least two exits, or the operation of fire protection systems, may be of such height as is consistent with such visibility and operation; and
  - iv. Slot machines and similar gaming equipment may be 85 inches in height at any location on the casino floor provided all of the following conditions are met throughout the casino floor(s):
    - (1) An exit catchment area shall be provided immediately in front of the means of egress having the largest egress capacity and each other means of egress, ranked from the largest to smallest in terms of egress capacity, until such areas are provided in front of means of egress comprising 50 percent of the required egress capacity. Each catchment area shall be a rectangle with the full width of the means of egress component and twice the depth. Gaming equipment and other obstructions within the catchment area shall require Department approval;
    - (2) All exit signs that are provided on the casino floor shall have a minimum letter height of 10 inches and a minimum letter stroke of two inches with approved distinguishable colors; and
    - (3) Prior to the installation of the 85-inch high machines, when directed by the Department, the permit applicant and the Department shall perform a means of egress and exit visibility survey and the permit applicant shall install additional signage if deemed necessary, or other means found necessary to ensure the discernability of two exits.
6. Signage installed on the gaming floor shall comply with the following:
  - i. All signage shall be listed, labeled, approved and identified by an approved testing laboratory;
  - ii. Each sign shall be attached to a wall, post or ceiling. A post-mounted sign above slot machines shall be fastened to, and supported by, the slot machine base;
  - iii. A sign containing moving sections or ornaments shall be equipped with fail-safe provisions to prevent the sign from releasing and falling or from shifting its center of gravity more than 15 inches. The fail-safe device shall be in addition to the mechanism and mechanism housing that operate the movable section. The fail-safe device shall be capable of supporting the full dead weight of the sign when the moving mechanism releases; and
  - iv. A sign shall not obstruct visibility throughout the gaming floor, the visibility of exit signage or the operation of fire protection systems.
7. Monitor cabinets, change banks, fillers, slot machine bases, and similar items shall be constructed of non-combustible or fire retardant treated material.
8. All illuminated signs, amplification systems, turntables, video displays, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power or signal to the device(s).

## § 5:23-9.6 Interpretations: Construction requirements for new and existing casinos

- i. This requirement does not apply to exit signs or emergency communications systems.
  - ii. This requirement shall not apply to slot machines or similar gaming equipment.
  - iii. This requirement shall not apply to video displays that are an integral part of a gaming machine.
9. On casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level.
- (c) All casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. Standpipe connections located on columns shall be marked on all four sides of the column as described above.
- 1. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.
  - 2. This requirement shall not apply to standpipe hose connections located in open parking structures.
- (d) The following precautions shall be taken during construction in any portion of an occupied casino hotel:
- 1. Except for changes to gaming tables, slot bases or signage, temporary construction partitions shall be required when construction is undertaken in an area with public access or in an area where the automatic sprinkler system will be inoperable.
    - i. A fire partition with a fire resistance rating of one hour shall be required for projects with automatic sprinkler protection. Fire partitions shall be constructed of noncombustible materials as defined in the building subcode and shall be continuous from the top of the floor to the underside of the ceiling above and shall be securely attached thereto. Opening protectives shall be rated for 3/4 hour.
    - ii. A fire separation assembly with a fire resistance rating of two hours shall be provided for projects where the automatic sprinkler system is inoperable. Fire separation assemblies shall be constructed of noncombustible materials, as defined in the building subcode, and shall be continuous from the top of the floor to the underside of floor/roof slab or deck above or to the top fire resistance rated floor ceiling assembly above and shall be securely attached thereto. Opening protectives shall be rated for 1 1/2 hours.
  - 2. Projects with the ceiling removed shall be provided with operable upright type automatic sprinklers.

## History

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### HISTORY:

New Rule, R.1991 d.61, effective February 19, 1991.

See: 22 N.J.R. 3610(a), 23 N.J.R. 406(a).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: [27 N.J.R. 3517\(a\)](#), [27 N.J.R. 5012\(a\)](#).

Amended by R.1998 d.471, effective September 21, 1998.

See: [30 N.J.R. 1678\(a\)](#), [30 N.J.R. 3466\(a\)](#).

In (a), added 5; and added (b) and (c).

Amended by R.2000 d.414, effective October 16, 2000.



§ 5:23-9.6 Interpretations: Construction requirements for new and existing casinos

See: [32 N.J.R. 2279\(a\)](#), [32 N.J.R. 3870\(b\)](#).

In (b)3i, substituted "11" for "7.5" and changed "per person gross" to "gross per person" following "square feet".

Amended by R.2003 d.71, effective February 18, 2003.

See: [34 N.J.R. 3414\(a\)](#), [35 N.J.R. 1054\(b\)](#).

In (a), substituted "have been" for "are" in the introductory paragraph and rewrote 1; in (b), rewrote 5 and inserted ", slot machine bases," in 7.

Amended by R.2007 d.338, effective November 5, 2007.

See: [39 N.J.R. 280\(a\)](#), [39 N.J.R. 4569\(a\)](#).

Deleted (b)5iv(3); recodified former (b)5iv(4) and (b)5iv(5) as (b)5iv(3) and (b)5iv(4); added (b)8, (b)9 and new (c); and recodified former (c) as (d).

Amended by R.2009 d.134, effective April 20, 2009.

See: [41 N.J.R. 25\(a\)](#), [41 N.J.R. 1732\(a\)](#).

Rewrote (b)4.

Amended by R.2014 d.072, effective May 5, 2014.

See: [45 N.J.R. 786\(a\)](#), [46 N.J.R. 759\(d\)](#).

In (a)2, inserted "and" at the end; rewrote (a)3 and (b)5; deleted (a)4 and (a)5; in the introductory paragraph of (b)8, substituted "turntables, video displays," for "turn tables,", and inserted "or signal"; and added (b)8iii.

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## [N.J.A.C. 5:23-9.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS**

### **§ 5:23-9.7 (Reserved)**

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### **History**

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#### **HISTORY:**

New Rule, R.1993 d.132, effective April 5, 1993.

See: 24 N.J.R. 3458(a), 25 N.J.R. 1512(b).

Amended by R.1995 d.647, effective December 18, 1995 (operative March 18, 1996).

See: [27 N.J.R. 3517\(a\)](#), [27 N.J.R. 5012\(a\)](#).

Repealed by R.2013 d.081, effective June 3, 2013.

See: [44 N.J.R. 1303\(a\)](#), [45 N.J.R. 1393\(a\)](#).

Section was "Interpretation: Manufacturing, production and process equipment".

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## [N.J.A.C. 5:23-9.8](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS***

### **§ 5:23-9.8 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.2006 d.120, effective April 3, 2006.

See: [37 N.J.R. 3753\(a\)](#), [38 N.J.R. 1567\(a\)](#).

Section was "Interpretation: bed and breakfast guest houses--change in Group requirements".

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## [N.J.A.C. 5:23-9.9](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 9. CODE INTERPRETATIONS***

### **§ 5:23-9.9 (Reserved)**

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### **History**

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#### **HISTORY:**

Repealed by R.2009 d.126, effective April 20, 2009.

See: [41 N.J.R. 16\(a\)](#), [41 N.J.R. 1725\(a\)](#).

Section was "Foundation systems for garden type utility sheds and similar structures".

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## [N.J.A.C. 5:23-10.1](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 10. RADON HAZARD SUBCODE***

### **§ 5:23-10.1 Title, scope; intent**

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(a) This part of the regulations, adopted pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217, as amended and as supplemented by P.L. 1989, c.186 ([N.J.S.A. 52:27D-119](#) et seq.), and entitled Radon Hazard Subcode, shall be known, and may be cited throughout the regulations as, N.J.A.C. 5:23-10 and, when referred to in this subchapter, may be cited as "this subchapter".

1. This subchapter is intended to complement rules adopted by the New Jersey Department of Environmental Protection at [N.J.A.C. 7:28-27](#) which provide for certification of persons who sell radon or radon progeny devices, test for radon or radon progeny, or mitigate radon in buildings.
  - i. Copies of [N.J.S.A. 26:2D-70](#) et seq. and [N.J.A.C. 7:28-27](#) may be obtained from the New Jersey Department of Environmental Protection, PO Box 411, Trenton, NJ 08625-0411.

(b) This subchapter pertains to the construction of all buildings in Use Groups E and R, as defined in the building subcode, within recognized radon prone areas defined as tier one by the New Jersey Department of Environmental Protection and shall control matters relating to construction techniques to minimize radon gas and radon progeny entry and facilitate any subsequent remediation that might prove necessary.

(c) This subchapter seeks to protect and ensure public safety, health and welfare insofar as it is affected by radon entry into schools and residential buildings.

1. It is the purpose of this subchapter to establish standards and procedures to ensure that construction techniques that minimize radon entry and that facilitate any post-construction radon removal that is required shall be incorporated in the construction of all buildings in Use Groups E and R in tier one areas and are permitted to be incorporated elsewhere in New Jersey.
2. Radon is a colorless, odorless, tasteless, radioactive gas that occurs naturally in soil gas, underground water, and outdoor air. Prolonged exposure to elevated concentrations of radon and its progeny (that is, substances formed as a result of the radioactive decay of radon) has been associated with increases in the risk of lung cancer. An elevated concentration is defined as being at or above the guideline of 4 pCi/L or 0.02 WL average annual exposure.
3. Inasmuch as it is deemed to be more cost effective to build schools and residential buildings that resist radon entry than to remedy a radon problem after construction, design and construction techniques shall be employed, in tier one areas, to minimize pathways for soil gas to enter and features shall be incorporated during construction in tier one areas that will facilitate radon removal after completion of the structure if prevention techniques prove to be inadequate.
4. The installation of radon mitigation systems in existing portions of buildings shall not be subject to the construction technique requirements set forth in [N.J.A.C. 5:23-10.4](#).

### **History**

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**HISTORY:**

§ 5:23-10.1 Title, scope; intent

Amended by R.1994 d.609, effective December 19, 1994 (operative April 1, 1995).

See: 26 New Jersey Register 2704(a), 26 New Jersey Register 5007(b).

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## [N.J.A.C. 5:23-10.2](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 10. RADON HAZARD SUBCODE***

## **§ 5:23-10.2 Definitions**

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The following words, terms, and abbreviations, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Foundation pipe drain" means a drain placed around the perimeter of a foundation that utilizes a perforated pipe. An "interior foundation pipe drain" is one placed around the internal perimeter of a foundation. An "exterior foundation pipe drain" is one placed around the external perimeter of a foundation.

"French drain" or "channel drain" means a path used to assist with water drainage which is installed in basements of some structures during initial construction, which consists of a gap (typically one-half to one and one-half inch in width) between the basement block wall and the concrete floor slab around the entire inside perimeter of the basement.

"Perforated pipe" means rigid plastic pipe that is a minimum wall thickness of Sewer and Drain ASTM-D2729, with at least a two-and-a-half-inch diameter hole every five inches of piping set approximately 120 degrees apart.

"Picocurie per Liter (pCi/L)" means 2.2 disintegrations per minute of radioactive material per liter. It may be used as a measure of the concentration of radon gas in air. One picocurie is equivalent to 10-12 Curies.

