

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Adopted Subcodes

Adopted Amendments: N.J.A.C. 5:23-3.14, 3.15, 3.16, 3.17, 3.18, 3.20, 3.21, and 3.22

Proposed: March 4, 2019, at 51 N.J.R. 285(a).

Adopted: June 14, 2019, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Filed: August 6, 2019, as R.2019 d.095, with non-substantial changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-124.

Effective Date: September 3, 2019.

Expiration Date: March 25, 2022.

Summary of Public Comments and Agency Responses:

The Department of Community Affairs (Department) received comments from:

Rico Fischer, Construction Official, CFM, CRS Coordinator, Barnegat Township/Township of Ocean (Waretown); Steven M. Gardner, Director, New Jersey Laborers'-Employers' Cooperation and Education Trust; Margaret Gorman, Senior Director, Northeast Region, American Chemistry Council; Tristan Grant, The Levy Partnership, Inc.; Dennis Hart, Executive Director, Chemistry Council of New Jersey; Michael Heltzer, Head of State Government Affairs, BASF Corporation; Troy Hodas, Spruce Mountain Inc.; Matthew Kaplan, MBA, LEED, AP BD+C, Treasurer, US Green Building Council New Jersey Chapter; David Kurasz, Executive Director, New Jersey Fire Sprinkler Advisory Board; Eric Lacey, Chairman, Responsible Energy Codes Alliance; Mitchell Malec, a retired former employee of the Department; Dan O'Gorman, President, Dan O'Gorman LLC; David T. Phelan; Amy Schmidt, Building Policy Manager, DuPont Safety and Construction; Carol Ann Short, Esq., Chief Executive Officer, New Jersey Builders Association; Barry Tarzy; Richard Vigliotti Jr., Chairman, New Jersey Codes Coalition; and Sara C. Yerkes, Senior Vice President, Government Relations, International Codes Council.

General

1. COMMENT: Three commenters expressed support for the adoption of the latest editions of the model codes.

RESPONSE: The Department thanks the commenters for their support.

2. COMMENT: One commenter encouraged the Department to adopt the International Plumbing Code (IPC) as the plumbing subcode of the Uniform Construction Code (UCC), N.J.A.C. 5:23-3.15, in the next adoption cycle. The commenter noted that the IPC is designed to protect public health and safety through provisions that do not unnecessarily increase the cost of construction or restrict the use of new materials, products, or methods of construction. The commenter further pointed out that the IPC is favored by the majority of stakeholders, and that New Jersey is the only state in the northeast that does not use the IPC.

RESPONSE: The Department acknowledges its responsibility to review any recognized national code when there is an update. The National Standard Plumbing Code (NSPC) has been adopted as the plumbing subcode since the inception of the UCC. The Department takes seriously its statutory charge to adopt codes that allow the use of new technologies and that control the cost of construction. Any future review of an alternative, competing national model plumbing code would be performed with a group of active stakeholders.

3. COMMENT: One commenter requested that a reference to National Fire Protection Association (NFPA) 1144, Protection of Life and Property from Wildfire, be incorporated into the either the IRC/2018 or the

IBC/2018 to protect property and people along the Wildland Urban Interface Zone. The commenter compared this to the addition of flood resistant construction.

RESPONSE: Requirements for urban interface zones are land use issues that are under the jurisdiction of the Municipal Land Use Law, N.J.S.A. 40:55D-1. Therefore, the standards set forth in NFPA 1144, Protection of Life and Property from Wildfire, are outside the jurisdiction of the Department.

N.J.A.C. 5:23-3.14 Building subcode

4. COMMENT: One commenter expressed support for the adoption of Sections 903.2.3, Group E, and 903.3.1.2.3, Attics, of the International Building Code (IBC). The commenter stated that both new sections will make the citizens of New Jersey safer in their homes and schools.

RESPONSE: The Department thanks the commenter for the support.

5. COMMENT: One commenter recommended that the Department amend Section 1030, Emergency Escape and Rescue, of the IBC/2018 to clearly state regulations in a way that does not require interpretation. The commenter recommended the following language:

"Basements, having more than 200 square feet, including those used solely for utilities, shall have a second means of egress that meets International Residential Code (IRC) Egress Code R310. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room."

RESPONSE: The Department disagrees these changes are necessary. The Department cannot create new code language. The Department's statutory authority allows it to retain a requirement previously adopted or to adopt the language in the most recent edition of the applicable model code (N.J.S.A. 52:27D-123.b(1) through (4)). Additionally, the requirements of the IRC, which is adopted as the one- and two-family dwelling subcode, are not applicable to the scope of the IBC, which is adopted as the building subcode. Though requirements in the IBC may be incorporated into the IRC, the requirements of the IRC cannot be applied to buildings under the scope of the IBC.

6. COMMENT: One commenter recommended that the Department refrain from adopting Section 3314.1, Fire Watch During Construction, of the IBC/2018. The commenter noted that this section gives the fire subcode official in a municipality the sole authority to decide when a fire watch is necessary. The commenter expressed concern that this could lead to inequitable treatment where identical projects could be subject to inconsistent treatment in different municipalities. The commenter stated that the purpose of the UCC is to provide uniform practice throughout the State. The commenter stated that this section does not allow a builder to use technology or other cost-effective solutions. The commenter also stated that the number of fires that occur during construction are a small percentage of fires. Further, the commenter was concerned about the impact this Section would have on housing affordability. The commenter noted that this Section would add costs to construction that would ultimately be borne by consumers and provided statistics for the potential increase in cost per unit in multifamily buildings.

RESPONSE: The Department respectfully disagrees with the commenter. For years, buildings under construction have had fires after working hours that have become major conflagrations because no one was present to call the fire department. Based on information presented at the International Codes Council for the adoption of this section, between 2007-2014, there have been 18 conflagrations in buildings under construction throughout the country, three of which were in New Jersey. This rulemaking requires a fire watch on-site for 24 hours for new buildings 40 feet in height and is a positive step towards preventing fire loss in new construction.

N.J.A.C. 5:23-3.15 Plumbing subcode

7. COMMENT: One commenter raised his concern about the change of ownership of the National Standard Plumbing Code (NSPC) from the Plumbing and Heating Association (PHCC) to the International Association of Plumbing and Mechanical Officials (IAPMO). The

commenter stated that there was no prior notification nor any opportunity to comment on this transaction.

RESPONSE: The Department was not involved in the transfer of ownership. Although the NSPC is now owned by IAPMO, its publication is still a joint venture between IAPMO and PHCC.

8. COMMENT: One commenter requested that the Department delete NSPC Sections 7.24i and 7.24j, which deal with floor drains, from the plumbing subcode. The commenter noted that the referenced standard American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) Z358.1 does not address floor drains.

RESPONSE: The Department disagrees that these sections should be deleted. These sections of the NSPC, which require the installation of floor drains for emergency showers, were made part of the NSPC/2015. Before this time, there was no requirement for floor drains for emergency showers. This meant that, in an emergency, as a substance was being washed off in the shower, the substance would be washed onto the floor. With a floor drain, that substance would be better contained. Therefore, the Department has determined that these sections are still appropriate. Because this is still a relatively new code requirement and because neither of the other two national model plumbing codes require it, the Department would welcome feedback from code users as to its efficacy. Should the code users' experience demonstrate that this requirement is not needed, the Department could propose an amendment to remove it as a requirement. The referenced standard ANSI/ISEA Z358.1, American National Standard for Emergency Eyewash and Shower Equipment, does not deal with floor drains; it is a technical standard for the emergency shower equipment itself.

N.J.A.C. 5:23-3.18 Energy subcode

9. COMMENT: Multiple commenters requested that International Energy Conservation Code/2018 (IECC/2018) be adopted without any amendments. The commenters stressed the importance of energy efficiency in buildings and opposed the subcode amendment at N.J.A.C. 5:23-3.18(c)4i for Section R402.4, Air Leakage (Mandatory). The commenters stated that allowing a visual inspection in place of an objective air leakage test can be harmful to building occupants. The commenters noted that buildings with high air leakage waste energy, while buildings with very little air leakage need mechanical ventilation to maintain indoor air quality. The commenters stated that a visual inspection cannot be as accurate as testing and recommended that, to achieve the energy conservation intended in the IECC/2018, the Department eliminate the visual inspection option and require testing on all new homes.

RESPONSE: The Department thanks the commenters for this suggestion; however, because the relevant code section, N.J.A.C. 5:23-3.18(c)4i, was not proposed for amendment, and because the requested amendment would require additional public comment, the Department cannot make this change upon adoption. The Department intends to propose an amendment to the energy subcode of the UCC, N.J.A.C. 5:23-3.18, in the near future to require an air leakage test pursuant to R402.4 (unamended) and seek additional public comment.

10. COMMENT: One commenter recommended that the Department reconsider the revision at N.J.A.C. 5:23-3.18(c)4i to Section R402.4, Air Leakage (Mandatory), of the IECC. The commenter recommended that the Department require an air leakage test and establish a tiered air leakage system similar to the system implemented in New York State. The commenter also suggested that the Department maintain the allowance for the use of Energy Star Home Master Program as an alternative compliance path because it provides increased flexibility for the design and construction of buildings with improved energy efficiency.

RESPONSE: The Department cannot amend the rule text as suggested because the Department cannot create new code language. The Department's statutory authority allows it to retain a requirement previously adopted or to adopt the language in the most recent edition of the applicable model code (N.J.S.A. 52:27D-123.b(1) through (4)). As stated in the Response to Comment 9, the Department intends to propose an amendment to require the air leakage test pursuant to Section R402.4 (unamended) and, through that proposal, to seek further public comment. In addition, pursuant to Section R102.1.1, Above code programs, of the IECC, the code official is permitted to determine that other energy-efficiency programs exceed the energy efficiency required by the IECC.

N.J.A.C. 5:23-3.21 One- and two-family dwelling subcode

11. COMMENT: One commenter recommended that the Department adopt sections R313.1, Townhouse automatic fire sprinkler systems, and R313.2, One- and two-family dwelling automatic fire sprinkler systems, of the IRC/2018. The commenter presented statistics from 2016 that stated that 72% of all structure fires involved residential properties. The commenter stated that the adoption of R313.1, Townhouse automatic fire sprinkler systems, would not cause a major cost impact, especially when considering insurance savings. The commenter also noted that two states have adopted R313.2, One- and two-family dwelling automatic fire sprinkler systems, and 21 states have adopted it at either a county or municipal level, and there has been a substantial reduction of fire deaths in those areas. The commenter noted that the cost to implement R313.2 would be slightly over \$2.00 per square foot. The commenter further stated that the housing market in areas where Section R313.2 has been adopted has not collapsed and that dwelling units are still bought and sold at the same market value as the neighboring areas. The commenter stressed that these code sections are supported by multiple fire safety organizations and will save lives.

RESPONSE: Because this requirement from the IRC was not included in the proposed amendments, this is a substantive change that cannot be made upon adoption. The public debate over the benefits of installing sprinklers, which are well documented, and the imposition by law of the associated increased costs is ongoing. The Department will consider the commenters' arguments, and all the other information being presented on this subject, when considering a future rule proposal. As of this writing, there is Legislation pending on this subject.

12. COMMENT: One commenter stated that in the process of adopting the IRC/2015, the Department of Community Affairs worked with the Department of Environmental Protection and the Board of Public Utilities to permit the use of a combination water service for one- and two-family dwelling sprinkler systems and establish the backflow protection requirements under the plumbing subcode. The commenter expressed concern about utility providers creating additional, more restrictive requirements for sprinkler systems than the requirements of the UCC. The commenter states that additional requirements add significant costs to the equipment and installation of sprinkler systems, which can result in a decision not to install a fire sprinkler system solely for financial reasons. The commenter further states that because the Department is not amending the language in Section P2904.1, General, of the IRC/2018, the same burdensome requirements imposed by utility providers will continue throughout the State.

RESPONSE: The Department does not have jurisdiction over utility providers. Utility providers are subject to the regulations set by the Board of Public Utilities. In this case, the one- and two-family dwelling subcode provides the requirements for the design and installation of a dwelling unit fire sprinkler system, including Section P2904, Dwelling Unit Fire Sprinkler Systems, but the subcode does not govern water supply protection (backflow prevention) requirements. There are ongoing meetings between the Department, the Department of Environmental Protection, and the Board of Public Utilities to discuss the water supply protection requirements along with the requirements of the UCC.

The remaining comments were received from Mitchell Malec.

13. COMMENT: "NJ Register item #3. The Department is proposing that the new exception of Section 706.1.1, Party walls, be deleted. Understanding that the 'intent and purpose of the Act' includes controlling the cost of construction, it is recommended this new exception not be deleted. The Department's justification, 'It is possible, even likely, that a building that straddles a property line will not remain under a single owner throughout its life: therefore, it should be constructed to allow for a change in ownership along the property line.' appears to be erroneously saying that how a building is required to be built to code is impacted by ownership or changes in ownership for a building straddling a property line. The Department is missing the concept of this exception. With this new exception fire wall construction is no longer required for a party wall. A party wall divides a building for ownership purpose, and when aggregate building height and area complies with code, these party walls do not need to be constructed as fire walls. So a two-hour fire rated wall (UL Design U301) dividing townhouses can be replaced by a one hour

rated wall (UL Design U305) with an anticipated 50% cost savings on the wall construction with no fire or life safety impact no matter if ownership changes. Or consider a single unlimited area building made up of retail stores divided by party walls not fire walls. Or consider a building straddling a property line where the owner owns both properties. The new exception provides for a systematic method of handling buildings that have a lot line bisecting them for ownership purposes (exception #2 in part – “and applicable easements and agreements are established addressing the maintenance of all fire and life safety systems of both buildings.”). If necessary the municipality could be a named third party in the agreement to further ensure maintenance of all fire and life safety systems by the owners. Consider an existing building that is code compliant, and a subdivision of property occurs that results in a property line bisecting the building. If all fire and life safety provisions are maintained, the building remains safe. [It is recommended that the Department also review the code change to Section 503.1 that states that there are no requirements in the International Codes that mandate that the placement of fire walls to create separate buildings such that its building features need to be separated from other like building features in adjacent buildings. This is important because how does the Department propose to address the fire and life safety provisions if service connections are on one side of the building? Is the Department going to require separate services be provided to all bisected building?] So now consider a new building that meets the new exception that is built straddling a property line and a party wall, not a fire wall, is built on the property line for owner separation of use and the fire and life safety systems serve the complete building – it should be allowed. The Department needs to reconsider the deletion of the new exception or provide adequate justification, since not provided, for its deletion.”