"Radon" means the radioactive noble gas radon-222.

"Radon collection mat" means an under slab prefabricated material specifically made to create a lateral void space under a slab to allow water or air to pass through it.

"Radon progeny" means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214 and polonium-214.

"Soil gas vent pipe" means a gas- and water-tight pipe not less than three to four inches in diameter that is routed from perforated pipe or radon collection mats (or equivalent approved method) to an approved location outside the building.

"Sump" means a pit or hole in or through a basement floor slab designed to collect water, and from which such water is drained by means of a vertical-lift or sump pump.

"Sump pump" means a pump used to move collected water out of the sump to an above grade discharge remote from the structure.

"Working level (WL)" means that concentration of short-lived radon decay products that will result in 130,000 million electron volts of potential alpha-particle energy per liter of air. Working level is a measure of radon decay product concentration in air.

## **History**

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**HISTORY:**

§ 5:23-10.2 Definitions

Amended by R.2021 d.003, effective January 4, 2021.

See: [52 N.J.R. 1365\(a\)](#), [53 N.J.R. 50\(a\)](#).

In the introductory paragraph, inserted a comma following "terms" and added definitions "Perforated pipe", "Radon collection mat", and "Soil gas vent pipe".

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## [N.J.A.C. 5:23-10.3](#)

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**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 10. RADON HAZARD SUBCODE**

### **§ 5:23-10.3 Enforcement**

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- (a) The provisions of this subchapter shall be enforced by the enforcing agencies having responsibility for the enforcement of this chapter.
- (b) Enforcement responsibility shall be divided among subcode officials in the following manner:
1. Plan review and inspection with regard to compliance with [N.J.A.C. 5:23-10.4\(b\)](#) and (c) shall be the responsibility of the building subcode official, except that [N.J.A.C. 5:23-10.4\(b\)](#)13 and (c)14 shall be the responsibility of the electrical subcode official; and
  2. Enforcement responsibility for work other than which is required in [N.J.A.C. 5:23-10.4\(b\)](#) shall be as set forth in [N.J.A.C. 5:23-3.4\(a\)](#).

### **History**

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#### **HISTORY:**

Amended by R.1991 d.429, effective August 19, 1991.

See: 23 N.J.R. 1487(a), 23 N.J.R. 2501(a).

In (b), added 5 and 6.

Amended by R.1994 d.609, effective December 19, 1994 (operative April 1, 1995).

See: 26 N.J.R. 2704(a), 26 N.J.R. 5007(b).

Amended by R.2007 d.310, effective October 1, 2007.

See: [39 N.J.R. 135\(a\)](#), [39 N.J.R. 4113\(b\)](#).

Rewrote (b)1 and (b)2.

Amended by R.2021 d.003, effective January 4, 2021.

See: [52 N.J.R. 1365\(a\)](#), [53 N.J.R. 50\(a\)](#).

In (b)1, updated the N.J.A.C. references and inserted "and" at the end.

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## [N.J.A.C. 5:23-10.4](#)

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***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 10. RADON HAZARD SUBCODE***

### **§ 5:23-10.4 Construction techniques**

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- (a) Tier one radon hazard areas shall be identified in accordance with the county/municipal radon listing established by the Department of Environmental Protection. The current list of municipalities in tier one areas is set forth in Appendix 10-A of this subcode.
- (b) Group E buildings: The construction techniques set forth in this subsection shall be the minimum radon hazard protective features required to be incorporated into construction of buildings in tier one areas, and may be incorporated elsewhere, in order to minimize radon and radon progeny entry and facilitate any postconstruction radon removal that may be required. Enumeration of these construction techniques is not intended to preclude voluntary use of additional or more extensive techniques. Full compliance with these construction techniques is not required for additions; however, those construction techniques that are feasible shall be incorporated.
1. A base course in accordance with Section 1805.4.1 of the building subcode shall be installed below slabs and foundations. There shall be a continuous base course under each soil gas vapor barrier that is separated by foundation walls or footings. Punctures, tears, and gaps around penetrations of the soil gas vapor barrier shall be repaired or covered with an additional soil gas vapor barrier.
    - i. The soil gas vapor barrier shall be a continuous 6-mil (0.15 mm) polyethylene or an approved equivalent.
    - ii. Approved alternative soil gas collection areas, such as sealed crawlspaces, shall be permitted.
  2. Foundation walls and floors in contact with the soil shall be damp-proofed or waterproofed in accordance with Section 1805 of the building subcode.
  3. There shall be an unobstructed path for soil gas flow within the base course and out through the vent in the roof.
  4. Soil gases below the foundation shall be collected by a perforated pipe with a diameter of not less than four inches and not less than 10 feet in total length that is mechanically fastened to a "T" pipe with two horizontal openings within the base course for radon collection or an equivalent method.
    - i. The "T" pipe fitting connection within the base course and the soil gas vent pipe that extends to the roof shall be designed to prevent clogging of the radon collection path.
    - ii. Alternately the soil gas collection shall be by approved radon collection mats or an equivalent approved method.
  5. Openings in slabs, soil gas vapor barriers, and joints, such as plumbing, ground water control systems, soil gas vent pipes, piping, and structural supports, shall be sealed against air leakage at the penetrations with a polyurethane caulk, expanding foam, or other approved sealing method.
  6. Gaps, seams, and joints below grade in walls and footings that surround soil gas collection areas shall be closed with cementitious materials, damp-proofing, or other approved products.

## § 5:23-10.4 Construction techniques

- 7.** Closure shall be provided to prevent air migration between the base course that serves soil gas collection and the foundation drain systems located outside of the walls or footings that surround the soil gas collection areas.
- 8.** Masonry unit walls below grade shall provide a barrier between soil gas and interior spaces. Barriers shall include, but not be limited to, closure of openings within the hollow masonry units, full grouting, solid masonry units, or other approved method.
- 9.** A sump cover that substantially closes off the soil gas entry routes shall be provided for all sump installations.
- 10.** Sumps intended for ground water control shall have gasketed lids or be otherwise sealed and shall not be connected to the soil gas exhaust system.
- 11.** Vent pipes shall connect to a single vent that terminates at least 12 inches above the roof. If the design requires multiple individual vent pipes, they shall terminate separately at least 12 inches above the roof. Alternatively, vent pipe termination from the soil gas permeable layer shall extend to at least 30 feet above grade. In addition, vent pipes shall meet the following:
- i.** The vent pipe shall terminate no less than four feet vertically above or 10 feet horizontally away from operable windows, doors, or skylights.
  - ii.** The vent pipe shall be sloped to avoid collecting condensate or rainwater.
  - iii.** The vent pipe size shall not be reduced at any location as it goes from gas collection to the roof.
  - iv.** Exposed and visible interior vent pipes shall be identified with not less than one label reading "Radon Reduction System" on each floor.
  - v.** The minimum vent pipe diameter and maximum area vented per vent pipe shall be as specified in Table 11 below.
  - vi.** Multiple sub-slab areas that are segregated and combined into a single vent pipe shall be subject to minimum vent pipe diameter and maximum area vented per vent pipe specifications in Table 11 below.

TABLE 11

## Maximum Vented Foundation Area

Maximum Area Vented	Minimum Pipe Diameter
2,500 ft<2>	3 inch
4,000 ft<2>	4 inch
Unlimited	6 inch

- 12.** In buildings that have interior footings or other barriers that separate the soil gas permeable layer, each area shall be fitted with an individual vent pipe.
- 13.** Electrical junction boxes shall be installed within six feet of the provided area, such as an accessible attic space, where a future in-line vent pipe fan and system failure alarms may be installed.
- (c)** Group R buildings: The construction techniques set forth in this subsection shall be the minimum radon hazard protective features required to be incorporated into construction of buildings in tier one areas, and may be incorporated elsewhere, in order to minimize radon and radon progeny entry and facilitate any post-construction radon removal that may be required. Enumeration of these construction techniques is not intended to preclude voluntary use of additional or more extensive techniques. Full compliance with these construction techniques is not required for additions; however, those construction techniques that are feasible shall be incorporated.

- 1.** A continuous vapor barrier not less than six-mil (.006 inch; .152 mm) polyvinyl chloride or polyethylene with any seams overlapped not less than 12 inches (305 mm), or other approved

## § 5:23-10.4 Construction techniques

materials, shall be installed under the slab in basement and slab-on-grade construction and on the soil in crawl space construction.

- 2.** Floors of basements and slab on grade construction shall be placed over a base course, not less than four inches (102 mm) in thickness, consisting of gravel or crushed stone containing not more than 10 percent of material that passes through a No. 4 sieve.
- 3.** Basement slabs with interior foundation pipe drains installed shall have a solid three-inch minimum diameter vent pipe section installed in conjunction with this drainage system and be connected to an independent vent stack pipe terminating at an approved location on the exterior of the building.
- 4.** Basement slabs which do not have an interior foundation pipe drain, and slab on grade construction (excluding non-habitable spaces such as garages), shall be provided with one three-inch minimum solid vent pipe section with a "T" pipe fitting for every 1,500 square feet, or portion thereof, of slab area, this vent pipe section to be installed into the sub-slab aggregate. The horizontal openings of the "T" pipe fitting shall be placed in the sub-slab aggregate. The vertical portion of the "T" pipe fitting shall be connected to an independent vent stack pipe terminating at an approved location on the exterior of the building. Where more than one vent pipe section is provided, interconnection of these sections into a single independent vent stack is permitted.
- 5.** Basement slabs with French drains or channel drains shall not be allowed unless interior foundation pipe drains as described in this section are installed.
- 6.** Joints in foundation walls and floors, including, without limitation, control joints between slab sections poured separately, and between foundation wall and floor (except for French drains or channel drains), as well as penetrations of the foundation walls and floor including, but not limited to, utility penetrations, shall be substantially sealed by utilizing a non-cracking polyurethane or similar caulk, or equivalent, in order to close off the soil gas entry routes. Any openings or penetrations of the floor over the crawl space shall be substantially sealed in order to close off the soil gas entry routes.
- 7.** Untrapped floor drains shall be provided with removable stoppers which substantially close off the soil gas entry routes.
- 8.** A sump cover which substantially closes off the soil gas entry routes shall be provided for all sump installations. If foundation pipe drains terminate at a sump installation and provisions are made for venting from the sump installation, the three-inch diameter solid vent pipe section requirement of (b)3 above need not be provided.
- 9.** Any ductwork that is routed through a crawl space or beneath a slab shall be properly taped or sealed.
- 10.** Sealant materials that substantially close off the soil gas entry routes shall be installed on any doors or other openings between basements and adjoining crawl spaces that are vented to the exterior.
- 11.** The tops of foundation walls, including, without limitation, interior ledges, that are constructed of hollow masonry units shall be capped or the voids shall be completely filled.
- 12.** The independent vent stack pipe provided in accordance with (b)3, 4 or 8 above shall be an adequately supported, gas tight, three-inch minimum diameter solid pipe, through any enclosed portions of the building. The pipe shall be routed in a manner that makes it accessible for the installation of a future in-line vent pipe fan in a non-conditioned (not heated or cooled) space, including, without limitation, an attic space, but excluding a basement or crawl space, and installed in a configuration, and supported in a manner, that will ensure that rain water or condensate accumulation within the pipes will drain downward into the ground beneath the slab or vapor barrier. The vent stack pipe shall meet the following termination requirements:
  - i.** Vent pipes shall terminate at least 12 inches above the roof, measured from the highest point where the vent intersects the roof. When a vent pipe extension terminates on an occupiable roof the vent pipe shall extend at least seven feet above the roof surface. Exception: Buildings more

## § 5:23-10.4 Construction techniques

than three stories in height shall be allowed to extend vent pipe terminals through a wall provided that the termination is at least 20 feet above grade and is effectively screened.

ii. No vent terminal shall be located directly beneath any door, window, or other ventilating opening of the building or of an adjacent building nor shall any such vent terminal be within 10 feet horizontally of such an opening unless it is at least two feet above the top of such opening.

iii. No vent terminal shall be closer than 10 feet horizontally from any lot line. Where this 10 foot horizontal distance is not possible due to lot width, the vent terminal shall be placed as remote from the lot line as practicable.

13. Radon vent pipes shall be identifiable and clearly labeled at intervals of not more than 25 feet in concealed locations, not more than 50 feet in exposed locations and not less than once in any room or space.

14. Electrical junction boxes shall be installed near the provided area, such as an accessible attic space, where a future in-line vent pipe fan and system failure alarms may be installed.

15. In combination basement/crawl space or slab-on-grade/crawl space buildings a three-inch minimum solid vent pipe shall be provided between the areas and interconnected into the independent vent stack to permit use of a single in-line vent pipe fan if activation of the system is desired.

16. In order to reduce stack effect, air passages that penetrate the conditioned envelope of the building, such as attic access openings, or other openings installed in top-floor ceilings, shall be closed, gasketed or otherwise sealed with materials approved for such applications.

## History

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### HISTORY:

Amended by R.1994 d.609, effective December 19, 1994 (operative April 1, 1995).

See: 26 N.J.R. 2704(a), 26 N.J.R. 5007(b).

Amended by R.2021 d.003, effective January 4, 2021.

See: [52 N.J.R. 1365\(a\)](#), [53 N.J.R. 50\(a\)](#).

Added (b); recodified former (b) as (c); and in (c), inserted "Group R buildings:" and deleted "in Use Groups E and R" following the second occurrence of "buildings".

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## [N.J.A.C. 5:23-10, Appx. 10-A](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 10. RADON HAZARD SUBCODE***

## **APPENDIX 10-A**

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### New Jersey Municipalities in Tier 1

<b>County</b>	<b>Municipality</b>	
Burlington	Chesterfield	Washington
	Mansfield	
Camden	Lawnside Borough	Runnemedede
	Magnolia	Somerdale
Cumberland	Bridgeton	Lawrence Township
	Greenwich	Upper Deerfield Township
Gloucester	Deptford	South Harrison Township
	East Greenwich	Swedesboro
	Greenwich	Wenonah
	Harrison	Woolwich
Hunterdon	All municipalities except Union	
Mercer	Ewing	Pennington
	Hopewell Borough	Princeton Borough
	Hopewell Township	Princeton Township
	Lawrence	
Middlesex	Highland Park	Piscataway
	North Brunswick	
Monmouth	Allentown	Marlboro
	Colts Neck	Millstone Township
	Freehold Borough	Roosevelt
	Freehold Township	Shrewsbury Borough
	Holmdel	Shrewsbury Township
	Little Silver	Upper Freehold
Morris	Chester Borough	Morris
	Chester Township	Morris Plains

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County	Municipality	
	Dover	Morristown
	Harding	Mount Olive
	Jefferson	Randolph
	Kinnelon Borough	Riverdale
	Long Hill	Roxbury
	Mendham Borough	Victory Gardens
	Mendham Township	Washington
	Mine Hill	Wharton
Passaic	Pompton Lakes	West Milford
Salem	Mannington Township	Woodstown
	Pilesgrove	
Somerset	Bernardsville	Millstone
	Bernards	Montgomery
	Branchburg	Peapack & Gladstone
	Bridgewater Township	Rocky Hill
	Far Hills	Somerville
	Hillsborough	Warren
	Franklin	Watchung
Sussex	All municipalities	
Warren	All municipalities	

## History

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### HISTORY:

Public Notice.

See: 23 N.J.R. 3745(a).

Revised Tier I list issued.

Administrative change.

See: 26 N.J.R. 3707(b).

Administrative change.

See: [27 N.J.R. 3600\(a\)](#).

Administrative change.

See: [28 N.J.R. 4783\(a\)](#).

Administrative change.

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See: [37 N.J.R. 885\(b\)](#).

Administrative change.

See: [47 N.J.R. 2061\(a\)](#).

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## [N.J.A.C. 5:23-11.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE**

### **§ 5:23-11.1 Subcode adopted**

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(a) Pursuant to authority at P.L. 1999, c. 50 ([N.J.S.A. 52:27D-123.9](#) et seq.), the Commissioner hereby adopts the playground safety guidelines of the United States Consumer Product Safety Commission, known as the 2010 edition of the "Handbook for Public Playground Safety" (Pub. No. 325). These guidelines are hereby adopted by reference as the Playground Safety Subcode for New Jersey.

1. Copies of these guidelines may be obtained from the United States Consumer Product Safety Commission, Office of Information and Public Affairs, Washington, DC 20207, <https://www.cpsc.gov/>.
2. The "Handbook for Public Playground Safety" may be known and cited as the "Playground Safety Subcode."

(b) Only those guidelines that govern design, installation, inspection and maintenance of playgrounds and playground equipment shall be deemed to be mandatory. Guidelines concerning supervision and training of personnel shall be deemed to be advisory only.

### **History**

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#### **HISTORY:**

Amended by R.2011 d.135, effective May 16, 2011.

See: [43 N.J.R. 244\(a\)](#), [43 N.J.R. 1255\(a\)](#).

In the introductory paragraph of (a), substituted "2010" for "1997"; and in (a)1, inserted "[www.cpsc.gov/CPSCPUB/PUBS/325.pdf](http://www.cpsc.gov/CPSCPUB/PUBS/325.pdf)".

Administrative correction, effective January 17, 2024.

See: [56 N.J.R. 259\(b\)](#).

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## [N.J.A.C. 5:23-11.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE**

### **§ 5:23-11.2 Definitions**

---

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Completely inclusive playground" shall mean a playground designated for public use for children two to five years of age or five to 12 years of age, with an accessible playground surface, a playground surface inspection, and maintenance schedule with the standards detailed in the Americans with Disabilities Act of 1990, [42 U.S.C. §§ 12101](#), et seq., and designed in accordance with the rules adopted pursuant to subsection b. of section 2 of P.L. 1999, c. 50 ([N.J.S.A. 52:27D-123.10](#)).

"Playground" shall mean an improved area designed, equipped, and set aside for play of six or more children, which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

### **History**

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#### **HISTORY:**

Amended by R.2022 d.047, effective April 4, 2022.

See: [53 N.J.R. 1659\(a\)](#), [54 N.J.R. 545\(b\)](#).

Section was "Definition". Rewrote the section.

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## [N.J.A.C. 5:23-11.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE***

### **§ 5:23-11.3 Enforcement of subcode**

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- (a) No permit shall be required for any element of playground construction that is not otherwise subject to the permit requirements of the State Uniform Construction Code.
- (b) Compliance with the requirements of this subcode shall be the responsibility of the manager of the facility, of the owner of the facility and of the agency responsible for the administration of the facility.
- (c) The facility manager and/or facility owner or agency responsible for administration of the facility shall certify in writing that any work performed complies with, and the facility is maintained in accordance with, all applicable provisions of this subcode and shall retain this certification on file.
- (d) Complaints regarding lack of compliance with this subcode shall be in writing and shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager or owner or administering agency shall respond in writing within 30 days to any written complaint received detailing the position taken with respect to the complaint. If the facility manager or owner or administering agency fails to respond in a manner satisfactory to the party registering the complaint, then the party shall have recourse to the appeals process as set forth at [N.J.A.C. 5:23-2.38](#).

## [N.J.A.C. 5:23-11.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE***

#### **§ 5:23-11.4 Compliance schedule**

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- (a) All governmental and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2007 for all other elements, or, in the case of governmental entities, at such earlier date as State funds are made available for such purpose.
- (b) All nonprofit entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2014 for all other elements.
- (c) All newly constructed playgrounds built, and all new and replacement equipment installed, by a governmental, nonprofit or private for-profit entity more than six months after October 18, 1999 shall conform to the requirements of this subcode.
- (d) All construction or alteration of playgrounds, playground equipment, and surfacing that are subject to the Playground Safety Subcode shall comply with the applicable provisions of the Barrier-Free Subcode ([N.J.A.C. 5:23-7](#)).
1. In accordance with [N.J.A.C. 5:23-7.19\(d\)](#) and ICC A117.1, Sections 302 and 303, surfaces of all routes and spaces required to be accessible shall be stable, firm, and slip-resistant. Sand and gravel shall, therefore, not be used as surfacing materials when new equipment is being installed, or a new safety surface is being put in place, and the barrier-free subcode is applicable.
- (e) In addition to (c) and (d) above, completely inclusive playgrounds shall include the following:
1. Parking shall be provided in accordance with local municipal law.
    - i. Street parking installation shall be in conformance with the local municipal ordinance, including the accessible route, which shall include the installation of a curb cut.
    - ii. Lot and deck parking shall be accessible pursuant to Chapter 11 of the building subcode;
  2. Unitary surfacing shall be provided in areas surrounding the playground equipment and on pathways to playground areas that are not connected.
    - i. Prior to selecting a site for construction of a completely inclusive playground, the applicant shall ensure that local, county, and State laws allow for the use of unitary surfacing in the desired area;
  3. Where restroom facilities are provided, at least one facility shall be a family or assisted-use toilet room installed in accordance with Section 1110.2.1 of the building subcode;
  4. Shading shall be provided. A minimum of 20 percent of the square footage of unitary surface and equipment of the playground shall be shaded. Priority may be given to areas that have seating or tables.
    - i. Shading may be provided by natural or man-made means;
  5. Fencing shall be provided around the playground.

## § 5:23-11.4 Compliance schedule

- i. Fencing material may include, but is not limited to, traditional fencing materials or natural barriers, such as hedges;
6. Play components that address the physical, sensory, cognitive, social, emotional, imaginative, and communication needs shall be provided. The applicability of these features shall be determined by the owner of the facility pursuant to the manufacturer's instructions; and
7. Quiet play areas shall be provided.
  - i. The playground manager shall identify the quiet play areas.

## History

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### HISTORY:

Administrative correction.

See: [36 N.J.R. 170\(a\)](#).

Amended by R.2022 d.047, effective April 4, 2022.

See: [53 N.J.R. 1659\(a\)](#), [54 N.J.R. 545\(b\)](#).

In (d), updated the N.J.A.C. reference, inserted a comma following "firm", and deleted "therefore" preceding "applicable"; and added (e).