RESPONSE: The Department has considered the commenter’s position, but respectfully disagrees. The code has traditionally based requirements on ownership of the building, such as the requirements for rating exterior walls and limiting the number of openings in exterior walls based on the distance to the property line. Because firewalls provide greater protection based on their structural capabilities, these requirements help protect one building owner from the hazards created by another. When buildings are on separate lots, even if they are under common ownership at one point in time, there is no guarantee that they will remain under common ownership. Consequently, the Department believes it is prudent to have the structure constructed as separate buildings when it straddles the lot line regardless of ownership since different ownership is a possibility in the future, and retrofitting to accommodate a fire wall at a future point in time would be difficult.

14. COMMENT: “NJ Register item #6 – The Department is proposing adoption of the new Section 917, Mass notification systems, of the IBC/2018. In addition, the Department is seeking public comment on this section. It is ironic that the Department is proposing adoption of the new section and seeking public comment after the fact. It would seem more appropriate to seek comments and then consider adoption. It is recommended that the Department not adopt this new section at this time and as written. It is recommended that the Department review and consider the federal Clery Act and Higher Education Act, that requires federally funded (participating in federal financial aid programs) colleges and universities to alert their campuses by issuing timely warnings and emergency notifications prior to adoption of requirements for mass notification systems or even requiring a risk analysis. What is the total number of college and university campuses in New Jersey? (? No more than 200.) If you subtract the ones subject to the federal acts from the total number, how many are left? What comments do those remaining colleges and universities (the stakeholders) have regarding this new proposed building subcode requirement if adopted? The Department should also review the requirements applicable to the mass notification risk analysis contained in NFPA 72 (2016). (?Chapter 24). Since the standard applies to performance based mass notification systems and requires the risk analysis to be approved by the AHJ – who is the AHJ? If the mass notification system contains use of the Ethernet and other non-fire mass notification systems (say smart phone) how is that going to be reviewed and approved by the AHJ since NFPA 72 does not address this? Another standard the Department should review is NFPA 1600. I’m sure that the Department recognizes that buildings other than colleges and universities

should consider implementing mass notification systems. Doesn’t the Department’s office building in Trenton have a mass notification system (email to staff) warning staff of emergencies, such as related to severe weather? Does the equipment meet the UL 2572 standard and is the system code compliant if required to be a mass notification system? It is recommended that the proposed mass notification provisions, if adopted, be expanded to include all state and local governmental buildings (existing and new and regardless of whether a new building is being built or the number of occupants) and that a risk analysis or risk assessment of these buildings be completed as soon as possible. Should mass notification system provisions also address all educational buildings not just colleges and universities? Understanding that there are fire alarm systems with capability to include mass notification (Silent Knight 5820XL-EVS at a cost of near \$3000 not including installation) would it be beneficial to require a risk analysis whenever any building and of any occupant load is installing a fire alarm system or a new building on a multi-building site is built if that is the Department’s intent? Although the model building codes may require high-rise buildings, large assembly occupancies, and others to have emergency voice/alarm communication systems, these systems are not necessarily mass notification systems. [Note that NFPA 101, but not the IBC, has risk analysis provisions for high-rise buildings.] Why is the Department promoting the upgrade of fire alarm systems to include mass notification? The Department, in the Economic Impact statement, states a cost between \$5,000 and \$15,000 for the installation of mass notification systems – Is this the price per building or price per campus? And nothing included about maintenance costs or recurring fees. How was this cost determined since a risk analysis, in itself, could be \$15,000. The ‘triggers’ within the new section also need to be looked at in more detail along with the costs to implement a mass notification system that utilizes existing fire alarm systems in campus buildings that do not have mass notification capability or into campus buildings without fire alarm systems. And consider a campus of 10 acres versus one of 100 acres versus one of 1,000 acres, all with multiple buildings of various occupancies. Is it necessary to include the entire campus, or can the mass notification be limited to a specific area deemed to be at risk? Is a mass notification system required if the college or university is a distance education-only school and the students are never present on the physical campus? Also, since the majority of colleges and universities are covered by the Federal requirements, why are State requirements even being considered? If Federal requirements are met, do these State requirements also need to be met? And the construction permit fee is? (What’s the permit cost if the risk analysis determines no need for a mass notification system? Or what happens if the AHJ doesn’t agree?) Further work by the Department appears necessary before imposing and adopting mass notification system and risk analysis requirements for any building or structure or campus. A task force may need to be established.”

RESPONSE: The Department proposed this section and called for additional public comment to determine whether impacted stakeholders had support for – or concern about – this requirement. Over the years, in past proposals for model codes, the Department has regularly called special attention to a new code requirement that impacts one group, in this case, colleges and universities with campuses having a cumulative building occupant load of at least 1,000. Interestingly, the Department did not receive any comments from colleges or universities in support of or objecting to this requirement. The Department has learned that, in fact, in response to recent campus shootings, many colleges and universities already use an alerting system for their students and employees. The Federal Clery Act requires an annual security report, crime log, and timely warnings. These requirements neither contradict nor conflict with the requirement for a mass notifications system. Similarly, any requirement in the Higher Education Act for “timely warnings and emergency notifications” (commenter’s language) would neither contradict or conflict with the requirement for a mass notifications system.

As scoped in the IBC/2018, the requirement for a mass notification risk analysis (Section 917, IBC/2018) applies only to new construction at colleges and universities with a cumulative building occupant load of 1,000. The authority having jurisdiction (local enforcing agency) would approve the mass notification system based on the results of the risk analysis and the plans submitted and, following the UCC permit process, the permit fee would be calculated on the work included in the permit

application. As with other UCC decisions, a person who disagrees with an enforcement decision may file an appeal in accordance with N.J.A.C. 5:23A, Construction Board of Appeals.

Section 917 requires a mass notification risk analysis to be undertaken; the cost provided in the Economic Impact statement in this notice of proposal reflects the cost of that requirement. Although the Economic Impact statement stated that the cost was an estimate of “installation of” these systems, that was an error. The code requires a risk analysis and the \$15,000 estimate in the Economic Impact statement should have been identified as referring to that alone. The commenter identified \$15,000 as the possible cost of a risk analysis. Should a college or university have a mass notification system, the risk analysis report would show the buildings that are already covered. The Department reviewed NFPA 72, National Fire Alarm and Signaling Code, which contains the technical standards for fire alarms and fire alarm systems, and concluded that there are no conflicts between NFPA 72 and the Mass Notification risk analysis required by Section 917. NFPA 72 establishes three major categories for analysis – natural, human, and technological; it also provides for in-building and out-of-building systems. This approach does not contradict the requirement for a risk analysis; it complements it.

NFPA 1600, Standard on Continuity, Emergency, and Crisis Management, is not referenced in the IBC/2018. As an emergency and crisis management standard, its application is for response to an event; it does not include standards for buildings that could be the site of an event.

Expanding these requirements to other buildings is outside the scope of this rulemaking. The Department’s statutory authority allows it to retain a requirement previously adopted or to adopt the language in the most recent edition of the applicable model code (N.J.S.A. 52:27D-123.b(1)-(4)). To extend the scope of this requirement to additional occupancies, the commenter may propose a code change to the International Codes Council (ICC).

Although, at one time, the Department had a mass notification system by email, and, at another time, a mass notification system through an opt-in system available to all State employees, the Department has no mass notification system at this time.

15. COMMENT: “NJ Register item #14 and item #22 and item #98 – The Department ‘believes’ that the rules in the UCC for industrialized buildings (N.J.A.C. 5:23-4A) covers the new Section 3113, Relocatable buildings of the IBC/2018 and therefore the section is proposed for deletion. I BELIEVE that currently N.J.A.C. 5:23-4A, is not clear that existing (non-altered) relocatable buildings being relocated do not need to be updated to newer codes, or what altered existing relocated buildings need to comply with. The scope, N.J.A.C. 5:23-4A.3, needs to be expanded to clearly allow and state that the relocation of existing industrialized/modular buildings is allowed without need for modification of the building. And/or the Department needs to review the latest Uniform Administrative Procedures and Model Rules and Regulations (UAP) adopted by the Interstate Industrialized Building Commission (? Maybe UAP section IV-4(A)(7) Relocatable Buildings issued 8/1/2002) and incorporate the provisions into N.J.A.C. 5:23-4A. In addition, the definition of relocatable (industrialized) buildings should be retained and/or be within N.J.A.C. 5:23-4A. Also, because N.J.A.C. 5:23-4A.1(a) states that the ‘adoption of this subchapter, which is identical in content to the rules adopted by other states...’, it is again recommended the Department review the latest Industrialized Building Commission documents and appropriately update N.J.A.C. 5:23-4A. [Also I’m not sure what the Department is referring to in item #98 – ‘contained in Subchapter 4D of the UCC (N.J.A.C. 5:23-4A) or was it a typo?'] [In addition, the Department may want to look at UCC Proposal PRN 2013-008 NJ Register January 7, 2013 and evaluate the Summary statement that ‘The Procedures are referenced in the UCC and contain the procedures that manufacturers, third parties, and local officials use to construct and approve code-compliant, industrialized modular buildings.’ As to whether it is clear N.J.A.C. 5:23-4A (4A.7(a)) addresses relocatable buildings. Also, note that ‘Relocatable Building’ provisions were in the procedures document that was referenced at that time but it appears they were not incorporated (or formally stated similar to other requirements) into the UCC (only by reference).]”

RESPONSE: Premanufactured buildings built under the Industrialized Building Commission must follow the Uniform Administrative

Procedures (UAP) pursuant to N.J.A.C. 5:23-4A-7. Part IV, Section 4, item A(7) of the UAP addresses relocatable buildings and clearly states that labeled units that are relocated, but not modified, are not required to comply with the current code but may comply with the code in effect at their time of manufacture. Therefore, the Department is satisfied that the issue of relocatable buildings is well-addressed in the rules. The Department will consider publishing an article in its newsletter directing code officials to the section of the UAP noted. The commenter’s note about the Summary statement of PRN 2013-008 is not relevant to this rulemaking. The Department is not reviewing the explanatory content of a prior rule proposal.

16. COMMENT: “NJ Register item #15 and item #100 – The Department explains this new requirement, Section 3314.1 added to the IBC/2018, as: ‘Fire watch during construction, ...’ And ‘... fire watch is to ensure that there is surveillance to identify and control fire hazards during construction.’ But the true fact is that if adopted this could or would require a fire watch during non-working hours for buildings under construction that are above 40 feet of adjoining grade!!! Therefore, it is recommended that the new section not be adopted. In addition, this provision should not be included in the UCC. If anything this is a State Uniform Fire Code (UFC) issue and should be appropriately addressed, if needed and justifiable, by that mechanism. Even the Department appears to agree with this since the term ‘fire code official’ is proposed to be replaced with the term ‘fire official’ and not the term ‘fire protection subcode official’ – A back door way of getting this provision into the UFC. I can understand why a fire watch (via UFC) with qualified personnel and equipment could be needed during construction hot works and other times, but to require, or be able to require, a fire watch (via UCC or UFC) with qualified personnel and equipment during non-working hours (no crews on site) when site security (guard service/fencing/locked entry ways) would be adequate doesn’t seem reasonable. In other words, providing a ‘fire watch’ is not the same as providing ‘site security’. It is recommended the Department review the latest NFPA 241, Safeguarding Construction, Alteration, and Demolition Operations, which includes a section on keeping construction sites safe from arson. Again, ‘fire watch’ provisions do not belong in the UCC and should not become provisions of the UFC via the UCC. [Editorial – Section 911.1.1 proposed amendment appears to be missing ‘protection’ from ‘fire subcode official’.]”

RESPONSE: The Department thanks the commenter; “Fire code official” is being revised to “fire protection subcode official” at N.J.A.C. 5:23-3.14(b)8lxiii upon adoption. For years, buildings under construction have had fires after working hours that have become major conflagrations because no one was present to call in the fire department. This rulemaking is a positive step towards preventing fire loss in new construction. Section 3302.3, Fire safety during construction, of the IBC requires compliance with Chapter 33, Fire Safety During Construction and Demolition, of the International Fire Code (IFC). Section 3301.1, Scope, of the IFC, states “compliance with NFPA 241 is required for items not specifically addressed herein.” Thus, buildings not covered by the IBC and the IFC would be required to comply with NFPA 241. Section 7.2.5.1, Site Security, of NFPA 241 requires guard service on-site during construction in buildings more than 40 feet above grade when no crew is present. The guard service must be trained in notification procedures in the event of a fire. This is a separate standard and does not conflict with the requirements of Section 3314.1, Fire watch during combustible construction, of the IBC.

17. COMMENT: “NJ Register item #39 – The Department is proposing to retain the IBC/2015 requirements for fire alarm shop drawings since the requirements of NFPA 72 /2016 referenced are not as comprehensive. It is my understanding that the code change was to refer to NFPA 72 so that there would be just one list instead of two, which would help reduce conflicts going forward. In addition, the NFPA 72 list appears to include the same requirements, if not more, that was in the IBC and IFC. It is recommended that the Department perform another comparison of the documents. If there is something that is missing in NFPA 72 that the Department feels needs to be included, it is suggested only the additional requirements be added to the IBC and retain the reference to the NFPA standard for the remaining requirements. Please advise as to what is not covered by NFPA 72/2016.”

RESPONSE: The Department can neither propose nor adopt the recommended language because the Department does not have the authority to create new code language. The Department's statutory authority allows it to retain a requirement previously adopted or to adopt the language in the most recent edition of the applicable model code (N.J.S.A. 52:27D-123.b(1)-(4)). The list of requirements in NFPA 72 are listed in two separate sections, 7.2 and 7.4. Section 907.1.2 of the 2015/IBC contains all applicable requirements in one place. The Department determined that it would be more efficient to have all requirements clearly established in one place rather than listed at different sections of NFPA 72.

18. COMMENT: "NJ Register item #40 – The Department is creating a new Section 907.2.9A, Automatic smoke detection systems (? or is it system) for Group R-4 which would retain Section 907.2.10.2, Automatic smoke detection system, of the IBC/2015. And the Department has based this on the reasoning that the 6 to 16 persons of the group R-4 are 'capable of slow evacuation' which is a phrase that the Department added to the text of the group R-4 definition/classification. To my understanding the proponent's reasoning as to why the requirements were not warranted was such a system would not be required in an apartment building unit until there was at least 16 apartments, which potentially have many more people and even more people of slow evacuation and impractical evacuation capability along with people with prompt evacuation capability (not defined by the Department) and even prompt self-evacuation (another term used by the Department). If the Department has data that shows this change is not warranted, it should have been presented in rebuttal to the change. The Department should not continue the requirement for an automatic smoke detection system for group R-4 and accept the code change. [To my recollection, the Department's addition of the phrase, 'capable of slow evacuation', and addition of the definition, 'evacuation, slow' and 'evacuation, impractical' was based on the Life Safety Code. But did not include definitions for prompt evacuation or prompt self-evacuation. And if all or even one of the clients were not capable of slow evacuation the group would become Group I-2.] (Seems a bit extreme when considering staff is present. Or did the criteria of slow self-evacuation include slow evacuation with assistance?) But as written, what group is applicable if all clients are capable of prompt (equivalent to the capability of the general population), with or without assistance, evacuation? And are all the requirements to remain the same as slow evacuation? Should more requirements be included when clients (and what number of) are non-ambulatory or bedridden? This appears to be the true problem with the section and the Department should propose code changes to address this and any other concerns that the Department may have. To restate: What conditions trigger more code requirements – and why? The Department also needs to recognize the benefits of providing occupant assistance (staffing) rather than forcing the upgrading of building construction or need for more requirements. [It also appears the requirement for a manual fire alarm for group R-4 is no longer required. –Hurrah.]"

RESPONSE: The reason for the change between the 2015 and 2018 versions of the IBC is that the proponent of the change argued that the characteristics of a Group R-4 were similar to those of Group R-3. That is true for the unamended version of the IBC, where certain Group R-3 occupancies can have up to 16 people. It is not true for the New Jersey version based on the amendments New Jersey has made to the use group classifications. Under the New Jersey version, Group R-3 occupancies are generally limited to 5 or fewer occupants when the setting is for alcohol or drug treatment, a rooming or boarding house, or a group home. Group R-4 uses have an occupant load between 6 and 16. The Department proposed the amendment because the additional occupant load justifies the additional protection. The purpose of using slow evacuation in the Definition of Group R-4 is to distinguish the residential (Group R) use from an institutional (Group I) use, not to distinguish between Group R-3 and Group R-4. Additionally, the terms "evacuation, slow" and "evacuation, impractical" have been in the building subcode for four code cycles. These terms are understood by code users and have not caused enforcement issues.

19. COMMENT: "NJ Register item #41 – As expressed by the Department, the Department is retaining the IBC/2015 requirement for the installation of wiring to accommodate a visual alarm (extended into all

dwelling units), while the IBC/2018 would only require such wiring to be run only to the floor with units that might need such an accommodation. The additional cost to continue this IBC/2015 requirement (and the Department's interpretation of this provision) is not warranted just based on the cost/benefit of the requirement and availability of wireless devices. IF the intent of the code (2015/IBC) is to have a fully functional low frequency audible occupant notification system that can be upgraded with visual alarms without cutting walls, adding boxes or running new conduit; then all of the necessary wire or a conduit raceway must be in place to all living spaces, sleeping rooms and bathrooms within each living space [visual alarms within ADA compliant areas] – if hardwired. The 2015 IBC (Section 907.5.2.3.3) only states that the capability to support visible notification is required and does not require specific wiring requirements into the dwelling units even though that may have been the intent – the ways and means to accomplish providing visible alarm notification should be left to the designer and approved by the AHJ. To my understanding, the Fair Housing Act's design and construction requirements do not require installation of visual alarms on the interior of dwelling units; however, if there is a building alarm system provided in a public and common use area, then the system must have the capability of supporting an audible and visual alarm system in individual units. It is recommended that the IBC/2018, Section 907.5.2.3.3 requirements be adopted since it provides three reasonable ways to address 'future capability' needs. [As a compromise, maybe just a system wired junction box or boxes provided in the dwelling unit from which necessary wiring can be run to accommodate visual alarms within the dwelling unit. – Discuss with Design Professionals.]"

RESPONSE: The Department disagrees with the commenter. The wiring requirements provide a minimum standard for compliance. Section 907.6.1, Wiring, allows designers to use a wireless, low-voltage system. In addition, the Department is aware that the Fair Housing Act does not require the installation of visual alarms on the interior of dwelling units. Many requirements in the Fair Housing Act are substandard, and the Department has determined that those should not be adopted. The cost of installing wiring to accommodate a visual alarm is not burdensome during construction. Retrofitting when such an alarm is needed would be a greater expense.

20. COMMENT: "NJ Register item #120 – Although the Department's proposed change to N.J.A.C. 5:23-3.16(a)2.i. is only updating NEC 2014 to NEC 2017, there needs to be modification to the following sentence in 3.16(a)2.i., 'These codes and standards also are printed in DCA Bulletin#15-2, which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical code.' Or DCA Bulletin #15-2 needs to be updated. It may be beneficial to just state (revise regulations) that these codes and standards will also be printed in a future DCA Bulletin which will contain a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode. (Reword as needed.)"

RESPONSE: Since the Fine Print Notes (FPN) Bulletin was initiated, the Department has revised and updated it after the adoption of the most recent edition of the National Electrical Code (NEC). This has worked well for the approximately 30 years that the FPN bulletin has been issued and the Department respectfully disagrees with the commenter that the reference to it at N.J.A.C. 5:23-3.16(a)2i should be amended in advance of the revision of the bulletin.

21. COMMENT: "Additional item #1 – Understanding that the 2018 IBC deletes the definitions of 'ambulatory care facility' and 'clinic, out patient' and the Department proposes to adopt these deletions, is there any impact of retaining these definitions? Especially since Section 422, Ambulatory Care Facilities, is still in the 2018 IBC? (I don't know or have the substantiation for these deletions.)"

RESPONSE: The definitions about which the commenter expresses concern were not deleted in the IBC/2018. The cross references to both these definitions were deleted from Chapter 3; the definitions themselves remain in Chapter 2.

22. COMMENT: "Additional item #2 – Changes to the 2018 IBC, relating to Dormitories and Bed/Breakfast occupancies as to occupancy load and Group state that dormitories with occupant load of 16 or less would be considered Group R-3 instead of Group R-2. And bed/breakfast

facilities with occupant load of 10 or less would be considered Group R-3 instead of Group R-1.

But the Department continues to amend these sections to require more stringent construction requirements. By the 2018 IBC some Group R-2 college and university dormitories (occupant load of 16 or less) would no longer need portable fire extinguishers, manual fire alarms or even automatic smoke detection systems or interconnection. As to Bed and Breakfast guesthouses, the Department does not seem to fully address in the regulations what Group these facilities are in or what stipulations are imposed. As examples: Does the owner have to occupy a dwelling unit, or can the owner or an agent of the owner be located within 15 minutes travel distance of the facility and available while the guests are lodging there? Is a bed and breakfast guesthouse (B&B) allowed to have up to 12 guests? Would a B&B or lodging house (sections deleted by Department) of less than 10 occupants be allowed to be built in accordance with the IRC? – It should be. The Department’s (continued) amendment of Sections 310.2, 310.3, 310.4, 310.5, and 310.6 of the 2018 IBC in lieu of following the text of the 2018 IBC leads to confusion and should be re-evaluated. It is recommended that the Department stop revising these sections and adopt the provisions contained in the IBC as written. [In conjunction, review NJ Register item #40 and NJ Register item #6 above and Additional item #3 and #12 below.]”

RESPONSE: The changes that the Department has made to the Group R requirements align them with New Jersey’s longstanding Group R requirements; based on the feedback the Department has received over that period, there have been no ill effects. While the IBC has evolved to allow greater numbers of people to live together in congregate living arrangements, the Department has determined that its current modifications result in more clearly defined uses. The Department is aware that, in most cases, bed and breakfast facilities that are newly constructed would likely be classified as Group R-1. However, the vast majority of bed and breakfast establishments arise from a change of use group. Changes of use to a bed and breakfast are addressed in the rehabilitation subcode. It has been the Department’s experience that the current group classifications have served New Jersey well.

23. COMMENT: “Additional item #3 – Note the additions [‘and 10 or fewer total occupants’ and ‘(transient)’] along with the deletion [‘Owner occupied’] to Section 310.4.2, Lodging houses, of the 2018 IBC. It is my understanding that the 10 or fewer occupant load criteria was added for consistency with the 2018 IBC Boarding House requirements along with a ‘transient’ stipulation. But in the 2015 IBC lodging houses were required to be owner occupied. Implying that nontransient and transient occupants could exist. And because lodging houses were owner occupied five or fewer guest rooms, with no stipulation on total occupant load or number of guests was included. The Department continues to amend these sections (by deletions) without explaining why the Department does not recognize or adopt the changes of the model code. It appears that the Department is not recognizing the progressiveness of the model code and not allowing change. As expressed in Additional item #2 above, the Department’s amendments to various sections changing 2018 IBC provisions needs to be re-evaluated. And again, it is recommended that the Department stop revising these sections and adopt the provisions contained in the IBC.”

RESPONSE: The changes that the Department has made to the Group R requirements align them with the Group R requirements that have been in effect in New Jersey for many years. They are well-understood. While the IBC has evolved to allow greater numbers of people to live together in a congregate living arrangements, the Department has determined that its current modifications to the code result in more clearly defined uses and serve code users well. The Department deletes Section 310.4.2, Lodging houses, because “lodging houses” is a broad term that could describe apartments, hotels, motels, bed and breakfasts, and boarding homes. The Department has distinct requirements for each of those uses, and using such a general term would cause confusion.

24. COMMENT: “Additional item #4 – Are the modified provisions in Section 915, Carbon Monoxide Detection, of the 2018 IBC the same as what is required by the UCC, UCC Rehabilitation Subcode, the Uniform Fire Code and other Department and State regulations? Specifically, is it true that buildings not containing fuel burning appliances or fuel burning fireplaces but having an attached private garage without communicating openings or connected to the building through an opened-ended corridor

do not need carbon monoxide detection? (Section 915.1.5 Private garages – Exceptions) Please confirm that by having an attached garage in itself does not trigger carbon monoxide detection in dwelling units, sleeping units and classrooms. If the Department’s position, that carbon monoxide detection is required in a building containing a fuel burning appliance OR has an attached garage, these code provisions need to be amended. If the Department recognizes the 2018 IBC requirements and/or the 2018 IRC requirements (R315.2), modification of all Department regulations and others that are in conflict need to be amended ASAP. In addition, the 2018 IRC requires the interconnection of carbon monoxide alarms (R315.5) but I do not recall this being required in the 2018 IBC for similar occupancies. It is recommended that the interconnection requirement be eliminated from the IRC or the interconnection requirement be added to the IBC. [Why are the exemptions from providing carbon monoxide detectors of the legally adopted IBC and IRC continuing to be ignored by the Department? Please explain and justify. Also, please do not justify not proposing future amendments to the erroneous text of existing regulations or amending these proposed rules by stating the existing rule text is not proposed for amendment – since the erroneous rules should have never been adopted as written and these rules should not be adopted as written if the exceptions are not allowed. Note that existing regulations, as written, would require a storage – only building with a fuel burning appliance and a super insulated all electric/solar dwelling with no fuel burning appliance or fuel burning fireplace but having an attached garage to have carbon monoxide detection regardless as to whether the building or dwelling did or did not predate the requirement for carbon monoxide detection.]”

RESPONSE: Section 915, Carbon Monoxide Detection, of the 2018/IBC is the same as what is required by the UCC, the rehabilitation subcode of the UCC, and other Department rules. This is true because in each category of work under the rehabilitation subcode (repair, N.J.A.C. 5:23-6.4; renovation, N.J.A.C. 5:23-6.5; alteration, N.J.A.C. 5:23-6.6; and reconstruction, N.J.A.C. 5:23-6.7), the rule text states, “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.” Therefore, the exception listed in the IBC at 915.1.5, Private Garages, and the requirements in the IRC at 315.2, Carbon Monoxide Alarms, Where Required, are allowed under the rehabilitation subcode. N.J.A.C. 5:23-6.1, which only mentions the need for carbon monoxide detection in buildings containing a fuel burning appliance or having an attached garage, is an introductory section and is not enforceable. Anyone undertaking a rehabilitation project must turn to the section applicable to the scope of work to see the full carbon monoxide detection requirements. Other chapters that address carbon monoxide detection, including the regulations for the Maintenance of Hotels and Multiple Dwellings at N.J.A.C. 5:10, the Regulations Governing Rooming and Boarding Houses at N.J.A.C. 5:27, and the Standards for the Licensure of Residential Health Care Facilities at N.J.A.C. 5:27A, allow for the installation of carbon monoxide detection in accordance with the UCC. This rulemaking does not affect the Uniform Fire Code (UFC). Subchapter 4, the retrofit subchapter of the UFC, may contain requirements that are more restrictive than the UCC.