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

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## [N.J.A.C. 5:23-12.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE***

#### **§ 5:23-12.1 Title; scope; intent; definitions**

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- (a) This subchapter of the rules adopted pursuant to the authority of the Uniform Construction Code Act, entitled "Elevator Safety Subcode," shall be known and cited throughout this chapter as subchapter 12 or N.J.A.C. 5:23-12, and when referred to in this subchapter may be cited as "this subchapter."
- (b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.
- (c) This subchapter shall control all matters relating to administration of tests and inspections of elevator devices as defined in (e) below.
- (d) It is the purpose of this subchapter to enhance the public safety, health, and welfare by ensuring that elevator devices as defined in this subchapter are inspected, tested, and maintained in accordance with nationally recognized, referenced standards and in accordance with the established inspection cycle for the building.
- (e) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure; or, a power driven, inclined, continuous stairway used for raising or lowering passengers; or, a type of passenger carrying device on which passengers stand or walk, and in which the passenger carrying surface remains parallel to its direction of motion and is uninterrupted. This includes, without limitation, elevators, escalators, moving walks, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts, and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators), ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts), or ASME A90.1 (Safety Standard for Belt Manlifts).
1. This definition shall not apply to any conveying devices and process equipment. Conveying devices include special purpose personnel elevators, mine elevators, marine elevators, wind turbine tower elevators, outside emergency elevators, material hoists, conveyors, and any other device outside of the scope of ASME A17.1, A18.1, or A90.1.
- (f) The following terms, when used in this subchapter, shall have the following meanings:
1. "Routine inspections" shall mean the examination of elevator devices at six-month intervals where visual inspections are performed to check for compliance with the applicable requirements. The scope and performance of such inspections shall be as required by this subchapter.
  2. "Periodic inspections and tests" shall mean the periodic inspections and tests of elevator devices at yearly intervals where inspections are performed by an elevator inspector and tests are witnessed by an elevator inspector to check for compliance with the applicable requirements. The category of such tests and scope of these inspections and tests shall be as required by this subchapter.
  3. "Cyclical inspections" or "cyclical testing" shall mean the inspections or tests performed on each elevator device on a schedule established by the enforcing agency in accordance with this subchapter, including, but not limited to, routine inspections and periodic inspections and tests.

## History

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### HISTORY:

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (e), inserted ", ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts),"; and in (e)1, substituted "conveying devices," for "conveyor devices that are", inserted ", and mine elevators" and inserted the last sentence.

Amended by R.2016 d.116, effective September 19, 2016.

See: [48 N.J.R. 531\(a\)](#), [48 N.J.R. 1908\(a\)](#).

In the introductory paragraph of (e), inserted a comma following "chairlifts"; and rewrote (e)1.

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Section was "Title; scope; intent". Rewrote (d); and added (f).

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## [N.J.A.C. 5:23-12.2](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE**

#### **§ 5:23-12.2 Referenced standards**

---

(a) Periodic and acceptance tests and inspections, if applicable, shall be required on all new, altered, and existing elevators, dumbwaiters, moving walks, wheelchair lifts, manlifts, and stairway chairlifts. The required cyclical inspections and tests shall be performed in accordance with the most recent edition of ASME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode. Requirements for periodic tests and inspections shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

1. Periodic, routine, and acceptance tests and inspections, as applicable, shall be required on all new, altered, and existing escalators.

(b) All operating and electrical parts and accessory equipment for elevator devices shall be maintained in safe operating condition. The elevator devices shall be maintained to conform to the applicable safety standard in effect at the time of the installation and/or alteration. The maintenance of elevator devices shall conform to the most recent edition of ASME A18.1 or ASME A90.1, or ASME A17.1 referenced in the building subcode. Additionally, maintenance of ASME A17.1 elevator devices shall be in accordance with (c) below. Checklists of maintenance performed according to the applicable six-month inspection section of ASME A17.1 shall be maintained by the building owner and the owner shall make such records available to the authority having jurisdiction.

(c) Maintenance of elevator devices installed under ASME A17.1 shall conform with the following:

1. Maintenance of elevator devices installed under ASME A17.1 shall comply with Sections 8.6.1 through 8.6.11 except for: 8.6.5.8, 8.6.7.3, 8.6.7.4, 8.6.7.8, 8.6.7.9, 8.6.7.11, 8.6.7.12, 8.6.8.2, 8.6.8.3, 8.6.11.6, and 8.6.11.10.
  - i. Section 8.6.1.2.2 shall apply only for newly installed elevators and elevators undergoing an alteration per Section 8.7.
2. Additionally, escalators installed under ASME A17.1-2000 and later editions shall comply with sections 8.6.8.2(d) and 8.6.8.3.
3. Where unique or product-specific procedures or methods are required to inspect or test equipment, such procedures or methods shall be made available to the owners and kept where they are readily available to the authority having jurisdiction, authorized and elevator personnel.

(d) If, upon inspection of any elevator device subject to the requirements of this subchapter, the equipment is found to be in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, or if the design, or the method of operation in combination with the design, of the device is determined to be inherently dangerous by the elevator subcode official, the elevator subcode official shall so advise the construction official so that a notice of unsafe structure may be issued pursuant to [N.J.A.C. 5:23-2.32](#).

(e) Inspection and testing procedures for equipment within the scope (section 1) of the ASME A17.1 Safety Code for Elevators and Escalators shall be performed in accordance with the latest edition of ASME A17.2.



## § 5:23-12.2 Referenced standards

(f) Any education, experience or training requirements included or cited in reference standards shall not be binding in this State.

## History

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### HISTORY:

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.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(a\)](#).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a), added R-5 to the list of groups.

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In (a) and (b), inserted ", ASME A18.1, or ASME A90.1"; and in (b), substituted "elevator devices" for "elevators, dumbwaiters and escalators".

Amended by R.2009 d.255, effective August 17, 2009.

See: [41 N.J.R. 1919\(a\)](#), [41 N.J.R. 3065\(a\)](#).

Rewrote (b).

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

In (b), deleted "or devices" following "equipment" and inserted the last sentence; and added new (c) to replace reserved (c).

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Rewrote (a) and (b).

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the introductory paragraph of (a), substituted the first occurrence of "ASME" for "AME", and "Requirements for periodic tests and inspections" for "This subsection".

Amended by R.2022 d.158, effective December 19, 2022.

See: [54 N.J.R. 476\(a\)](#), [54 N.J.R. 2371\(c\)](#).

Rewrote (c)1.

§ 5:23-12.2 Referenced standards

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## [N.J.A.C. 5:23-12.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE**

#### **§ 5:23-12.3 Inspection and test schedule**

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- (a) Periodic and acceptance inspections and test of elevators shall be conducted as follows:
1. Periodic inspections shall be made at intervals of not more than six months for all escalators. Inspection intervals for ASME A17.1 elevator devices other than escalators shall not exceed those set forth in Appendix N-1 of ASME A17.1 referenced in the most recent edition of the building subcode, provided that cyclical inspections shall not be required more frequently than once a year. Stairway chairlifts and wheelchair lifts shall be inspected at intervals not exceeding one year.
  2. Periodic tests shall be witnessed at intervals not exceeding those set forth in Appendix N-1 of the most recent edition of ASME A17.1 referenced in the building subcode, provided that cyclical tests shall not be required more frequently than once a year. Cyclical testing of manlifts, stairway chairlifts, and wheelchair lifts shall be at intervals not exceeding one year.
  3. Periodic inspections, including any applicable acceptance inspections, shall be made by the elevator subcode official or elevator inspector. Periodic tests, including any applicable acceptance tests, shall be witnessed by the elevator subcode official or elevator inspector.
  4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by [N.J.A.C. 5:23-12.9](#).
    - i. When a need to modify an existing inspection cycle exists, upon request of a construction official, where such needs are outlined, and approved by the Department, the existing inspection cycle can be changed. Such change shall not increase the intervals between cyclical inspections/tests required by this section, and any additional inspection that may be required as a result of the adjustment shall not be subject to a fee.
    - ii. Elevator devices that have been temporarily taken out of operation for alteration work to be performed shall be exempt from required cyclical routine and periodic inspections and tests, as long as the elevator device is not accessible to the public or placed back in operation. Those devices that are still in operation, even though they are still included in the alteration permit, shall be subject to the required cyclical routine and periodic inspections and tests within the cycle of inspections in the building.
    - iii. Elevator devices that have been removed from service as per ASME A17.1, A18.1, or A90.1 as applicable, are exempt from the required cyclical routine and periodic inspections and tests until the device is placed back in service as per the applicable safety code, which is referenced in the building subcode. Taking a device in or out of service by Code shall be considered minor work within the meaning of [N.J.A.C. 5:23-2.17A](#).
    - iv. Elevator devices that are used for construction purposes as per ASME A17.1 referenced in the building subcode are subject to inspections and tests required by ASME A17.1 for elevators used

## § 5:23-12.3 Inspection and test schedule

for construction. Such devices shall not be accessible to the public. During the operation of the device for construction purposes the owner shall assure that the device is used only for construction purposes by providing a designated operator, authorizing of key operation or by other methods acceptable to the elevator subcode official.

5. Elevator devices in structures of Group R-3, R-4, or R-5, except those elevator devices accessible to the public, shall be exempt from periodic inspection and test requirements. Elevator devices wholly within the dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt. In addition, signed statements and supporting inspection and acceptance test reports, filed by an approved qualified agent or agency for elevator devices in such structures, other than elevator devices accessible to the public, may be accepted by the construction official, in accordance with [N.J.A.C. 5:23-2.19](#) and [2.20](#), in lieu of inspections performed by and acceptance tests witnessed by the enforcing agency for work requiring a permit. If the construction official designates the elevator subcode official to perform the inspection and to witness the acceptance test for work under a permit in such structures, those inspections and tests shall ensure compliance with the requirements of the code(s) under which the permit was issued.

## History

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### HISTORY:

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Added (a)4 and 5.

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (a)5, substituted "structures of Group R-3, R-4, or R-5" for "structures classified as Use Group R-3 and R-4", inserted "the" preceding "acceptance test for work" and substituted "ensure" for "assure" preceding "compliance".

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In (a)1, inserted "Appendix N-1 of", substituted a comma for "and" following "escalators" and inserted a comma following "dumbwaiters"; in (a)2, inserted "Appendix N-1 of" and inserted the last sentence; in (a)4ii, inserted ", A18.1 or A90.1 as applicable" and substituted "the applicable safety code" for "ASME A17.1".

Amended by R.2012 d.134, effective July 16, 2012.

See: [44 N.J.R. 613\(a\)](#), [44 N.J.R. 1970\(a\)](#).

Added new (a)4i; and recodified former (a)4i through (a)4iii as (a)4ii through (a)4iv.

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Rewrote (a).

## [N.J.A.C. 5:23-12.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE***

#### **§ 5:23-12.4 Registration of elevator devices**

---

(a) On or before July 1, 1992, and thereafter as required by (e) below, the owner of every existing structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or other than an elevator device wholly within a dwelling unit in a structure of Group R-2 that is not accessible to the general public, shall register each elevator device with the Department on a form provided by the Commissioner.