25. COMMENT: “Additional item #5 – The 2018 IBC, new Section 422.6, appears to be requiring essential electrical systems for all ambulatory care facilities with its reference to NFPA 99. Adding an essential electrical system will add the cost of a generator, as well as maintenance and testing for non-Medicare certified ambulatory care facilities over what is currently required. The NEC, the Electrical Subcode, has a definition for ‘ambulatory health care occupancy’ which is an occupancy used to provide services or treatment simultaneously to four or more patients. Please clarify if an essential electrical system is required for all ambulatory care facilities or only when four or more patients are treated simultaneously. I recommend only required when four or more patients are treated simultaneously and so state in the regulations.”

RESPONSE: The IBC/2018 definition of Ambulatory Health Care Facility does not provide for a minimum number of patients, nor do the Department of Health rules (Medicare certified). The document used to determine the type of essential electrical system required is NFPA 99, the

Healthcare Facilities Code. NFPA 99 establishes four levels of system categories based on the risks to patients and caregivers in the facility. Category 1 and Category 2 facilities are required to be provided with a generator for the essential electrical system (NFPA 99 Section 6.4.1.1.6.1). Category 3 facilities are required to provide essential electrical systems by means of a generator or a battery system (NFPA 99 Section 6.6.1). These requirements apply regardless of the number of patients; therefore, to establish requirements based on the number of patients capable of being treated would be illogical.

26. COMMENT: “Additional item #6 – The Department is proposing to amend several ‘Ice Barrier’ sections of the 2018 IBC as the Department has done in previous code adoptions. By deleting ‘In areas where there has been a history of ice forming along the eaves causing a backup of water’ and replacing with ‘In areas where the average daily temperature in January is 25 degrees F (-4 degrees C) or less’ since the Department believes the subjective requirement may lead to inconsistent enforcement. Please provide the source used to identify, or to use to identify, what municipalities have an average daily temperature in January of 25 degrees or less and was it based on any specific time period such as data from the Office of the New Jersey State Climatologist – Rutgers University. With the recent low temperatures and snow experienced in NJ in January of this year, I assume additional buildings in NJ municipalities now have a history of ice forming along the eaves causing a backup of water. It is recommended that the Department consider changing the temperature range to 30 degrees F or lower. I recall the National Roofing Contractor Association’s (NRCA) roofing manual at one time had both a 25 degrees F or less and a 30 degrees F or less for different roof covering. It is my understanding that NRCA now recommends water and ice-dam protection membranes be installed in locations where the average January temperature is 30 degrees F (-1 C) or lower. And thinking about this logically, if the temperature for several consecutive days is slightly above freezing during the day but well below freezing during the night (snow cover present) – ice dams could occur. It doesn’t matter that the average January daily temperature was above 25 degrees F. (But the Department continues to follow the ‘old’ recommendations and previous code requirements.) It is recommended that the Department base the need for a roof ice barrier (for various types of roofs) on climactic data consistent with the conditions that may trigger the formation of a roof ice dam. The Department’s UCC Bulletin 07-3, Ice Dam Membrane/Ice Barrier, erroneously advises and with no source identified that all of Sussex County municipalities and only Sussex County municipalities are areas where the average daily temperature in January is 25 degrees F or less. The Historical Monthly Station Data of the Office of the NJ State Climatologist provides median temperatures, for the period of record, of 25.9 degrees F for Newton (Sussex County), of 26.2 degrees F for Sussex (Sussex County), of 26.6 degrees F for Sussex Airport (Sussex County), of 27.3 degrees F for Andover Aeroflex Airport (Sussex County). Please appropriately address the issues. [Reminder: UCC Bulletins are used to clarify codes and cannot usurp the codes or regulations.] Also review proposed amendments of the 2018 IRC relating to these issues and consider the previous comments. [The Department may also want to look at the building code requirement that underlayment shall be installed over drip edges along eaves – when this is done, the sheathing/fascia joint is not sealed making it vulnerable to ice dams that may form in the gutter.]”

RESPONSE: The Department does not have the authority to create a code requirement. The Department’s statutory authority allows it to retain a requirement that was previously adopted or to adopt the language in the most recent edition of the applicable model code (N.J.S.A. 52:27D-123.b(1) through (4)). The 25-degree threshold was adopted at 39 N.J.R. 633(a) for the 2006 IBC and IRC when the Department retained the code text from the 2000 editions. Future editions of the model codes, including the 2018 edition, have required ice barriers “in areas where there has been a history of ice forming along the eaves causing a backup of water.” This section is subjective and does not provide a uniform threshold for enforcement. Beyond the fact that the Department lacks authority to change the code requirement, the Department disagrees that a change is necessary. This threshold has been in place since 2000, and no issues have been brought to the Department’s attention. The source used to identify locations where this rule applies was the National Oceanic and Atmospheric Administration (NOAA) data for New Jersey. These

locations are listed in Bulletin 07-3. The Department reviews and updates bulletins after the adoption of the most recent edition model codes.

27. COMMENT: “Additional item #7 – The new definition in the 2018 IBC of ‘Children’s Play Structure’, ‘A structure composed of one or more components, where the user enters a play environment.’ really shows the ‘technical’ composure of the code as compared to my understanding (ordinary accepted meaning) that a children’s play structure is a structure designed for children to climb on for fun and that often includes a slide. As written, I’m not sure if the user needs to enter a play environment or if the structure is in or is a play environment – clarification appears needed. I recommend that the proposed adoption of the definition as written not be adopted and the ‘A structure designed for children to climb on for fun and that often includes a slide.’ be adopted.”

RESPONSE: The Department does not have the authority to create a definition or a code requirement. The Department’s statutory authority allows it to retain a requirement previously adopted or to adopt the language in the most recent edition of the applicable model code. (N.J.S.A. 52:27D-123.b(1) through (4)) Therefore, the Department refrains from commenting on the relative value of the definitions and adopts the definition in the IBC/2018 as proposed.

28. COMMENT: “Additional item #7, continued – Similarly, the Department needs to address the new definition in the 2018 IBC of ‘Soft Contained Play Equipment Structure’, ‘A children’s play structure containing one or more components where the user enters a play environment that utilizes pliable materials.’ This doesn’t seem quite right. Versus: ‘Soft contained play equipment’ is a play structure made of one or more components, on which an individual enters a fully enclosed play environment that uses pliable materials such as plastic, soft padding, and fabric.” –taken from United States Access Board. The Department may want to take a look at ‘play area terms’ contained in United States Access Board documents, the U.S. Consumer Product Safety Commission Safety Review of SCPE, and ASTM’s F1918 definitions (fully enclosed play environment). Department staff within the Carnival and Amusement Ride Safety Program may be another source for clarification of the definitions. (N.J.A.C. 5:14A, utilization of ASTM F1918/Application for individual approval of soft play equipment.) Also, since I don’t recall a defined age of a child within the IBC, at what age is an individual not considered a child? In addition, note that Section 424 and Section 1110.4.13 of the 2018 IBC are applicable only to ‘children’ play structures and play areas and does not include the trending ‘teens’ and ‘adult’ play structures or play areas. As a suggestion, Section 1110.4.13 should be revised to state ‘Play areas containing only play components designed and constructed shall be located on an accessible route.’ so that all play areas are included. (Also see Additional item #13 below.)”

RESPONSE: The Department does not have the authority to create a definition or a code requirement nor does the Department have the authority to adopt definitions from other regulations. The Department’s statutory authority allows it to retain a requirement previously adopted or to adopt the language in the most recent edition of the applicable model code. (N.J.S.A. 52:27D-123.b(1) through (4))

The Department recognizes that there have been changes in the Federal Americans with Disabilities Act Accessibility Guidelines (ADAAG), which are promulgated by the Access Board, regarding accessible play structures and environments. Chapter 4 of the IBC/2018, which contains the definitions that trouble the commenter, addresses the materials that may be used in constructing play structures. The playground safety subcode (N.J.A.C. 5:23-11) deals with playground safety, especially resilient safety areas around play equipment. The playground safety subcode and the barrier free subcode: recreation are enforced by the facility manager. To move all the playground provisions into the IBC/2018, as the commenter suggests, would mean they it would be enforced by local code officials. This would give rise to problems because there is no technical standard on which to base the issuance of a permit for these play structures. The closest standard that exists is the set of changes that were made to the ADAAG, Recreation. But, the Americans with Disabilities Act (ADA) is a Federal civil rights law, not a building code. Until there are clear technical standards that can be used for enforcement, reliance on the facility manager is an effective and reasonable solution. The Department will remain apprised of changes in

Federal law and in national standards and will amend the barrier free room: recreation regulations as both time and need allow.

29. COMMENT: “Additional item #8 – It is recommended that the Department review Section 1109.2.1.2, Family or assisted-use toilet rooms, of the 2018/IBC. This section appears to be in conflict with the 2010 Americans with Disabilities Act Standards (ADA) (Section 213.2.1). By the ADA, to my understanding, unisex toilet rooms shall contain not more than one lavatory, and two water closets without urinals or one water closet and one urinal. [Also note that the 2015/IBC is in conflict.] The Department may also want to check Section 1109.2.1.3, Family or assisted-use bathing rooms, of the 2018/IBC. By the ADA, to my understanding, unisex bathing rooms shall contain one shower or one shower and one bathtub, one lavatory, and one water closet. [Unisex (single user) or now All-Gender (single user)] It is recommended that the requirements of the 2018/IBC be revised to reflect and comply with the ADA requirements prior to adoption. In addition, what designer would ever provide these additional optional accommodations for a single-user toilet room? And when –for what logical reason? Is it okay (or even logical as an option) to have 3 lavatories (one being child-height), 3 water closets (one being child-height with toilet seat height of 12 inches), and two urinals (one lower mounted) for an ASSISTED-USE toilet room? It would be a great FAMILY toilet room for sure. Might as well include this optional accommodation for the common use toilet rooms that provide an aggregate of six or more male and female water closets. And as a reminder, fixtures located within assisted-use toilet rooms are permitted to be included in determining the number of fixtures provided in an occupancy. (So would child-height water closets, if provided in the main toilet facilities, also be permitted to be included in determining the number of fixtures provided?) If the code was written as the ADA reads, one can provide a lavatory, and two water closets (one could be child height) for an assisted-use toilet room. (And maybe provide an optional accommodation of a step stool so a child can wash their hands without assistance.) Can the Department explain (or understand) why the ADA states ‘shall contain not more than’ in lieu of ‘shall contain at a minimum’? [The Department may also want to include in assisted-use toilet rooms, the additional optional accommodation of a service animal relief area (SARA) similar to what is found and required in some airport facilities. The additional fixture being the fake fire hydrant.] Besides the comments noted above, the Department needs to remember that the Plumbing Subcode, the National Standard Plumbing Code (NSPC), regulates the plumbing fixture count and what fixtures are required. The Building Subcode may require a family or assisted-use toilet room or bathing room, but the plumbing subcode regulates (NSPC/2018 Section 7.21.9) what plumbing fixtures are required (Table 7.21.1). And the NSPC may not fully address family or assisted-use bathing rooms, which it probably should, but the plumbing fixtures required is a plumbing issue while the accessibility to the fixtures (when provided or if required) is a building subcode issue. The Department needs to resolve the overlaps/conflicts with amendments to the Building and Plumbing Subcodes. In other words, all plumbing items in the Building Subcode (provisions of sections 1107 and 1109) should be deleted and relocated, if not addressed, to the Plumbing Subcode. [Also see comments of Additional item # 10 relating to all-gender bathrooms (bathrooms not separated by gender) and start the discussion of all-gender multi-stall bathrooms so that future code provisions can be included.]”

RESPONSE: The Department does not agree that there is conflict between the standards for family or assisted-use toilet rooms in the IBC/2018 (Section 1109.2.1.2) and Unisex bathrooms in the ADA (Section 213.2.1). The family-assisted toilet rooms in the IBC/2018 are required in Group A (assembly) and Group M (mercantile) buildings and in recreation facilities “where separate sex bathing rooms are provided” (Section 1109.2.1). Until individual sections are identified, proposed, and adopted in the rehabilitation subcode (N.J.A.C. 5:23-6), the IBC/2018 applies to new construction and not to existing buildings. The family or assisted-use toilet rooms in the IBC/2018 require “only one water closet and only one lavatory,” unless the designer or building owner decides to also provide “1. A urinal; 2. A child-size water closet; 3. A child-sized lavatory.” (Section 1109.2.1.2, Family or assisted-use toilet rooms, Exception.) There is no prohibition against providing a child-sized step stool, but one is not required. Similarly, there is no requirement for a

“service animal relief area (SARA)” in the family or assisted-use toilet room. The provision of such an area is not a code requirement.

Unlike the family or assisted-use toilet room, which is required in newly constructed Group A or Group M occupancies, a Unisex toilet room, as provided in the ADA and the ADA Accessibility Guidelines (ADAAG), may be provided as part of alteration projects in existing buildings. The unisex toilet room is permitted “where it is technically infeasible” to provide a fully compliant accessible toilet room. A unisex toilet room is a single-user toilet room. The ADA commentary observes that “Unisex toilet room benefit people who use opposite sex personal care attendants. For this reason, it is advantageous to install unisex toilet rooms in addition to the single-sex toilet rooms in new facilities.” This is a comment (“it would be advantageous”) and not a requirement (“where toilet rooms are provided, each toilet room shall...”). The Department cannot explain the choice of “shall contain not more than” instead of “shall contain at a minimum” other than to conclude that the first phrase sets a maximum and the second establishes a minimum.

The Department remembers that the fixture count is set by the plumbing subcode; the standards for accessible toilet facilities, including family and assisted-use toilet rooms, are set by the building subcode. The design professional disperses the number of required fixtures in accordance with the requirements for specific type. The UCC was designed to be a comprehensive set of code requirements. The technical subcodes are reviewed to ensure that they complement, and do not contradict, one another. Code users have understood since the UCC was adopted in 1977 the relationship between the plumbing subcode (fixture count) and the toilet room (building subcode). In 1981, when the barrier free subcode was transferred from the Department of Treasury to be enforced by the Department of Community Affairs, the decision was made in the revision (1986) to keep the fixture count in the plumbing subcode and to include any specific fixture types along with other accessibility features (including clear floor space requirements, accessible route, and grab bars) in the barrier free subcode (then Subchapter 7 of the UCC, now Chapter 11 of the IBC/2018). This has been a reasonable, clear, and efficient codification, which is understood by code users. The Department declines to relocate it. If the commenter would like to participate in a discussion of “All-gender, multi-stall bathrooms,” which are not in any code at this time, that interest should be directed to the code change committees of the NSPC and the International Code Council (ICC).

30. COMMENT: “Additional item #9 – Now that the 2018/IBC, Section 1404.18, allows the use of polypropylene siding on exterior walls of all types of construction (previously limited to Type VB construction), it is recommended that the Department consider the repair and replacement of polypropylene siding as ordinary maintenance (and even the replacement of non-polypropylene siding with polypropylene siding) in lieu of ‘not’ ordinary maintenance per N.J.A.C. 5:23-2.7. Even though the Department considers polypropylene siding as highly flammable, other exterior wall coverings, especially combustible exterior wall coverings, could be considered just as hazardous and repair and replacement of these exterior wall coverings remains as ordinary maintenance. [? Should the ‘limited to Type VB construction’ be retained. Or limit the use of polypropylene siding above 40 feet as is done for other cladding products?] If polypropylene siding currently exists on a building and a portion (say ten square feet or less than one side of a UCC unregulated polypropylene shed) needs replacement or repair, what is the need for a construction permit considering the existing installation is code compliant and like for like material is being used? [Versus complete wood siding replacement or less than 25% for other than one- and two-family dwellings that does not require a construction permit.] So a portion of wood siding replaced with any amount of polypropylene siding (on any construction type building now) needs a permit but, again, a complete wood siding replacement does not? Note that the IRC has a minimum 5 foot fire separation distance to lot line and minimum of 10 foot to a building on the adjacent lot, so is the minimum 5 foot fire separation to the lot line allowed/required by the IBC but just not stated? In other words, implied by the 10 foot fire separation between buildings. Or since there is no stipulation from the lot line in the IBC (2018 and 2015) (Section 1403.12.2), can an IBC built building with polypropylene siding (not considering the UCC unregulated polypropylene shed) be placed on the lot line if the adjacent building is 10 feet away? Or can the building with

polypropylene siding be placed 4 feet from the lot line if the adjacent building is 20 feet away? The Department should take another look at these code provisions.”

RESPONSE: In spite of the fact that the use of polypropylene siding has been expanded to all construction types, there are still restrictions on its use near a property line. The IBC/2018 as well as the IBC/2015 require a 10-foot fire separation distance for buildings using polypropylene siding. The IRC contains a less restrictive provision for the required fire separation distance in recognition of the limited scope of buildings under the IRC. Fire separation distance and how it is measured is defined in Chapter 2 of both the IBC and the IRC. Because of the restrictions on its use, the Department has not allowed the replacement of polypropylene siding on any building, including one- and two- family detached dwellings, as ordinary maintenance.

31. COMMENT: “Additional item #10 – Although the Department deletes Chapter 29 of the 2018/IBC since the National Standard Plumbing Code/2018 is to be adopted, has the Department considered the inclusion or revision of the Plumbing Subcode to incorporate provisions such as in Section 2902.1.2, 2902.2 Ex. 4, and 2902.3 of the 2018/IBC? [Also see comments of Additional item #8]”

RESPONSE: The sections cited by the commenter provide fixture counts for plumbing equipment. The fixture counts in the UCC are established in its plumbing subcode, the NSPC. The fixture counts are appropriate; no changes are considered at this time.

32. COMMENT: “Additional item #11 – The IRC/2018, R101.2 Scope – Exception, allows other than detached one- and two-family dwellings and townhouses to use the IRC for construction recognizing that the occupancies are similar in nature (and level of hazard) as single-family dwellings and brings the two codes (IRC and IBC) into alignment. The 2018 IRC has updated the exceptions to the scope to include all those recognized in the IBC as permitting construction under the IRC. It is recommended that the Department do the same in N.J.A.C. 5:23-3.21(b) and include those recognized in the IBC (ones that were deleted by amendments to N.J.A.C. 5:23-3.14) back into the 2018 IBC.”

RESPONSE: The Department disagrees that these changes are necessary. As stated in the last paragraph of item 9 of 34 N.J.R. 4248(a), the proposal of the 2000 IBC and 2000 IRC, “Finally, a new Use Group R-5 would be added [to the IBC/2000] to provide a use group designation for dwellings constructed in conformance with the IRC/2000. This designation will enable construction officials to distinguish between single-family dwellings constructed in compliance with the IBC/2000 (Use Group R-3) and those that are constructed in compliance with the IRC/2000 (Use Group R-5).” This amendment to the building subcode, N.J.A.C. 5:23-3.14, was adopted at 35 N.J.R. 1760(a) and has been retained through the subsequent adoptions.

33. COMMENT: “Additional item #12 – I support the Department’s adoption of footnote ‘i’ of Table 602 of the 2018 IBC that states for a Group R-3 building of Type II-B or Type V-B construction, the exterior wall shall not be required to have a fire-resistance rating where the fire separation distance is 5 feet (1523 mm) or greater. But because the Department has bastardized Section 310.4 of the 2018 IBC, the scope of occupancies that this allowance was intended for appears to have changed. It is recommended that this allowance be for all occupancies expressed in the 2018 IBC and appropriate changes be made by the Department. [Also note: Proposed N.J.A.C. 5:23-3.14(a)3.xi. needs revisions such as the reference to Section 308.3.4. Proposed N.J.A.C. 5:23-3.14(a)3.ix. deletes the list of occupancies in its entirety, and ... – but the 2015 NJ IBC, section 310.3, (on DCA website) still contains the text for Boarding houses and Congregate living facilities with more than 10 occupants and has existed this way for years; is this an error or will the 2018 NJ IBC be the same? Proposed N.J.A.C. 5:23-3.14(a)3.x. needs revision, and others (review amendments to Section 310). Another reason to stop amending the IBC provisions.] [Also the references, such as to ‘in the third line’ or ‘second line’ or ‘fifth line’ etc. throughout the regulations has little meaning when utilizing electronic versions of the codes – a reference to first sentence or second sentence may be more appropriate. As an example: N.J.A.C. 5:23-3.14(a)3.vi., Section 308.3.2 that refers to the sixth and seventh line.] I also support the Department’s adoption of Section 903.3.1.1.2 of the 2018 IBC, the omission of sprinklers in Group R-4 bathrooms.”

RESPONSE: Though the commenter consistently refers to N.J.A.C. 5:23-3.14(a), the Department understands the commenter to be referencing amendments made at N.J.A.C. 5:23-3.14(b). The note to Table 602 allows Group R-3 buildings that are 5 feet or more from the property line to have un-rated exterior walls. In as much as the modifications that New Jersey has made to the use groups result in Group R-3 uses that generally have more conservative occupant allowances, the note to the table, if appropriate for the unamended IBC, is also appropriate for the amended version. With each model code review, the Department examines the amendments that it has traditionally made to the Group R descriptors and considers whether the modifications are needed.

34. COMMENT: “Additional item #13 – I recall mentioning to the Department, probably by way of comments to an earlier Department proposal (See comments to PRN 2017-166, NJ Register August 7, 2017), that the Barrier-Free subcode consists of Chapter 11 of the IBC and provisions remaining in N.J.A.C. 5:23-7. I recall doing this so that the Department would not lose sight of recreational accessibility provisions in N.J.A.C. 5:23-7. It appears the Department did not fully understand the issues. So with the understanding that the UCC regulations overrule adopted (model) code, as one example; N.J.A.C. 5:23-7.22 Recreation: boating areas, requires each boating area with docking facilities to have only one accessible docking space regardless that Section 1110.4.9 Recreational boating facilities of the IBC requires accessible boat slips in accordance with Table 1110.4.9.1. In addition the Department, by way of N.J.A.C. 5:23-7.1, clearly states that 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). One could take this to mean, and it does literally, that all recreational accessibility provisions (Section 1110) of the IBC are moot. It appears that the Department has lost sight of deleting parallel provisions or revising N.J.A.C. 5:23-7 to include more or revised recreational accessibility provisions, but it’s amazing that the Department continues to delete miniature golf facilities from the IBC retaining provisions in N.J.A.C. 5:23-7. It is recommended that the remaining provisions of N.J.A.C. 5:23-7 be incorporated (and revised as needed) into Section 1110 of the IBC by the Department. Including, but not limited to, N.J.A.C. 5:23-7.16, 7.17, 7.18, 7.19, and 7.32 along with the deletion of N.J.A.C. 5:23-7.1. (Especially the responsibility provisions of 7.16.) [Making ‘N.J.A.C. 5:23-7 (Reserved).’] Or consider my other approach – see comments to PRN 2017-166. Hopefully the Department recognizes the need to take quick action, considering that the recreational accessibility provisions of the IBC are unenforceable through the UCC even though the section appears to reflect Federal laws. [Refer to UCC Construction Code Communicators Volume 23, Number 1, Spring 2011, Americans with Disabilities Act: Recent Revisions are under Review and Volume 28, Number 1, Spring 2016, Accessibility Responsibilities.] Please advise if I am incorrect. Therefore, Section 1110 (recreational provisions) of the 2018 IBC should not be adopted without appropriate modification of N.J.A.C. 5:23-7. In addition, I recall recommending (again See comments to PRN 2017-166) that the Department appropriately revise N.J.A.C. 5:23-11, the Playground Safety Subcode. I fail to see why the Department did not revise the subchapter or include references to it. So again, it is recommended that the Department appropriately revise N.J.A.C. 5:23-11 in lieu of responding that ‘any changes to N.J.A.C. 5:23-11 are outside the scope of this rule making, and are not considered at this time.’ – the changes are related, needed, and don’t wait to do them. (Maybe also consider incorporation of these provisions (N.J.A.C. 5:23-11) into the IBC.) Again, it appears the Department did not fully understand the issues. As an example: Consider a playground, as defined in N.J.A.C. 5:23-11, is to be built. Does it need to comply with N.J.A.C. 5:23-11, N.J.A.C. 5:23-7, and/or IBC 2018 Section 1110? Compare N.J.A.C. 5:23-7.31 to 2018 IBC Section 1110.4.13. Note that N.J.A.C. 5:23-11(b) states that ‘only those guidelines that govern design, installation, inspection and maintenance of playgrounds and playground equipment shall be deemed to be mandatory.’ Is a UCC permit now required due to provisions being in the IBC or not required per N.J.A.C. 5:23 provisions? Should N.J.A.C. 5:23-11.4(d) be revised or will the Department advise again that changes are outside the scope of the rule making and keep referencing N.J.A.C. 5:23-7, N.J.A.C. 5:23-7.18(d) [deleted now 7.19?], and ICC/ANSI A117.1? ”

[Also website links to the Consumer Product Safety Commission (CPSC) have changed.]”

RESPONSE: As is currently provided, the accessible recreation requirements of the UCC are enforced by the facility manager and not by the local code enforcement officials. The facility manager may accept plans that are designated as in compliance with Federal law, as long as those standards are at least as stringent as those in the barrier free subcode. The Department is aware that both national (model codes) and Federal (Access Board and Consumer Product Safety Commission) standards have been updated. The Department intends to compare the national and Federal requirements of these other standards and propose updates to the barrier free subcode: recreation, but does not have a specific timeframe for that review and update. In the meantime, the Department has not received any complaints or questions from designers or playground/recreation professionals regarding the interaction of these rules, both State and Federal. It is likely that the problem is a “paper problem,” which should be resolved, but which is not causing problems in the field at this time. The Department would like to take this opportunity to remind the commenter that the Department’s earlier response to PRN 2017-166 that ‘any changes to N.J.A.C. 5:23-11 are outside the scope of this rulemaking, and are not considered at this time’ was simply a statement of fact. Once a rule has been proposed, the Department is limited in the changes that may be made upon adoption. A change that was not proposed cannot be made upon adoption because there has been no clear opportunity for public comment. Comments, such as those made by the commenter, may be relevant to the larger subject of streamlining the recreation requirements, but the actions available to the Department at the time of adoption are limited. Therefore, having not proposed those changes in this rulemaking, the changes recommended are outside the scope of this rulemaking, and are not considered at this time.

Summary of Agency-Initiated Changes:

1. At N.J.A.C. 5:23-3.15(a)2i, language is added to state that the note regarding comments with shaded backgrounds shall be deleted from only the first printing of the 2018 NSPC. IAPMO published the first printing of the NSPC/2018 without any shaded comments with shaded backgrounds. The Department proposed its changes based on the first printing and deleted the unnecessary note. However, the second printing does include comments with shaded backgrounds, and the corresponding note will be maintained in the second printing.