(b) The owner of every new structure containing one or more elevator devices or with a newly installed elevator in an existing building shall register each elevator device with the Department, on a form provided by the Commissioner, prior to the issuance of a certificate of occupancy or certificate of approval as the case may be.

1. Exception: Elevators within a building of Group R-3, R-4, or R-5 shall not be required to be registered.

(c) Each filed registration form shall contain the following information for each elevator device:

1. The identification or code number for each individual device;
2. The name, and the address of the New Jersey office or New Jersey residence, of the device's owner or the owner's representative; the owner or the owner's representative must reside or have an office in the State of New Jersey to accept service of process;
3. The mailing address and phone number of the person listed in (c)2 above;
4. The street address of the building or structure, including lot and block number, where the device is located;
5. The type of device;
6. The vertical travel of the device in number of feet and stories, or horizontal feet of travel of the walk or other device;
7. The rating load of the device in pounds;
8. The occupancy load in number of persons;
9. The speed of the elevator in feet per minute;
10. The manufacturer of the device;
11. The date of installation, if known, and date of last inspection performed; and
12. Special devices, such as, but not limited to, oil buffers, counterweights, governors and safeties, and auxiliary power generators.

(d) Each construction official shall provide the Department with the following information concerning each device within the municipality:

1. The name and mailing address of the owner or owner's representative of each device; and
2. The street address, including lot and block number, where the device is located.

## § 5:23-12.4 Registration of elevator devices

(e) If the ownership of a structure containing one or more elevator devices, other than a structure of Group R-3, R-4, or R-5, or a device in a structure of Group R-2 exempted under (a) above, is transferred, whether by sale, gift, assignment, interstate succession, testate devolution, reorganization, receivership, foreclosure or execution process, the new owner shall file a notice of change of ownership, with the appropriate re-registration fee, with the Department within 60 days of the date of transfer. A device in a structure of Group R-2 exempted by (a) above, which, because of alterations in design or changes in ownership or management, is no longer wholly within one residential unit, or which otherwise becomes accessible to the general public, shall be registered within 60 days of its change in status.

(f) No permit shall be issued for work to be performed on an existing device if that device is not registered as required by this section.

(g) Each construction official shall review the list of the registered buildings/devices provided by the Department, and shall notify the Department of any changes that need to be made.

(h) It shall be the responsibility of the owner to notify the Department of any change in the identity, mailing address, office or residence address or phone number of the owner or representative. Any change shall be reported to the Department in writing within 30 days of the change.

## History

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### HISTORY:

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

Amended by R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Added (f) and (g).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Inserted references to Group R-5 throughout.

Amended by R.2004 d.270, effective July 19, 2004.

See: [36 N.J.R. 1635\(a\)](#), [36 N.J.R. 3397\(c\)](#).

In (c), rewrote 2; added (h).

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (b), substituted "or with a newly installed elevator in an existing building" for ", other than a structure of Group R-3, R-4, or R-5," and inserted "or certificate of approval as the case may be"; and added (b)1.

## [N.J.A.C. 5:23-12.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE***

## **§ 5:23-12.5 Registration fee**

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The initial registration fee for each elevator device in any structure that is not of Group R-3, R-4, or R-5, or that is not an exempted structure of Group R-2, shall be \$ 76.00. A reregistration fee of \$ 76.00 shall be required for each structure containing one or more elevator devices, upon change of ownership.

## **History**

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### **HISTORY:**

Amended by R.1992 d.147, effective April 6, 1992.

See: [24 N.J.R. 170\(a\)](#), [24 N.J.R. 1397\(a\)](#).

Elevators wholly within R-2 residences exempt.

Amended by R.1992 d.392, effective October 5, 1992.

See: [24 N.J.R. 2657\(a\)](#), [24 N.J.R. 3521\(b\)](#).

Fees increased by \$ 4.00.

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Added R-5 to the list of groups.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

Substituted "\$ 68.00" for "\$ 54.00" twice.

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#).

Updated the fee amounts.

## [N.J.A.C. 5:23-12.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE**

#### **§ 5:23-12.6 Test and inspection fees**

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**(a)** The Departmental fees for witnessing acceptance tests and performing inspections on new and altered elevator devices shall be as follows:

1. The basic fees for elevator devices in structures not of Group R-3, R-4, or R-5, or in an exempted structure of Group R-2, shall be as follows:

i.	Traction and winding drum elevators:	
	(1) One to 10 floors	\$ 340.00;
	(2) Over 10 floors	\$ 567.00;
ii.	Hydraulic elevators	\$ 302.00;
iii.	Roped hydraulic elevators	\$ 340.00;
iv.	Escalators, moving walks	\$ 302.00;
v.	Dumbwaiters	\$ 76.00;
vi.	Stairway chairlifts, inclined and vertical wheelchair lifts, and manlifts	\$ 76.00.

2. Additional charges for devices equipped with the following features shall be as follows:

i.	Oil buffers (charge per oil buffer)	\$ 60.00;
ii.	Counterweight governor and safeties	\$ 151.00;
iii.	Auxiliary power generator	\$ 114.00.

3. The Departmental fee for elevator devices in structures of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be \$ 227.00 except fees for dumbwaiters, stairway chairlifts, and inclined and vertical wheelchair lifts shall be \$ 76.00. These fees shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with [N.J.A.C. 5:23-2.19](#) and [2.20](#).

4. The fee for performing inspection of minor work shall be \$ 76.00.

**(b)** The Departmental fee for required routine and periodic inspections and tests for elevator devices in structures not of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be as follows:

1. The fee for the six-month routine inspection of escalators shall be \$ 211.00.

2. The fee for the one-year periodic inspection and witnessing of tests of elevator devices shall be as follows:

i.	Traction and winding drum elevators:	
	(1) One to 10 floors	\$ 302.00;
	(2) Over 10 floors	\$ 362.00;
ii.	Hydraulic elevators	\$ 227.00;
iii.	Roped hydraulic elevators	\$ 302.00;
iv.	Moving walks	\$ 484.00;



## § 5:23-12.6 Test and inspection fees

v.	Dumbwaiters	\$ 120.00;
vi.	Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts	\$ 183.00;
vii.	Escalators	\$ 484.00.

**3.** Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

i.	Oil buffers (charge per oil buffer)	\$ 60.00;
ii.	Counterweight governor and safeties	\$ 120.00;
iii.	Auxiliary power generator	\$ 76.00.

**4.** The fee for the three-year or five-year inspection of elevator devices shall be as follows:

i.	Traction and winding drum elevators:	
	(1) One to 10 floors (five-year inspection)	\$ 513.00;
	(2) Over 10 floors (five-year inspection)	\$ 646.00;
ii.	Hydraulic and roped hydraulic elevators:	
	(1) Three-year inspection	\$ 387.00;
	(2) Five-year inspection	\$ 227.00.

**(c)** When the Department is the enforcing agency, the fees set forth in (b) above shall be paid annually in accordance with the following schedule, which is based on the average of the fees to be collected over a five-year period:

**1.** Basic annual fee as follows:

i.	Traction and winding drum elevators:	
	(1) One to 10 floors	\$ 339.00;
	(2) Over 10 floors	\$ 409.00;
ii.	Hydraulic elevators	\$ 258.00;
iii.	Roped hydraulic elevators	\$ 232.00;
iv.	Moving walks	\$ 484.00;
v.	Dumbwaiters	\$ 120.00;
vi.	Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts	\$ 182.00;
vii.	Escalators	\$ 695.00.

**2.** Additional charges for devices equipped with the following features as follows:

i.	Oil buffers (charge per oil buffer)	\$ 60.00;
ii.	Counterweight governor and safeties	\$ 120.00;
iii.	Auxiliary power generator	\$ 76.00.

**(d)** The fee for any reinspection of an elevator device shall be set at \$ 203.00 and shall be billed separately from the above fees upon the issuance of a Notice of Violation necessitating a reinspection.

## History

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### HISTORY:

Amended by R.1992 d.147, effective April 6, 1992.

See: 24 N.J.R. 170(a), 24 N.J.R. 1397(a).

Elevators wholly within R-2 residences exempt.

## § 5:23-12.6 Test and inspection fees

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.

Administrative Correction.

See: 27 N.J.R. 321(a).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

Amended by R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: [28 N.J.R. 2112\(a\)](#), [28 N.J.R. 3549\(a\)](#).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

Inserted references to R-5 throughout.

Amended by R.2009 d.77, effective March 2, 2009.

See: [40 N.J.R. 5895\(a\)](#), [41 N.J.R. 1009\(b\)](#).

Updated the fees throughout; in the introductory paragraph of (a), deleted a comma following "new"; in the introductory paragraph of (b)1, substituted "six-month" for "six month"; in the introductory paragraph of (b)2, substituted "one-year" for "one year" and "six-month" for "six month"; in the introductory paragraph of (b)4, substituted "three-year" for "three year" and "five-year" for "five year"; and in (b)4i(1), (b)4i(2), and the introductory paragraph of (c), substituted "five-year" for "five year".

Amended by R.2014 d.149, effective October 6, 2014.

See: [46 N.J.R. 898\(a\)](#), [46 N.J.R. 2024\(a\)](#)

Updated the fee amounts throughout; in (b)4i(2), substituted "five-year" for "five year"; in (b)4ii(1), substituted "Three-year" for "Three year"; and in (b)4ii(2), substituted "Five-year" for "Five year".

Amended by R.2016 d.031, effective April 4, 2016.

See: [47 N.J.R. 2323\(a\)](#), [48 N.J.R. 581\(a\)](#).

In (a)3, inserted "except fees for dumbwaiters, stairway chairlifts, and inclined and vertical wheelchair lifts shall be \$ 76.00", and substituted "These fees" for "This fee".

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

Rewrote (b) and (c); and added (d).

## [N.J.A.C. 5:23-12.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE***

### **§ 5:23-12.7 Licensing**

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- (a) All elevator subcode officials and inspectors shall be licensed according to [N.J.A.C. 5:23-5.5](#).
- (b) Any person aggrieved by any decision of the Department under these rules shall be entitled to a hearing pursuant to [N.J.A.C. 5:23-5.2](#).
- (c) A licensed elevator subcode official or inspector shall be responsible for completing any continuing educational requirements imposed by the Department pursuant to this chapter prior to license renewal pursuant to N.J.A.C. 5:23-5.

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## [N.J.A.C. 5:23-12.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE**

#### **§ 5:23-12.8 Alterations, minor work, ordinary elevator maintenance**

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**(a)** For the purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work as provided in (b) below and ordinary maintenance, as defined at [N.J.A.C. 5:23-2.7\(c\)](#)6. Alteration of an elevator device shall comply with the applicable requirements of Section 8.7 and Appendix L of the most recent edition of ASME A17.1, referenced in the building subcode, or with the applicable requirements of the most recent edition of ASME A18.1, or ASME A90.1 referenced in the building subcode.

1. For purposes of the elevator subcode, "alteration" shall mean stand-alone projects undertaken on elevator devices and, with the exception of [N.J.A.C. 5:23-6.6\(e\)](#)22, shall not be used to trigger any additional requirements of [N.J.A.C. 5:23-6.6](#). If work on an elevator device or devices is part of a larger scope of work, then the appropriate category of work, as determined under the Rehabilitation Subcode, and the accompanying requirements shall apply.