2. N.J.A.C. 5:23-3.15(b)3iii is changed upon adoption to remove the word “piping” from the title of Section 2.11 to accurately reflect the title in the NSPC.

3. N.J.A.C. 5:23-3.15(b)11iii is revised to correct a typo in terminology.

Federal Standards Statement

No Federal standards analysis is required for the adopted amendments because the amendments are not being adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements. The sole exceptions are found in the adopted amendments to N.J.A.C. 5:23-3.18 which, as discussed in the Summary of the energy subcode in the notice of proposal, would bring New Jersey into compliance with the US DOE requirements promulgated pursuant Title III of the Federal Energy Conservation and Production Act of 1976, as amended, and in the adopted amendments to the accessibility requirements.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 3. SUBCODES

5:23-3.14 Building subcode

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

1. Pursuant to authority of P.L. 1975, c. 217, as modified by P.L. 1996, c. 53, the Commissioner hereby adopts the model code of the International Code Council, 2018 International Building Code, known as the “IBC/2018.” This code is hereby adopted by reference as the building subcode for New Jersey subject to the modifications stated in (b) below.

i. (No change.)

ii. The IBC/2018, as amended, may be known and cited as the “building subcode.”

2. (No change.)

(b) The following chapters of the building subcode are modified as follows:

1. (No change.)

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

i.-iii. (No change.)

iv. The definition of “approved” is modified to add the words “or other appropriate subcode official” after the words “building official.”

Recodify existing iv.-vii. as v.-viii. (No change in text.)

Recodify existing x.-xiii. as ix.-xii. (No change in text.)

xiii. The definition of “existing building” shall be deleted.

xiv.-xv. (No change)

Recodify existing xvii.-xxiv. as xvi.-xxiii. (No change in text.)

Recodify existing xxvi.-xxvii. as xxiv.-xxv. (No change in text.)

xxvi. The definition of the “Relocatable Building” shall be deleted.

Recodify existing xxviii.-xxxiv. as xxvii.-xxxiii. (No change in text.)

xxxiv. The definitions of the terms “substantial improvement” and “substantial damage” shall be deleted.

xxxv. (No change in text.)

3. Chapter 3, Use and Occupancy Classification, shall be amended as follows:

i. (No change.)

Recodify existing iii.-iv. as ii.-iii. (No change in text.)

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 308.3.2, 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”.

vii. 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.

viii. Section 308.5.1, Classification as Group E, shall be deleted in its entirety.

ix. 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”

x. 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.”

xi. 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 with five or fewer occupants in accordance with Section 308.3.4,” “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.

xii. Section 310.4.1, Care facilities within a dwelling, and Section 310.4.2, Lodging houses, shall be deleted.

xiii. 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.

xiv. 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 308.3.4;

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. (No change.)

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. (No change in text.)

v. 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.

vi. In Section 411.3, Automatic sprinklers, the exception shall be deleted in its entirety.

Recodify existing vi.-vii. as vii.-viii. (No change in text.)

ix. 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”.

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. (No change in text.)

5. Chapter 5, General Building Heights and Areas, shall be amended as follows:

i.-iv. (No change.)

v. 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)-(5) (No change.)

vi.-viii. (No change.)

6. Chapter 6, Types of Construction, shall be amended as follows:

i. In Table 602, Fire Resistance Rating 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.

ii. (No change.)

7. Chapter 7, Fire and Smoke Protection Features, shall be amended as follows:

i. (No change.)

ii. In Section 703.4, Automatic sprinklers, the last sentence shall be deleted.

iii.-viii. (No change.)

ix. In Section 715.3, Fire test criteria, in the exception, “10 feet (3048 mm)” shall be deleted and “5 feet (1524 mm)” shall be inserted.

8. Chapter 9, Fire Protection Systems, shall be amended as follows:

i.-vii. (No change.)

viii. 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 according to Table 903.2.13, Automatic Sprinkler System Thresholds. All others not listed shall follow the applicable requirements as set forth in the IBC/2018.

Automatic Sprinkler System Thresholds

Group B	Automatic Sprinkler System Thresholds		
	IIB <u>Max. Area</u>	IIIB <u>Max. Area</u>	VB <u>Max. Area</u>
<u>Story</u> 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	Automatic Sprinkler System Thresholds		
	IIB <u>Max. Area</u>	IIIB <u>Max. Area</u>	VB <u>Max. Area</u>
<u>Story</u> 1	36,000	*	18,000
2	72,000 (36,000 per floor)	*	36,000 (18,000 per floor)
3	99,360 (36,000 per floor)	*	*

Group S-2 ^a	Automatic Sprinkler System Thresholds		
	IIB <u>Max. Area</u>	IIIB <u>Max. Area</u>	VB <u>Max. Area</u>
<u>Story</u> 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 the IBC/2018”

ix.-xi. (No change.)

xii. 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.”

xiii.-xxxi. (No change.)

xxxii. In Section 905.11, Locking standpipe outlet caps, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxiii. In Section 906.1, Where required, in the exception to Item #1, insert the following exception from the 2009 International Building Code: “3. 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.

xxxiv. In Section 906.5, Conspicuous location, “fire code official” shall be deleted and “fire protection subcode official” shall be inserted.

xxxv. (No change in text.)

xxxvi. 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. Locations of alarm notification appliances, including candela ratings for visible alarm notification appliances.
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.
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.

xxxvii. A new Section 907.2.9A, Automatic smoke detection systems for Group R-4, shall be added to include Section 907.2.10.2, Automatic smoke detection system, of the IBC/2015:

907.2.9A, Automatic smoke detection systems for 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*.

Recodify existing xxxv.-xl. as xxxviii.-xlvii. (No change in text.)

xlviii. Section 907.5.2.3.3 is deleted and the following language from the 2015 International Building Code is substituted:

907.5.2.3.3 Group R-2. In Group R-2 occupancies required by Section 907 to have a fire alarm system, all dwelling units and sleeping units shall be provided with the capability to support visible alarm notification

devices in accordance with Chapter 10 of ICC A117.1. Such capability shall be permitted to include the potential for future interconnection of the building fire alarm system with the unit smoke alarms, replacement of audible appliances with combination audible/visual appliances, or future extension of the existing wiring from the unit smoke alarm locations to required locations for visible appliances.

Recodify existing xlv.-lvii. as xlix.-lxii. (No change in text.)

lxiii. In Section 911.1.1, Location and access, “fire code official” shall be deleted and “fire *protection* subcode official” shall be inserted.

lxiv. 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.”

Recodify existing lix.-lxiv. as lxx.-lxx. (No change in text.)

lxxi. Section 912.3, Fire hose threads, shall be renumbered as 912.5.

lxxii. 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.

lxxiii. (No change in text.)

lxxiv. 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.

lxxv. Section 912.4.3, Physical protection, shall be renumbered as 912.6.3.

lxxvi. Section 912.5, Signs, shall be renumbered 912.7.

lxxvii. 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.

Recodify existing lxxii.-lxxx. as lxxviii.-lxxxvi. (No change in text.)

9. Chapter 10, Means of Egress, shall be amended as follows:

i. 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 1010.1.5, Exception 3; Section 1010.1.7, Exception 1.3; Section 1012.6.3, Exception 1; and Section 1012.6.4, Exception.

ii. (No change.)

iii. In Section 1004.5, Areas without fixed seating, the exception shall be deleted in its entirety.

iv. In Table 1004.5, MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANT, in the first column, FUNCTION OF SPACE, 25th row, delete “swimming pools,” “and pool,” and “Decks”; in the second column, OCCUPANT LOAD FACTOR, 25th row, delete “15 gross.”

v. In Section 1004.5.1, Increased occupant load, “7 square feet (.65 m²)” shall be deleted and “5 square feet (.47 m²)” shall be inserted.

vi. 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.

vii. 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 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.

viii. In Section 1006.3.3, Single exits, in condition 1, “common path of travel” shall be deleted and “exit access” shall be inserted.

ix. In Table 1006.3.3(1), Stories with one exit or access to one exit for R-2 occupancies, in the heading of the fourth column, “common path of travel” shall be deleted and “exit access” shall be inserted.

x. In Table 1006.3.2(2), Stories with One Exit or Access to One Exit from Other Occupancies, under the heading “Occupancy,” “U” shall be deleted from the first row. Additionally, in the heading of the fourth column, “common path of travel” shall be deleted and “exit access” shall be inserted.

xi. Section 1008.2.3, Exit discharge, is deleted.

xii. In Section 1009.3.3, Area of refuge, Exception 2 shall be deleted.

xiii. In Section 1009.4.1 “Standby power,” in the second sentence “ASME A17.1/CSA B44 and” shall be inserted between the words “with” and “Chapter 27.”

xiv. In Section 1009.4.2 Area of refuge, Exception 2 shall be deleted.

xv. In Section 1009.7.2, Separation, the exception shall be deleted.

xvi. In Section 1010.1.1, Size of Doors, Exception 9 shall be deleted.

xvii. (No change in text.)

xviii. In Section 1010.1.5, 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.

xix. In Section 1010.1.7, 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.

xx. (No change in text.)

xxi. Section 1010.1.9.4, Locks and latches, shall be amended as follows: In Item 2, following “Group A,” insert “other than nightclubs”. In the same item, “and in places of religious worship” shall be deleted. In the same section, Item 7 shall be inserted as follows: “7. 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.”

Recodify existing xvii.-xix. as xxii.-xxiv. (No change in text.)

Recodify existing xxi.-xxiv. as xxv.-xxviii. (No change in text.)

xxix. Section 1020.1.1, Hoistway opening protection is deleted.

xxx. In Table 1020.1, Corridor Fire Resistance Rating, under the heading “Occupancy,” “U” shall be deleted from the third row.

Recodify existing xxvi.-xxviii. as xxxi.-xxxiii. (No change in text.)

xxxiv. Section 1030.1, General, 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, Exception 3 shall be deleted in its entirety. Finally, Exception 2 shall be renumbered as Exception 1 and Exception 4 shall be renumbered as Exception 2.

xxxv. Section 1030.5, Bars, grills, covers and screens; the last sentence shall be deleted.

10. Chapter 11, Accessibility, shall be amended as follows:

i. (No change.)

ii. 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.”

iii. 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. The text at section 105.2, entitled “Documents,” shall be amended as follows:

1.1 In section 105.2.2.2, entitled “National Fire Alarm Code,” delete “NFPA 72-2007” and insert “the edition of NFPA 72 adopted by reference in this subcode;”

1.2 In section 105.2.3, entitled “Power Assist and Low Energy Power Operated Doors,” delete “ANSI/BHMA A156.19-2007” and insert “the edition of ANSI/BHMA A156.19 adopted by reference in this subcode;”

1.3 In section 105.2.4, entitled “Power Operated pedestrian Doors,” delete “ANSI/BHMA A156.10” and insert “the edition of ANSI/BHMA A156.10 adopted by reference in this subcode;”

1.4 In section 105.2.5, entitled “Safety Code for Elevators and escalators,” delete “ASME/ANSI A17.1-2007/CSA B44-07” and insert “the edition of ASME/ANSI A17.1/CSA B44 adopted by reference in this subcode;”

1.5 In section 105.2.6, entitled “Safety Standard for Platform Lifts and Stairway Chairlifts,” delete “ASME/ANSI A18.1-2005” and insert “ASME/ANSI A18.1 adopted by reference in this subcode.”

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

3. Delete Chapter 2, “Scoping;”

4. Section 410.2 shall be deleted in its entirety and the following language from the 2003 edition of ICC/ANSI A117.1-2003 shall be inserted:

410.2 Lift Entry. Lifts with doors or gates shall comply with Section 410.2.1. Lifts with ramps shall comply with Section 410.2.2.

410.2.1 Doors and Gates. Doors and gates shall be low energy power operated doors or gates complying with Section 404.3. Doors shall remain open for 20 seconds minimum. End door clear opening width shall be 32 inches (815 mm) minimum. Side door clear opening width shall be 42 inches (1065) minimum.

EXCEPTION: Lifts serving two landings maximum and having doors or gates on opposite sides shall be permitted to have self-closing manual doors or gates.

410.2.2 Ramps. End ramps shall be 32 inches (815 mm) minimum in width. Side ramps shall be 42 inches (1065 mm) minimum in width.

5. In section 410.5.2, Lifts with Doors on Adjacent Sides, the Exception shall be amended to add the following phrase after the words “in existing buildings,” “where technically infeasible to provide the door arrangement prescribed by 410.5.2.”

6. In section 604.5.2, entitled “Rear Wall Grab Bars,” delete Exception 2 in its entirety.

7. Delete section 607.8, entitled “Water Temperature,” in its entirety.

8. Delete section 608.8, entitled “Water Temperature,” in its entirety.

9. In section 611, entitled “Washing Machines and Clothes Dryers,” delete section 611.3, entitled “Operable parts,” and section 611.4, entitled “Height.”

10. 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.

11. Amend section 1002.3.1, entitled “Location,” as follows:

11.1 In the Exception, delete the word “unfinished” in two places.

12. In section 1002.15.2, 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.

13. Amend section 1003.3.1, 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.”

14. In Section 1003.9, Operable parts, Exception 2 shall be deleted and the following shall be inserted: “Receptacle outlets provided in a kitchen above a length of countertop shall not be required to comply with Section 309.”

15. Section 1003.10, Laundry equipment, shall be deleted in its entirety.

16. Section 1003.11.2.5.2, entitled “Shower,” shall be amended as follows:

16.1 In the first line, after the word “Exception,” insert the number “1.”

16.2 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.”

17. In section 1003.12.3.1, entitled “Clear Floor Space,” delete Exception (a) in its entirety and insert in its place: “(a) the cabinetry can be removed or replaced as a unit.”

18. In section 1003.12.3.2, 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.”

19. In section 1003.12.4.1, entitled “Clear Floor Space,” delete Exception 2 (a) in its entirety and insert in its place: “(a) the cabinetry can be removed or replaced as a unit.”

20. In section 1003.12.4.2, 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.”

21. In section 1003.12.5, entitled “Appliances,” delete the following sections: section 1003.12.5.1, entitled “Operable parts”; section 1003.12.5.3, entitled “Dishwasher”; section 1003.12.5.4, entitled “Cooktop”; section 1003.12.5.5, entitled “Oven”; and section 1003.12.5.6, entitled “Refrigerator/Freezer.”

22. Delete section 1004, entitled “Type B Units,” in its entirety.

iv.-v. (No change.)

vi. 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

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 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 1109.7.

vii. (No change.)

viii. In Section 1106.2, Groups I-1, R-1, R-2, R-3, and R-4, 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 1106.1." Additionally, item number 3 shall be deleted.

ix.-xii. (No change.)

xiii. In Section 1107.4, 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 line, to delete the words "and Type B units" on the fourth and fifth lines, and to delete the words "and Type B units" on the sixth line. Exception 7 is deleted.

xiv.-xviii. (No change.)

xix. In Section 1107.5.3, Group I-2 hospitals, "and Type B units" and "and 1107.5.3.2" shall be deleted.

xx. Section 1107.5.3.2, Type B Units, shall be deleted in its entirety.

xxi. Section 1107.5.5 shall be added as follows: 1107.5.2.3 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.

1107.5.5.1. Dwelling units that are available for occupancy only for 30 or more consecutive days shall be required to comply with Section 1003 of ICC/ANSI A117.1.

1107.5.5.2. 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 conformance with Section 1002 of ICC/ANSI A117.1 and shall include one full bathroom that complies with Section 1002 of ICC/ANSI A117.1 and, where a kitchen is provided, it shall comply with Section 1002 of ICC/ANSI A117.1.

1107.5.5.3. In dwelling units in an assisted living facility that are designated Group R-2 for the purposes of accessibility, the following may be adaptable:

1107.5.5.3.1. 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

1107.5.5.3.2. 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.

xxii.-xxv. (No change.)

xxvi. In Section 1107.6.2.1, Live/work units, in the last sentence, "be a Type B unit" shall be deleted and "comply with Sections 1107.6.2.2 and 1107.7" shall be inserted. Additionally, the exception shall be deleted.

xxvii. In Section 1107.6.2.2, Apartment houses, monasteries and convents, "Live/Work Units" shall be added before "Apartment" in the title, "and Type B units" and "and 1106.6.2.2.2" shall be deleted, and "Live/Work Units" shall be added before "Apartment" in the third line.

xxviii.-xxxvi. (No change.)

xxxvii. Section 1107.7.1, Structures without elevator service, 1107.7.1.1, One story with Type B units required, and 1107.7.1.2, Additional stories with Type B units, shall be deleted in their entirety.

xxxviii. Section 1107.7.2, Multistory units, shall be renumbered as Section 1107.1.1. The first sentence of Section 1107.7.1 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 seventh line, following the word "toilet," "and bathing" shall be inserted.

xxxix.-xlv. (No change.)

xlvi. In Section 1110.2.2, 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.

xlvii. In Section 1110.2.3, Facilities serving Type A and Type B units in a multiple buildings, delete "and Type B" in the title and "or Type B" in the first sentence.

xlviii. Section 1110.4.8, Amusement rides, 1110.4.8.1, Load and unload areas, 1110.4.8.2, Wheelchair spaces, ride seats designed for transfer and transfer devices, and 1110.4.8.3, Minimum number shall be deleted in their entirety.

xlix. Section 1110.4.12, Miniature golf facilities, 1110.4.12.1, Minimum number, 1110.4.12.2, Miniature golf course configuration, and 1110.4.12.3, Accessible route shall be deleted in their entirety.

l. In section 1110.4.13, Swimming pools, wading pools, hot tubs, and spas, Exception 3 shall be deleted in its entirety.

Recodify existing l.-liii. as li.-liv. (No change in text.)

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

i. Section 1203, Temperature Control, shall be deleted in its entirety.

ii. In Section 1207.2, Minimum ceiling heights, “7 feet 6 inches (2286mm)” shall be deleted and “7 feet (2134 mm)” shall be inserted in its place.

iii. Section 1209.3, Privacy, shall be deleted in its entirety.

12. (No change.)

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, “Sections 1106 and 1108 of the International Plumbing Code” shall be deleted and “plumbing subcode, N.J.A.C. 5:23-3.15” shall be inserted.

ii. In Section 1502.2, Secondary (emergency overflow) drains or scuppers, “Sections 1106 and 1108, as applicable of the International Plumbing Code” shall be deleted and “the plumbing subcode, N.J.A.C. 5:23-3.15” shall be inserted.

iii. (No change.)

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 Section 1507.2.7, Ice barrier, “Where required,” 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.

vi. (No change in text.)

vii. In Section 1507.5.4, Ice barrier, “Where required,” 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.

viii. 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.

ix. In Section 1507.6.4, Ice barrier, “Where required,” 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.

x. In Section 1507.7.4, Ice barrier, “Where required” 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.

xi. In Section 1507.8.4, Ice barrier, Where required 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.

xii. 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.

xiii. In Section 1507.9.4, Ice barrier, “Where required” 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.

xiv. In Section 1507.9.9, Flashing, “or where there has is a possibility of ice forming along the eaves causing a backup of water,” shall be deleted.

xv. In Section 1507.17.4, Ice barrier, Where required,” 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.

xvi. In Section 1507.18.4.2, 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:

i. (No change.)

ii. In Table 1607.1, Minimum Uniformly Distributed Live Loads and Minimum Concentrated Live Loads, at Note g, “building official” shall be deleted and “design professional” shall be inserted.

iii. Section 1607.11, 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.-vi. (No change.)

16.-20. (No change.)

21. Chapter 30, Elevators and Conveyor Systems, shall be amended as follows:

i. (No change.)

ii. In Section 3001.2, Emergency elevator communication systems for the hearing 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.

Recodify existing iv.-v. as v.-vi. (No change in text.)

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.”

Recodify existing vi.-vii. as viii.-ix. (No change in text.)

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. (No change in text.)

xii. Section 3006.2.1, Rated corridors, is deleted.

Recodify existing ix.-xi. as xiii.-xv. (No change in text.)

xvi. (No change in text.)

22. Chapter 31, Special Construction, shall be amended as follows:

i.-iii. (No change.)

iv. Section 3109, Swimming Pool Enclosures and Safety Devices, shall be deleted in its entirety and the following shall be inserted:

SECTION 3109 SWIMMING POOLS, SPAS AND HOT TUBS

3109.1 General. The design and construction of pools, spas, hot tubs and enclosures shall comply with the International Swimming Pool and Spa Code listed in Chapter 35.

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 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, “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 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 305.4, Structure wall as a barrier, shall be deleted.

3.4.3 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, 316.4, Installation, and 316.6.1, Installation, “in accordance with Section 102.7.1” shall be deleted.

3.9 In Section 307.9, Accessibility, the last sentence shall be deleted.

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 321.4, Residential pool and deck illumination, “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, Dressing and sanitary facilities, “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, “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, 606.5, Toilet tissue holder, 609.6, Lavatory mirror, 606.7, Sanitary napkin receptacles, 609.8, Sanitary napkin dispensers, and 609.9, Infant Care, shall be deleted.

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.

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

i.-iii. (No change.)

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

i.-iv. (No change.)

v. In Section 3314, Fire watch during construction, the term “fire code official” shall be replaced with the term “fire official”.

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

i. 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.

26. 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. (No change.)

iii. Appendix I, Patio Covers, Appendix J, Grading, Appendix K, Administrative Provisions, Appendix L, Earthquake Recording Instrumentation, Appendix M, Tsumani-Generated Flood Hazard, and Appendix N, Replicable Buildings, shall be deleted in their entirety.

5:23-3.15 Plumbing subcode

(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 Plumbing Heating-Cooling Contractors—National Association, known as “The National Standard Plumbing Code/2018,” 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/2018,” including appendices, may be known and cited as “the plumbing subcode.”

i. Comments and illustrations contained in this code are denoted with a border and are supplemental information and not part of this subcode. The note “Comments are presented with a shaded background similar to this note and are intended as supplemental information” shall be deleted ***from the first printing of the National Standard Plumbing Code/2018*** in its entirety.

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

1.-2. (No change.)

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

i. (No change.)

ii. In Section 2.9.3, From Weakened Structure, delete “building code” and insert “building subcode.”

iii. In Section 2.11, *[Piping]* Materials Exposed Within Plenums, “Codes” shall be deleted and “subcodes” shall be inserted.

iv. (No change.)

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.-viii. (No change.)

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) (No change.)

xi. Section 2.26.2, Where Elevator Pit Drainage is Provided, shall be amended as follows:

(1) (No change.)

(2) Subsection c. shall be deleted.

(3)-(4) (No change.)

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

i.-ii. (No change.)

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. (No change.)

vii. Section 3.12, Alternate Materials and Methods, shall be deleted in its entirety.

5. (No change.)

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.-iv. (No change.)

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 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 1209.2.2."

vii. In Section 7.21.2, Occupant Load, b. "building code" shall be deleted and "building subcode" shall be inserted.

viii. (No change in text.)

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/APSP/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. (No change.)

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. (No change.)

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.

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. (No change.)

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 *[suppers]* *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."

(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. (No change.)

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. (No change.)

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. (No change.)

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: "APSP—The Association of Pool and Spa Professionals, 2110 Eisenhower Avenue, 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."

Recodify existing 17.-19. as 16.-18. (No change in text.)

(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.

5:23-3.16 Electrical subcode

(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 2017" 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 2017 may be known and cited as "the electrical subcode."

i. Codes and standards referenced in the Informational Notes of the electrical subcode (NEC 2017) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin # 15-2, which contains a list of adopted codes and standards that are applicable to the enforcement 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. (No change.)

(b) The following chapters or articles of the electrical subcode are amended as follows:

1.-2. (No change.)

3. Chapter 2 of the electrical subcode, entitled "Wiring and Protection," is amended as follows:

i. (No change.)

ii. Section 210.12(D), entitled "Branch Circuit Extensions or Modifications - Dwelling Units," is deleted in its entirety.

4. (No change.)

5. Chapter 4 of the electrical subcode, entitled "Equipment for General Use" is amended as follows:

i. (No change.)

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 425.9, entitled "Approval," is deleted.

(4) Section 425.10, entitled "Special Permission," is deleted.

(5) Section 425.12, entitled "Locations," including subsections (A) and (B) are deleted.

(6) Section 425.13, entitled "Spacing from Combustible Material," is deleted.

(7) Section 425.14, entitled "Infrared Lamp Industrial Process Heating Equipment," is deleted.

(8) Section 425.22(B), entitled "Resistance Elements," is deleted.

(9) Section 425.22(C), entitled "Overcurrent Devices," is deleted.

(10) Section 425.29, entitled "Heating Elements," is deleted.

(11) Section 425.45, entitled "Concealed Fixed Industrial Heating Equipment," is deleted.

(12) Sections 425.57 through 425.64 are deleted.

(13) Section 425.71, entitled "Identification," is deleted.

(14) Subsections (A)-(E) of Section 425.72 are deleted.

(15) Section 425.81, entitled "Identification," is deleted.

(16) Section 425.83, entitled "Overtemperature Limit Control," is deleted.

(17) 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.-v. (No change.)

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 A17.1-2013/CSA B44-13" deleted and "ASME A17.1-2016/CSA B44-16" shall be inserted in its place;

ii. In Section 620.23(C), Duplex Receptacle, the Informational Note shall have "ASME A17.1-2013/CSA B44-13" deleted and "ASME A17.1-2016/CSA B44-16" shall be inserted in its place;

iii. In Section 620.24(C), Duplex Receptacle, the Informational Note shall have "A17.1-2013/CSA B44-13" deleted and "ASME A17.1-2016/CSA B44-16" shall be inserted in its place;

iv. In Section 620.51(A), Type, the Informational Note shall have "A17.1-2013/CSA B44-13" deleted and "ASME A17.1-2016/CSA B44-16" shall be inserted in its place;

v. In Section 620.91, Emergency and Standby Power Systems, the Informational Note shall have "A17.1-2013/CSA B44-13" deleted and "ASME A17.1-2016/CSA B44-16" shall be inserted in its place;

vi. 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)."

vii. (No change.)

8.-9. (No change.)

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 in N.J.A.C. 5:23-3.4, as the fire protection subcode for New Jersey.

i.-iv. (No change.)

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. Chapters 3, 10, 13, 14, 15, 16, 18, 22, 23, 24, and 29.

(1) Sections R300, R302, R309.5, R310 through R316, R319 and R325 of Chapter 3—Building Planning;

(2) Sections R1001 through R1006 of Chapter 10—Chimneys and Fireplaces;

(3) Sections M1303, M1304, M1306, and M1307 of Chapter 13—General Mechanical System Requirements;

(4) Sections M1408 through M1410, M1414, and M1415 of Chapter 14—Heating and Cooling Equipment and Appliances;

(5) Sections M1501 through M1506 of Chapter 15—Exhaust Systems;

(6) Sections M1601.1.1 and M1601.2 through M1601.6 of Chapter 16—Duct Systems;

(7) Sections M1801 through M1805 of Chapter 18—Chimneys and Vents;

(8) Sections M1901, M1903, and M1904 of Chapter 19—Special Appliances, Equipment and Systems;

(9) Section M2201 of Chapter 22—Special Piping and Storage Systems;

(10) Section M2301.4 of Chapter 23—Solar Thermal Energy Systems;

(11) Sections G2404.3, G2408, G2409, G2425.1 through G2425.3, G2427.5.1 through G2427.5.3, G2427.5.6, G2427.5.8, G2427.6 through G2427.8, G2427.10.5, G2427.10.12, and G2427.10.13 of Chapter 24—Fuel Gas; and

(12) Sections P2904.1, P2904.2.2, P2904.2.4, P2904.2.6, P2904.3.4, P2904.5 through P2904.7, P2904.8.1 #1-6, and P2904.8.2 #1-3 of Chapter 29—Water supply and Distribution.