**(b)** For the purposes of this subchapter, minor work on an elevator device shall mean work as outlined below and meeting the applicable sections and Appendix L of ASME A17.1, adopted by reference in the building subcode:

1. Alteration to hoistway enclosures--Sections 8.7.2.1.1 and 8.7.3.1 only as it pertains to Section 8.7.2.1.1;
2. Alteration to construction at top of hoistways--Section 8.7.2.1.3. Exception: Section 5.2.1.4.4 for Limited-Use/Limited-Application elevators (LULA);
3. Alteration at the bottom of hoistways--Section 8.7.2.1.4. Exception: Section 5.2.1.4.2 for Limited-Use/Limited-Application elevators (LULA);
4. Alteration to hoistways that affect control of smoke and hot gases--Section 8.7.2.1.5;
5. Construction and alteration of machine room and machinery spaces--Sections 8.7.2.7 and 8.7.3.7;
6. Installation and alteration of electrical equipment, wiring, pipes and ducts in hoistway and machine rooms--Sections 8.7.2.8 and 8.7.3.8;
7. Replacement of a controller, without any change in the type of operation or control--[N.J.A.C. 5:23-6.8\(i\)](#)4;
8. Alteration to pits--Sections 8.7.2.2 and 8.7.3.2;
9. Alteration to bottom and top of car and counterweight clearances and runbys--Sections 8.7.2.4 and 8.7.3.4. Exception: Sections 5.2.1.4.2 and 5.2.1.4.4 for Limited-Use/Limited-Application elevators (LULA);
10. Alteration to horizontal car and counterweight clearances--Sections 8.7.2.5 and 8.7.3.5;
11. Additions, alterations or replacements of hoistway entrances--Sections 8.7.2.10 and 8.7.3.10;

## § 5:23-12.8 Alterations, minor work, ordinary elevator maintenance

12. Installation or alteration of hoistway door locking devices, access switches, parking devices and unlocking devices--Sections 8.7.2.11 and 8.7.3.11;
13. Alteration or addition of power operation of hoistway doors--Sections 8.7.2.12 and 8.7.3.12;
14. Alteration of spring buffers and bumpers--Sections 8.7.2.23 and 8.7.3.27;
15. Alteration of counterweights--Sections 8.7.2.22 and 8.7.3.26, with the exception of the addition of counterweights to previously uncounterweighted elevators;
16. Alteration of car frames and platforms--Sections 8.7.2.15.1 and 8.7.3.14;
17. Alteration of car enclosures, car doors, gates, and illumination of cars--Sections 8.7.2.14, with the exception of the installation of new cars, and 8.7.3.13;
18. Alteration to car emergency signaling devices--Sections 8.7.2.28 and 8.7.3.31.8(a);
19. Use of freight elevators to carry passengers, hydraulic elevators only--Section 8.7.2.16.3;
20. Relocation of power unit--Section 8.7.3.23.6;
21. Replacement or alteration of tanks -- Section 8.7.3.29;
22. Addition or alteration of top-of-car operating devices--Sections 8.7.2.27.1 and 8.7.3.31.1;
23. Addition or alteration or car-leveling or truck-zoning--Section 8.7.2.27.2 and 8.7.3.31.2;
24. Alteration of anti-creep leveling devices--Section 8.7.3.31.3;
25. Change of power supply, hydraulic elevators only--Section 8.7.3.31.4;
26. Addition of rope equalizers -- Sections 8.7.2.21.2 and 8.7.3.25.2;
27. Addition of auxiliary rope-fastening devices--Section 8.7.2.21.3;
28. Alteration of manual operating devices which are provided to manually operate elevators in case of power failure or an alteration to auxiliary power lowering operation--Section 8.7.3.31.9;
29. Alteration of handrails on escalators and moving walks--Sections 8.7.6.1.6 and 8.7.6.2.6;
30. Alteration or addition of lighting and access to interiors and related electrical work--Sections 8.7.6.1.14 and 8.7.6.2.14;
31. Alteration of entrances or egresses on escalators--Section 8.7.6.1.15;
32. Protection of Floor Openings--Sections 8.7.6.1.3 and 8.7.6.2.3; and
33. Protection of Trusses and Machinery Spaces Against Fire--Sections 8.7.6.1.4 and 8.7.6.2.4.

## History

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### HISTORY:

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

Section was "Alterations, replacements, damages, increases in size, changes in use group, minor work, ordinary repairs". Rewrote the section.

Amended by R.2017 d.077, effective May 1, 2017.

§ 5:23-12.8 Alterations, minor work, ordinary elevator maintenance

See: [48 N.J.R. 1854\(a\)](#), [49 N.J.R. 1020\(a\)](#).

Added (a)1.

Amended by R.2018 d.021, effective January 16, 2018.

See: [49 N.J.R. 306\(a\)](#), [50 N.J.R. 303\(a\)](#).

In the introductory paragraph of (a), updated the N.J.A.C. reference.

Amended by R.2021 d.015, effective February 16, 2021.

See: [52 N.J.R. 561\(a\)](#), [53 N.J.R. 245\(a\)](#).

In the introductory paragraph of (a), substituted "defined at" for "defined in"; and in (a)1, inserted ", with the exception of [N.J.A.C. 5:23-6.6\(e\)22](#)",.

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## [N.J.A.C. 5:23-12.9](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE***

#### **§ 5:23-12.9 Certificate of compliance requirements**

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- (a) A device shall be granted a certificate of compliance by the construction official for the time period specified based upon [N.J.A.C. 5:23-12.3](#). No device shall be operated unless a valid certificate of compliance has been issued except for the initial period after work under a permit has been completed as per (f) below. Any violation shall be corrected before a new certificate of compliance may be issued.
- (b) A temporary certificate of compliance may be issued by the construction official for a device in order to keep the device in operation on which work, as a result of violations, is being diligently performed, if the elevator subcode official finds that no hazard to the public is thereby created. A temporary certificate of compliance may be issued for no longer than the inspection cycle.
- (c) The elevator subcode official shall provide written notice to the construction official whenever a temporary certificate of compliance or certificate of compliance is granted by the construction official.
- (d) No certificate of compliance shall be issued for any elevator device in use on or before July 1, 1992 that is subject to these rules and is not registered with the Department in accordance with [N.J.A.C. 5:23-12.4](#), except elevator devices in structures classified as Group R-3, R-4, or R-5 shall be exempt from registration. Elevator devices wholly within dwelling units in structures of Group R-2 and not accessible to the general public shall also be exempt.
- (e) No certificate of compliance or temporary certificate of compliance shall be issued for any elevator device, as required by this section, which has been approved to operate during the initial period, after a permit, in accordance with (f) below if the device has not been registered pursuant to this subchapter by its first cyclical inspection, even if a certificate of occupancy, temporary certificate of occupancy, or certificate of approval has been issued.
- (f) Except as otherwise provided in (e) above, a new device or an existing device which has had work done under a permit shall be issued a certificate of compliance upon the first cyclical inspection based on the following:
1. A device has been approved following the inspection and witnessing of an acceptance test, as required by [N.J.A.C. 5:23-12.2](#), by the application of an Inspection Sticker Approval for Elevator and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of occupancy or approval, as the case may be.
    - i. The date of the approval shall begin the cycle of inspections and tests for new devices in a new building and for new devices in an existing building which did not have elevator devices previously.
    - ii. The date of the approval of an existing device in an existing building shall not change the device's existing cycle of inspections and tests. The cycle shall remain consistent with the inspection cycle in the building, except the device shall not be subject to the five year test before it is due as long as the acceptance test performed under the permit was a full five year test.
  2. A device has been approved following the inspection process, as required for minor work by [N.J.A.C. 5:23-2.17A\(d\)2](#) and 12.2, by the application of an Inspection Sticker of Approval for Elevator

## § 5:23-12.9 Certificate of compliance requirements

and a recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

- i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to the applicable routine or periodic inspection the same as all other elevator devices in the building.

## History

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### HISTORY:

New Rule, R.1995 d.476, effective September 5, 1995 (operative January 1, 1996).

See: 27 N.J.R. 1846(a), [27 N.J.R. 3325\(b\)](#).

Amended by R.1995 d.564, effective November 6, 1995 (operative March 1, 1996).

See: [27 N.J.R. 2829\(a\)](#), [27 N.J.R. 4281\(b\)](#).

Amended by R.1996 d.512, effective November 4, 1996.

See: [28 N.J.R. 3697\(a\)](#), [28 N.J.R. 4782\(a\)](#).

Amended by R.2004 d.67, effective February 17, 2004.

See: [35 N.J.R. 4627\(a\)](#), [36 N.J.R. 949\(b\)](#).

In (d), added R-5 to the list of groups in the first sentence and rewrote the second sentence.

Amended by R.2017 d.132, effective July 3, 2017.

See: [48 N.J.R. 1346\(a\)](#), [49 N.J.R. 1848\(a\)](#).

In (b), substituted "the inspection cycle" for "180 days, even if the device is inspected on an annual basis"; in (e), substituted "cyclical" for "routine", and inserted a comma following the second occurrence of "occupancy"; and in (f)2i, substituted "the applicable" for "a".

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## [N.J.A.C. 5:23-12.10](#)

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### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE**

#### **§ 5:23-12.10 Inspections in seasonal facilities**

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**(a)** For purposes of this subchapter, a "seasonal facility" is defined as a building that is open, and available for use by members of the public, employees or maintenance personnel or any occupants, for a period of not more than 184 consecutive days and is then closed and not available for such use for at least 181 consecutive days.

**(b)** Elevator devices in seasonal facilities shall be subject only to the applicable periodic inspections and tests (one, three and five year). Such inspections and tests shall be performed prior to the building being used by employees, maintenance personnel, members of the public or occupants. A certificate of compliance or temporary certificate of compliance shall be granted only for the time period during which the device is allowed to operate in the seasonal facility.

1. The fees for performing such inspections and witnessing tests shall be in accordance with such provisions of [N.J.A.C. 5:23-12.6](#) as may be applicable.

**(c)** An owner of a building with one or more elevator devices may obtain classification of the building as a "seasonal facility" from the local enforcing agency. A request for such classification shall contain the information in (d) below and shall be signed by the owner.

**(d)** An application for classification of a building as a seasonal facility shall include the following information:

1. The owner's name and address, the building address, the registration number, the device identification number(s), and the date of the last inspection;
2. That the total number of consecutive calendar days per year when the building is in use by the public, employees, maintenance personnel or occupants does not exceed 184 days and that the building is then closed for such use for at least 181 consecutive calendar days;
3. That the elevator devices in the building are not accessible to members of the public, employees, maintenance personnel or building occupants during the time in which the building is closed; and
4. That the disconnects located in elevator device machine rooms and machinery spaces are, during the time in which the building is closed, in the "off" position and locked; and that the access to the keys is secured.

**(e)** The seasonal facility classification shall become invalid when the conditions of the classification are no longer met. The owner shall immediately notify the enforcing agency of any change in the conditions upon which the approval of classification as a seasonal facility was based.

1. Classification of a building as a seasonal facility shall not be renewed if the classification became invalid as a result of a violation of any conditions of the approval of the classification.

**(f)** During the period of time in which any device in seasonal facility is in operation, it shall be subject to all applicable code requirements in the same manner as any other device subject to this subchapter.

## History

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### HISTORY:

New Rule, R.1996 d.323, effective July 15, 1996 (operative January 1, 1997).

See: [28 New Jersey Register 2112\(a\)](#), [28 New Jersey Register 3549\(a\)](#).

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## [N.J.A.C. 5:23-12.11](#)

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### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE***

#### **§ 5:23-12.11 Notice concerning accidents**

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- (a) Following an accident involving an elevator device, the owner of the building shall immediately notify the construction official, who shall immediately notify the elevator subcode official and the Department, when the accident meets at least one of the following conditions:
1. An accident involving an elevator device resulting in death or personal injury requiring medical treatment by a physician other than first aid.
    - i. For purposes of this section, "first aid" means the one time treatment or observation of scratches, cuts not requiring stitches, burns, splinters or contusions, or a diagnostic procedure, including examination and x-rays, which does not indicate any need for further medical treatment. First aid may be performed by licensed medical personnel or by other persons; or
  2. An accident involving an elevator device in which the device is damaged as either a result or cause of the accident and which affects the future safe operation of the elevator device.
- (b) It shall be unlawful to use an elevator device involved in an accident under (a)1 or 2 above until after an examination by the elevator subcode official has been made and approval of the equipment for continued use has been granted.
- (c) It shall be the duty of the construction official to ensure that a prompt examination is conducted into any contributing code violation and/or mechanical malfunction affecting the safety of operation and that a full and complete report is forwarded to the Department pursuant to (f) below. In order to make such determinations, the construction official may request assistance from the Department.
- (d) It shall be unlawful to remove from the premises any part of the damaged construction or operating mechanism of elevators, or other equipment subject to the provisions of this chapter, until permission to do so has been granted by the construction official.
- (e) Except as otherwise required by (a) above, the construction official shall notify the Elevator Safety Unit about any accident within five working days after the accident is reported to the enforcing agency, except that accidents involving devices under the Department's jurisdiction shall be reported as soon as possible, but not later than the end of the next business day after an accident is reported to the construction official.
- (f) Within five working days after an accident involving a device not under the Department's jurisdiction is reported to the enforcing agency, a copy of the Accident/Incident Report form and all attachments, as indicated in the form, shall be forwarded to the Elevator Safety Unit by the construction official.
- (g) When a special inspection is performed by a person other than the Elevator Safety Unit subcode official, a copy of the Inspection Report shall be forwarded to the Elevator Safety Unit within five working days after the date of the special inspection.

#### **History**

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#### **HISTORY:**

§ 5:23-12.11 Notice concerning accidents

New Rule, R.1997 d.64, effective February 18, 1997 (operative May 19, 1997).

See: [28 N.J.R. 4695\(a\)](#), [29 N.J.R. 550\(a\)](#).

Amended by R.2007 d.231, effective August 6, 2007.

See: [39 N.J.R. 722\(a\)](#), [39 N.J.R. 3295\(a\)](#).

Rewrote (a); added (b) through (d); and recodified (a)1 through (a)3 as (e) through (g).

Administrative correction.

See: [40 N.J.R. 3991\(b\)](#).

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## [N.J.A.C. 5:23-12.12](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE**

#### **§ 5:23-12.12 Special safety equipment**

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(a) On all existing elevators, a space between the elevator hoistway door and the car door or gate shall comply with the requirements of Rule 204.4e of ASME A17.1-1990. Where the space exceeds the maximum distance, a space guard shall be installed to minimize the gap. Sight guards shall be installed along with the space guards on horizontally sliding type hoistway doors.

1. Freight elevators that are equipped with horizontally swinging doors, are not accessible to the general public, and are located in the factories, warehouses, garages, or similar buildings shall not be required to comply.
2. Installation of space and sight guards shall comply with all applicable requirements of ASME A17.3-1993 and shall be considered minor work within the meaning of [N.J.A.C. 5:23-2.17A](#).

(b) In buildings containing more than one elevator device, each such device shall be identified according to ASME A17.1, referenced in the building subcode.

1. In addition, each elevator shall be identified by such a number in every elevator lobby. The identification number shall be a minimum of 1 1/2 inches high and of a color that contrasts with the background. The number shall be permanent and shall be on or adjacent to every elevator hoistway entrance frame. By August 4, 2003, all existing elevators shall comply with this requirement. On all elevators installed on or after June 15, 2009, the identification number shall be a minimum of two inches high.

- i. Exception: The identification number on newly installed destination-oriented elevators shall be in accordance with Section 407.2.3.2 of ICC A117.1, as referenced in the building subcode.

(c) On each existing escalator, a skirt obstruction device conforming to ASME A17.1-93-95, Rule 805.1.h. and a step level device conforming to ASME A17.1-93-95, Rule 805.1.s. shall be installed by August 4, 2003.

(d) On each existing elevator, a floating (movable) platform that permits the operation of the elevator when the car door or gate is not in the closed position shall be prohibited. Use of a floating (movable) platform that exists as of February 4, 2002 on any elevator shall be discontinued by August 4, 2003.

(e) A sign stating "DO NOT USE A STANDING ESCALATOR AS A BUILDING STAIR" shall be permanently placed where it is readily visible to the general public at the top and bottom landings of an escalator. This requirement shall apply to new escalator installations and to existing escalators. Each of such signs on existing escalators shall comply with the applicable requirements of ASME A17.1-93-95, Rule 805.2.b. Signs on newly installed escalators shall comply with the Additional Signs requirements of ASME A17.1 referenced in the building subcode. All existing escalators shall be required to comply with this subsection by August 18, 2004.

(f) A Yale 3502 key shall be used on all elevators that are required by the UCC to be equipped with a standardized fire service key.

## History

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### HISTORY:

New Rule, R.1997 d.305, effective July 21, 1997.

See: [29 N.J.R. 2205\(a\)](#), [29 N.J.R. 3249\(a\)](#).

Amended by R.2002 d.43, effective February 4, 2002.

See: [33 N.J.R. 3714\(a\)](#), [34 N.J.R. 732\(b\)](#).

Rewrote the section.

Administrative correction.

See: [35 N.J.R. 219\(c\)](#).

Amended by R.2003 d.72, effective February 18, 2003.

See: [34 N.J.R. 3672\(a\)](#), [35 N.J.R. 1055\(a\)](#).

Added (e).

Amended by R.2003 d.187, effective May 5, 2003.

See: [34 N.J.R. 4248\(a\)](#), [35 N.J.R. 1939\(c\)](#).

In (b), deleted "BOCA Rule 3003.3 and" preceding "ASME A17.1".

Amended by R.2007 d.144, effective May 7, 2007.

See: [38 N.J.R. 4962\(a\)](#), [39 N.J.R. 1683\(a\)](#).

Added (b)1i.

Amended by R.2008 d.369, effective December 15, 2008.

See: [40 N.J.R. 4651\(a\)](#), [40 N.J.R. 6958\(a\)](#).

In the introductory paragraph of (a), substituted "Rule 204.4e" for "Rule 204.4c" and substituted "hoistway doors" for "hoistways"; and in (b)1, inserted the last sentence.

Amended by R.2010 d.195, effective September 7, 2010.

See: [41 N.J.R. 3140\(a\)](#), [42 N.J.R. 2043\(a\)](#).

Rewrote (e).

Amended by R.2012 d.134, effective July 16, 2012.

See: [44 N.J.R. 613\(a\)](#), [44 N.J.R. 1970\(a\)](#).

Added (f).

Administrative correction, effective August 9, 2023.

See: [55 N.J.R. 1875\(a\)](#).

§ 5:23-12.12 Special safety equipment

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## [N.J.A.C. 5:23-12A.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM**

### **§ 5:23-12A.1 Title; scope; intent**

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(a) This subchapter of the rules, adopted pursuant to the authority of the Uniform Construction Code Act, as supplemented by P.L. 1997, c.336, is entitled "Optional Elevator Inspection Program" and shall be known and cited throughout this chapter as N.J.A.C. 5:23-12A. When referred to in this subchapter, it may be cited as "this subchapter."

(b) Unless otherwise specifically provided, all references to paragraphs, sections, or to provisions not specifically identified, shall be construed to refer to such paragraph or section or provision of this subchapter.

(c) This subchapter shall control all matters relating to the administration of the registration of qualified elevator device inspection firms, hereinafter referred to as "qualified firms," qualified elevator device inspectors and the elevator devices enrolled in this optional program, as defined in (d) below.

(d) For purposes of this subchapter, "elevator" or "elevator device" means a hoisting and lowering device equipped with a car or platform which moves in guides for the transportation of individuals or freight in a substantially vertical direction through successive floors or levels of a building or structure. The term shall include, without limitation, elevators, dumbwaiters, wheelchair lifts, manlifts, stairway chairlifts and any device within the scope of ASME A17.1 (Safety Code for Elevators and Escalators) or ASME A90.1 (Safety Standard for Belt Manlifts), except escalators and moving walks.

1. This definition shall not apply to any conveyor devices that are process equipment.



## [N.J.A.C. 5:23-12A.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### **NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM**

#### **§ 5:23-12A.2 Qualified elevator device inspection firms**

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(a) Any sole proprietorship, partnership, association or corporation that is engaged in the business of maintaining, inspecting and testing elevator devices, has at all times, as a bona fide employee, at least one qualified elevator device inspector, and carries general liability insurance in at least the amount of \$ 4,000,000 for each person and each occurrence to satisfy claims or judgments for property damage and/or personal injury may apply for registration with the Department as a qualified firm.

1. The application shall contain information relating to the financial integrity of the firm, as evidenced by a reviewed financial statement prepared by an independent certified public accountant.
2. The application shall contain the names and addresses and home phone numbers of all persons who hold at least a ten percent interest in the qualified firm and/or are corporate officers.
3. Each applicant for registration as a qualified firm shall disclose in the application any subsidiary or parent relationship with any other qualified firm or other entity regulated by the State Uniform Construction Code and shall further disclose all interests of any officer, partner, or stockholder of the firm in any other qualified firm or other entity regulated by the State Uniform Construction Code.
4. Each application shall include a sample form of the contract of full service needs to be used for the purposes of this subchapter.

(b) Upon receipt of a completed application on a form prescribed by the Department, including the information in (a) above and a nonrefundable fee of \$ 250.00, the Department shall issue a certificate of registration, unless the application is denied in accordance with (c) below.

1. The certificate of registration shall remain valid, unless revoked in accordance with (c) below, for two consecutive years following the date of registration; provided, however, that the certificate of registration shall become inactive for any period of time during which the firm ceases to engage in the business of maintaining, inspecting and testing elevator devices or ceases to employ at least one qualified elevator device inspector. It shall be the responsibility of the qualified firm to inform the Department within 30 days of any changes to the status of the qualified firm during the two-year registration period. It shall be the responsibility of the firm to reapply for registration at least two months prior to the renewal date to make current the information contained in the original application by submission of a completed reapplication form, as prescribed by the Commissioner.