2. (No change.)

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/2018 (IECC/2018), as the energy subcode for New Jersey.

i.-ii. (No change.)

(b) The following chapters and sections of the commercial provisions of the energy subcode are amended as follows:

1. Chapter 1, Scope and Administration, shall be amended as follows:
 - i. (No change.)
 - 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. Sections C103, Construction Documents, C104, Fees, C105, Inspections, and C106, Validity, Section C107.3, Other laws, C108, Stop Work Order, and C109, 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. (No change.)
4. Chapter 4, Commercial Energy Efficiency, shall be amended as follows:
 - i. At Section C401.1, Scope, the text shall be deleted and replaced with the following: “The requirements contained in this chapter shall be applicable to commercial buildings, or portions thereof. These commercial buildings shall meet the ASHRAE Standard 90.1, Energy Standard for Buildings Except for Low-Rise Residential Buildings.”
 - ii. Section C401.2, Application, shall be deleted and replaced with C401.2 Amendments. The following amendments shall apply to ASHRAE 90.1:
 1. Chapter 8, Power, shall be considered optional.
 - iii. Section C401.2.1, Application to replacement fenestration products, 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. (No change.)
 6. Chapter 6, Referenced Standards, shall be amended as follows:
 - i. In the ICC table, “IPC-18, International Plumbing Code” shall be deleted and “NSPC-18, National Standard Plumbing Code” shall be inserted. In addition, at the bottom of the ICC table, “** NSPC-18 is non-ICC and is published by the National Association of Plumbing-Heating-Cooling Contractors” shall be inserted.
 7. Appendix CA, Solar-Ready Zone—Commercial, is deleted.
- (c) The following chapters and sections of the residential provisions of the energy subcode are amended as follows:
 1. Chapter 1, Scope and Administration, shall be amended as follows:
 - i. (No change.)
 - 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. Sections R103, Construction Documents, R104, Fees, R105, Inspections, and R106, Validity, Section R107.3, Other laws, R108, Stop Work Order, and R109, Board of Appeals, shall be deleted.
 2. Chapter 2, Definitions, shall be amended as follows:
 - i.-ii. (No change.)
 - 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.-viii. (No change.)
 - 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. (No change.)
 4. Chapter 4, Residential Energy Efficiency, shall be amended as follows:
 - i.-iii. (No change.)
 - iv. 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”.
 5. (No change.)
 6. Chapter 6, Referenced Standards, shall be amended as follows:

i. In the ICC table, “IPC-18, International Plumbing Code” shall be deleted and “NSPC-18, National Standard Plumbing Code” shall be inserted. In addition, at the bottom of the ICC table, “** NSPC-18 is non-ICC and is published by the National Association of Plumbing-Heating-Cooling Contractors” shall be inserted.

7. Appendix RA, Solar-Ready Provisions—Detached One- and Two-Family Dwellings, Multiple Single-Family Dwellings (Townhouses), is deleted.

5:23-3.20 Mechanical subcode

(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/2018. This code is hereby adopted by reference as the Mechanical Subcode for the State of New Jersey subject to the modifications in (b) below.

i. (No change.)

ii. The International Mechanical Code/2018 may be known and cited as the “mechanical subcode.”

2.-3. (No change.)

(b) The following chapters, sections or pages of the International Mechanical Code/2018 shall be amended as follows:

1. (No change.)

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

i.-ii. (No change.)

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.-vii. (No change.)

3.-14. (No change)

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, 2018 International Residential Code known as the “IRC/2018” as the one-and two-family dwelling subcode in New Jersey subject to the modifications stated in (c) below.

i. (No change.)

ii. The IRC/2018 may be known and cited as the one-and two-family dwelling subcode.

(b) (No change.)

(c) The following chapters or sections of the IRC/2018 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.-ii. (No change.)

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.-viii. (No change.)

ix. The definitions of “Building Official” and “Change of Occupancy” shall be deleted.

x.-xxiii. (No change.)

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.

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 602 of the building subcode."

ii. Table R301.2(1), Climatic and Geographic Design Criteria, shall be amended as follows:

1. Under the heading of "Ground Snow Load," insert "see Bulletin 94-8";

2. Under the heading of "Wind Design—Speed," insert "see Bulletin 03-4";

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 "2'8" SNJ; 3'0" NNJ";

9. Under the heading of "Subject to damage from - Termite," insert "Moderate to Heavy";

10. Under the heading of "Winter Design Temp," insert "13 degrees F";

11. Under the heading of "Ice Barrier Underlayment Required," insert "see Bulletin 07-3";

12. Under the heading of "Flood Hazards," insert "LFPA" for local floodplain administrator;

13. Under the heading of "Air Freezing Index," insert "1500 or less";

14. Under the heading of "Mean Annual Temp," insert "see Note j";

15. After the title "Manual J Design Criteria," insert "(see Table 1a from ACCA Manual J; fill in criteria from the closest municipality)";

16. 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.";

17. 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.

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.-vii. (No change.)

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. (No change.)

x. In Section R302.5.1, Opening protection, in the last sentence, "equipped with a self-closing or automatic-closing device" shall be deleted.

xi.-xii. (No change.)

xiii. Section R303.7, Interior stairway illumination and R303.8, Exterior stairway illumination, shall be deleted in their entirety.

xiv.-xvi. (No change.)

xvii. In Sections R310.2.3.2, Drainage, and R310.3.2.2, Drainage, "Section R405.1" shall be deleted in the body of the general text and again in the exception and "Section R406.1" shall be inserted for each deletion.

xviii. Sections R310.2.5, Replacement windows, R310.5, Dwelling additions, and R310.6, Alterations or repairs of existing basements, shall be deleted.

xix.-xxviii. (No change.)

Recodify existing xxx.-xxx. as xxix.-xxx. (No change in text.)

xxxi. 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.

Recodify existing xxxiii.-xxxv. as xxxii.-xxxiv. (No change in text.)

xxxv. In Section R322.1, General, "repair" shall be deleted and "restoration" shall be inserted.

Recodify existing xxxvii.-xli. as xxxvi.-xl. (No change in text.)

xli. In Section R322.3, Coastal high-hazard area (including V Zones and Coastal A Zones, where designated), "Sections R322.3.1 through R322.3.10" shall be deleted and "and ASCE 24" shall be inserted in its place. Additionally, the subsections that follow the text of R322.3.1, Sections R322.3.1 through R322.3.10, shall be deleted.

xlii. (No change in text.)

xliii. In Section R325, Mezzanines, the second sentence of R325.1, General, shall be deleted and Section R325.6, Habitable attic, shall be deleted.

xliv. In Section R326.1, General, "and enclosures" shall be inserted between "spas" and "shall." In addition, the following shall be added to the end of the section: "Amendments to the ISPC shall be 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:

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, “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 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 305.4, Structure wall as a barrier, shall be deleted.

3.4.3 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” 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, 316.4, Installation, and 316.6.1, Installation, “in accordance with Section 102.7.1” shall be deleted.

3.9 In Section 307.9, Accessibility, the last sentence shall be deleted.

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 321.4, Residential pool and deck illumination, “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, Dressing and sanitary facilities, “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, “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.

4. Chapter 4, Foundations, shall be amended as follows:

Recodify existing ii.-iii. as i.-ii. (No change in text.)

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 m²) or less for light framed construction, or 400 square feet (37 m²) or less for other than light-framed construction; and

3. Eave height of 10 feet (3048 mm) or less.

Recodify existing v.-vi. as iv.-v. (No change in text.)

vi. 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.

Recodify existing viii.-x. as vii.-ix. (No change in text.)

5. Chapter 5, Floors, shall be amended as follows:

i.-iii. (No change.)

6.-7. (No change.)

8. Chapter 9, Roof Assemblies, shall be amended as follows:

i. (No change.)

ii. In Section R905.1.2, Ice barrier, 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(1)”, and “In areas where the average daily temperature in January is 25°F (-4°C) or less,” shall be inserted.

9. (No change.)

10. Chapter 11, Energy Efficiency, shall be amended as follows:

i. (No change.)

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.-vi. (No change.)

vii. In Section N1103.8 (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 referenced by the energy subcode (N.J.A.C. 5:23-3.18)”.

viii. (No change.)

11. (No change.)

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.-vi. (No change.)

13.-15. (No change.)

16. Chapter 21, Hydronic Piping, shall be amended as follows:

i.-ii. (No change.)

iii. 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.

iv. (No change.)

17.-18. (No change.)

19. Chapter 24, Fuel Gas, shall be amended as follows:

i. (No change.)

ii. Section G2403, entitled “General Definitions” shall be amended as follows:

(1) The definitions of “approved,” “approved agency,” “code,” “code official” and “dwelling unit” shall be deleted.

iii.-ix. (No change.)

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.-xv. (No change.)

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, Multi-purpose 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:

(1) (No change.)

(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) (No change.)

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. (No change.)

ii. Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; Appendix E, Manufactured Housing Used as Dwellings; Appendix F, Radon Control Methods; and Appendix G, Piping Standards for Various Applications, are deleted in their entirety.

iii. (No change.)

iv. Appendix I, Private Sewage Disposal; Appendix J, Existing Buildings and Structures; Appendix L, Permit Fees; Appendix M, Home Day Care - R-3 Occupancy; Appendix N, Venting Methods; Appendix O, Automatic Vehicular Gates; and Appendix P, Sizing of Water Piping Systems, shall be deleted.

v. Appendix Q, Tiny Houses; Appendix R, Light Straw-Clay Construction; and Appendix S, Strawbale Construction, shall be adopted as part of this subcode.

vi. Appendix T, Solar-Ready Provisions— Detached One- And Two-Family Dwellings, Multiple Single-Family Dwellings (Townhouses), shall be deleted in their entirety.

5:23-3.22 Fuel gas subcode

(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/2018. This code is hereby adopted by reference as the fuel gas subcode for the State of New Jersey subject to the modifications in (b) below.

i. (No change.)

ii. The International Fuel Gas Code/2018 may be known and cited as the “fuel gas subcode.”

2.-3. (No change.)

(b) The following chapters, sections or pages of the International Fuel Gas Code/2018 shall be amended as follows:

1. (No change.)

2. Chapter 2 of the fuel gas subcode, entitled “Definitions,” is amended as follows:

i.-ii. (No change.)

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.-viii. (No change.)

3.-6 (No change.)

7. 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—18, International Plumbing Code.”

8.-9. (No change.)

(a)

NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

New Jersey Housing and Mortgage Finance Agency Prepayment Rules

Adopted Amendment: N.J.A.C. 5:80-5.10

Proposed: March 18, 2019, at 51 N.J.R. 394(a).

Adopted: July 26, 2019, by the New Jersey Housing and Mortgage Finance Agency, Charles A. Richman, Executive Director.

Filed: August 3, 2019, as R.2019 d.093, **without change**.

Authority: N.J.S.A. 55:14K-5.g.

Effective Date: September 3, 2019.

Expiration Date: September 14, 2024.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment does not contain any standards or requirements that exceed the standards or requirements imposed by applicable Federal law.

Full text of the adoption follows:

SUBCHAPTER 5. TRANSFER OF OWNERSHIP INTERESTS

5:80-5.10 Prepayment

(a) (No change.)

(b) Prepayment of the Agency mortgage loan will be permitted, with the prior written approval of the Agency’s Executive Director, Deputy Executive Director, Chief Financial Officer, or Chief of Legal and Regulatory Affairs, provided all of the following conditions are met:

1. Sponsors of projects may prepay the mortgage at any time following the 15-year period following the date of the mortgage closing. However, any such prepayment shall be conditioned upon the housing sponsor’s agreement that: the Agency policies on tax, insurance, and repair and replacement reserves; the provisions of N.J.S.A. 55:14K-7b; and the statutory provisions at N.J.S.A. 55:14K-1 et seq., and the corresponding rules under this chapter regarding tenant income eligibility, tenant selection, rent increases, certification/recertification of income, affirmative fair housing marketing, transfer of ownership interests, and return on equity (except as modified by (b)7 below) shall continue to be applicable in their entirety to the sponsor, project and tenants residing therein until the original expiration date of the original mortgage loan. Such prepayment shall also be conditioned upon the agreement of the sponsor to pay the servicing fees and charges currently being paid by the sponsor under the mortgage documents, through the remainder of the original mortgage term, in order to cover the administrative costs of the Agency in monitoring the statutory and regulatory controls that will continue to apply to the project. The Agency may require housing sponsors to execute a deed restriction or other appropriate agreement upon prepayment whereby the sponsor acknowledges the continuing statutory and regulatory control of the Agency and its obligation to pay fees and charges determined by the Agency.

2. Any repairs or improvements pursuant to N.J.A.C. 5:80-5.4(d) must be made prior to prepayment or an amount sufficient to fund such repairs or improvements must be paid into an Agency-controlled escrow account or Agency-approved construction funding account upon prepayment.

3.-4. (No change.)

5. After prepayment, in implementing the provisions of N.J.S.A. 55:14K-7.b, the Agency will require the following:

i.-iii. (No change.)

6.-7. (No change.)

8. Additional mortgage financing placed on the project upon prepayment, or otherwise during the Agency’s continued statutory and regulatory oversight period pursuant to (b)1 above, shall be subject to Agency staff’s prior determination of continued project financial feasibility throughout the remainder of such period.