(c) A certificate of registration may be denied or revoked if the Department determines that the firm, or any person holding an ownership interest in the firm or otherwise authorized to represent the firm, has at any time:

1. Willfully made a misstatement of material fact in an application for issuance or renewal of a registration certificate;
2. Willfully committed fraud in connection with the maintenance, inspection or testing of any elevator device;

§ 5:23-12A.2 Qualified elevator device inspection firms

3. Maintained, inspected or tested any elevator device in a grossly negligent manner;
4. Failed to ensure that the qualified elevator device inspectors that it employs perform their duties in accordance with the requirements of this subchapter;
5. Habitually failed to ensure the timely submission of the elevator device certification in accordance with the requirements of this subchapter;
6. Willfully violated the requirements of the State Uniform Construction Code to any substantial degree;  
or
7. Failed to report an accident or equipment failure as required by the building subcode and [N.J.A.C. 5:23-12.11](#).

## [N.J.A.C. 5:23-12A.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM***

#### **§ 5:23-12A.3 Qualified elevator device inspector**

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**(a)** A candidate for certification as a qualified elevator device inspector for the inspection and testing of elevator devices enrolled under this subchapter shall pay a nonrefundable fee of \$ 65.00 and shall meet the following competence and experience requirements:

1. Seven years of experience consisting of one or a combination of the following:
  - i. Experience in construction, design, or supervision as a journeyman in a skilled trade currently regulated by the elevator subcode;
  - ii. Experience as an elevator inspector; or
  - iii. Experience as a construction contractor in a field of construction currently regulated by the elevator subcode; and
2. Demonstration of competence by successful completion of one of the following:
  - i. Successful completion of the examination module 6B-Elevator General of the National Certification Program for Construction Code Inspectors administered by the Chauncy Group, a subsidiary of the Educational Testing Service for the Department; or
  - ii. Possession of a current Qualified Elevator Inspector (QEI) certificate issued pursuant to ASME QEI-1-1993.

**(b)** The certificate shall be renewed every three years upon the submission of a renewal application, payment of a renewal fee of \$ 65.00 and submission of documentation of continuing education as follows:

1. Documentation of having completed 1.5 Continuing Education Units (CEUs) in a related technical subject area, as approved by the Bureau of Code Services, within the three-year period preceding the date of application. One CEU equals 10 contact hours;
2. Annual submission of a current QEI certificate; or
3. Submission of equivalent certification approved by the Bureau of Code Services.

**(c)** A qualified elevator device inspector, when employed by a qualified elevator device inspection firm, shall perform, and certify by signature, the inspection and tests required by this subchapter. The qualified inspector shall not inspect his or her own work; however, the qualified elevator device inspector may perform work as required under the contract of full service needs on the device he or she is inspecting at the time of the inspection and test, provided that work does not require more than one person. The maintenance and repair of a contracted device that is required at any other time under a contract of full service needs shall be performed by another individual, and not by the certifying inspector.

**(d)** The Department may revoke a certificate, suspend a certificate for not more than one year, and/or assess a civil penalty of not more than \$ 500.00 for each violation, if the Department determines that a qualified inspector:

## § 5:23-12A.3 Qualified elevator device inspector

1. Has violated any provision of the State Uniform Construction Code;
2. Has obtained a certificate by fraud or misrepresentation;
3. Has been grossly negligent or has engaged in misconduct in the performance of his or her duties pursuant to this subchapter;
4. Has failed, over a period of time, to maintain a minimally acceptable level of competence;
5. Has failed to comply with any order issued by the Department;
6. Has made a false or misleading written statement, or has made a material omission, in any submission to the Department; or
7. Has engaged in any conduct which demonstrates incompetency or dishonesty.

(e) An individual possessing an elevator inspector HHS license issued pursuant to [N.J.A.C. 5:23-5.19](#) may apply for the qualified elevator device inspector certificate by completing an application and paying a fee of \$ 65.00. This certificate shall be a rider to the elevator inspector HHS license and shall be renewed separately from all other licenses.

1. Any violation notice issued to a licensee pursuant to this subchapter shall not be deemed to be an action taken with regard to the elevator inspector HHS license. Any such notice shall only be subject to review by a review committee under [N.J.A.C. 5:23-5.23\(d\)](#) if the Department indicates that it also intends to take action regarding the licensee's elevator inspector HHS license on the basis of the same set of facts.

## [N.J.A.C. 5:23-12A.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

### ***NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM***

#### **§ 5:23-12A.4 Enrollment of devices**

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(a) Elevator devices, as defined by this subchapter, can be enrolled in this optional program by the owner or the owner's agent. To be eligible for enrollment, an elevator device shall be subject to the cyclical inspections and witnessing of tests, as defined by this subchapter, by the qualified elevator device maintenance, inspection and testing firm under a contract of full service needs with the owner of the elevator.

1. For purposes of this subchapter, a contract of full service needs is a contract which stipulates that:
  - i. The scope of the applicable inspections and tests shall be in accordance with the most recent edition of ASME A17.1 or A90.1 referenced in the building subcode and the frequency of the inspections and tests, as well as the inspection/testing procedures, shall be in accordance with N.J.A.C. 5:23-12;
  - ii. The registered firm shall issue a certification that the inspection and tests have been performed and the signed report on the results shall be issued to the owner and to all other parties to whom the report is required to be sent; and
  - iii. The performance of the repairs necessary to ensure compliance of inspected/tested equipment with the requirements of applicable ASME A17.1 or A90.1 is required.

(b) To allow for the construction official to make necessary changes in official records regarding the elevator devices inspected/tested by the qualified firm, the devices shall be placed under or removed from this optional program by the owner or the owners agent not later than two months prior to the cyclical inspection/test, as required by the building's inspection cycle established, pursuant to [N.J.A.C. 5:23-12.3\(a\)4](#), by the enforcing agency having jurisdiction. This application for enrollment shall be on a form prescribed by the Department. The Department shall be notified by the owner of any changes made with regard to services being provided by the qualified firm not later than two months prior to the date of the cyclical inspection.

1. In addition to forwarding lists of the registered buildings and devices to the construction official quarterly, the Department shall issue update letters to the owners of devices placed under or removed from the optional program, and shall send copies of these letters to the construction official.

(c) As a result of an applicable inspection and test, the qualified firm shall issue a device certification to the Bureau of Code Services, so as to ensure that the required inspection and tests are performed and that the device is being maintained as required by this subchapter.

1. Within 20 working days from the date when each cyclical inspection/test was performed, the qualified firm shall:
  - i. File a certification with the Department for each device on a form prescribed by the Department, at the same time providing the owner with a copy of such certification; and

## § 5:23-12A.4 Enrollment of devices

ii. Report to the owner, on a form prescribed by the Department, the results of the performed inspection/test.

2. A certification filed with the Department by a qualified firm shall include:

i. A statement that the elevator device was inspected and tested by the qualified firm according to the most recent addition of ASME A17.1 or A90.1 referenced in the building subcode and was found to be in conformance with the requirements of the code(s) under which the device was installed or altered;

ii. The building's cycle and registration number;

iii. The date and the type of the applicable inspection or inspection/test performed;

iv. The expiration date of the certification; and

v. The name, signature and the certification number of the qualified inspector.

3. The certification shall be accompanied by a filing fee in the amount of \$ 30.00.

**(d)** In addition to any other remedies provided for by these rules, a penalty in the amount of \$ 100.00 shall be assessed whenever a certificate required by this section is not filed with the Bureau of Code Services within 45 days of the due date as described in (c) above. This penalty shall be issued against the qualified firm with a information copy to the owner. Additional penalties shall be assessed in the event of further delay in filing. All violations of this filing requirement by a qualified firm shall be made a part of the qualified firm's file and reviewed at the time of renewal application, along with all other aspects of the qualified firm's performance pursuant to this subchapter.

## [N.J.A.C. 5:23-12A.5](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM**

### **§ 5:23-12A.5 Permit process and monitoring**

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(a) All construction permit-related enforcement processes, inspection and witnessing of the "five year" tests of traction and roped hydraulic elevators, and inspection and witnessing of applicable tests at the "five-year" intervals of all other types of elevator devices enrolled in the optional program, shall be performed by the enforcing agency having jurisdiction pursuant to [N.J.A.C. 5:23-4.3\(a\)](#)<sup>3</sup>. The Department shall define cyclical inspections/tests at the time when those will be assigned to the enforcing agencies.

1. The Department shall notify the local jurisdiction at least two months prior to the inspections and witnessing of tests required to be done by the local jurisdiction.
2. Fees for permit-related enforcement shall be as required by the Uniform Construction Code. The fee for the required cyclical inspection and test performed/witnessed by the local jurisdiction, in the amount of \$ 150.00, shall be reimbursed by the Department and such fee shall be payable to a local enforcing agency only upon the Department's receipt of the inspection report. The inspection report shall be forwarded to the owner and the Department within 20 working days from the date when the inspection/test was performed.

(b) Notwithstanding the inspections and witnessing of tests performed by the local jurisdiction, the Bureau of Code Services shall have sole authority to monitor the performance of qualified firms and qualified elevator device inspectors.

(c) The Bureau shall develop and implement a performance-based monitoring program to assess the conditions impacting on the devices enrolled in this optional program and shall report as required by law.

## [N.J.A.C. 5:23-12A.6](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 7, April 1, 2024

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 12A. OPTIONAL ELEVATOR INSPECTION PROGRAM**

### **§ 5:23-12A.6 Special inspection and compliance procedures**

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(a) If, upon inspection or test, a qualified elevator device inspector who is employed by a qualified firm shall find that an elevator device is in a dangerous condition, or if there is an immediate hazard to persons riding on or using any such device, the qualified elevator device inspector, on behalf of the qualified firm, shall immediately prohibit any further use of such device and shall give written notice of this action and of the condition to the owner, the enforcing agency having jurisdiction and the Bureau of Code Services, and shall take such other steps as may be necessary to protect the public. Once the device is placed out of operation, it shall remain out of operation until such time as the qualified elevator device inspector shall issue a certification, on behalf of the qualified firm, indicating that the dangerous condition or immediate hazard has been removed or corrected and that the elevator device is safe for public use. Such a certification shall be forwarded to the enforcing agency having jurisdiction, the Bureau of Code Services and the owner before the device may be placed back in operation.

1. If, upon inspection or test, deficiencies beyond the scope of this subchapter are observed, the qualified elevator device inspector shall issue a report on such findings to the owner and shall forward a copy to the construction official and the Bureau of Code Services.

(b) If the enforcing agency having jurisdiction shall determine, at any time, in response to a complaint or otherwise, that an elevator device is in a dangerous condition or that there is an immediate hazard to persons riding on or using that device, the enforcing agency shall prohibit any further use of the elevator device until the condition is corrected, and shall require the owner of the elevator device to make such repairs as may be necessary, or take other corrective action, within such time as the enforcing agency may prescribe. The enforcing agency may charge a fee not exceeding \$ 100.00 for each such inspection or reinspection.