

ADOPTIONS SECTION

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Notice of Administrative Corrections

Uniform Construction Code

N.J.A.C. 5:23-6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 11.4, and 12.12

Effective Date: August 9, 2023.

Take notice that the Department of Community Affairs (Department) has discovered errors in the text at N.J.A.C. 5:23-6, 11, and 12. A majority of these errors are references to the obsolete authority of the accessibility model codes, ANSI A117.1. For consistency, this notice of administrative corrections revises the out-of-date references throughout the Uniform Construction Code and instead refers to the current title, ICC A117.1.

Additionally, an administrative correction is made at N.J.A.C. 5:23-11.4 to update a section reference that was previously changed in the 2021 model code updates. The correction revises the reference to the appropriate section in the 2021 building subcode.

Lastly, an administrative correction is made at N.J.A.C. 5:23-12.12 to revise and update an obsolete year citation in a model code and to reference the building subcode.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.4 Repairs

(a)-(d) (No change.)

(e) The following products and practices shall be required, when applicable:

1.-3. (No change.)

4. When door hardware is replaced in buildings required by Chapter 11 of the building subcode to be accessible, replacement hardware shall comply with [ICC/ANSI] ICC A117.1, Section 404.2.6. (Building)

5. – 8. (No change.)

(f) – (g) (No change.)

5:23-6.5 Renovations

(a)-(d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. (No change.)

2. In buildings required by Chapter 11 of the building subcode to be accessible, when bathrooms or toilet rooms are renovated, the following requirements for providing accessibility shall apply unless the requirements of Chapter 11 of the building subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with [ICC/ANSI] ICC A117.1, Section 604.9, shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with [ICC/ANSI] ICC A117.1, Sections 603 through 608, as applicable, for nonresidential buildings or [ICC/ANSI] ICC A117.1, Chapter 10 for residential buildings required by Chapter 11 of the building subcode to be accessible. (Plumbing)

iii. (No change.)

3. Replacement doors shall comply with the following: (Building)

i. When replacement doors are installed in buildings required by Chapter 11 of the building subcode to be accessible, replacement hardware shall comply with [ICC/ANSI] ICC A117.1, Section 404.2.6.

ii. (No change.)

4.-15. (No change.)

(f)-(h) (No change.)

5:23-6.6 Alterations

(a)-(d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. (No change.)

2. In buildings required by Chapter 11 of the building subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of Chapter 11 of the building subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with [ICC/ANSI] ICC A117.1, Section 604.9 shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with [ICC/ANSI] ICC A117.1, Sections 603 through 608, as applicable, for nonresidential buildings or [ICC/ANSI] ICC A117.1, Chapter 10, for residential buildings required by Chapter 11 of the building subcode to be accessible. (Plumbing)

iii.-iv. (No change.)

3. (No change.)

4. Replacement doors shall comply with the following: (Building)

i. In buildings required by Chapter 11 of the building subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are replaced and the required door width can be achieved within the existing opening, the new door shall comply with [ICC/ANSI] ICC A117.1, Section 404.

(1) If the door being added, enlarged, or replaced is a building entrance and at least 60 percent of the entrance doors are accessible, then the door being added, enlarged, or replaced is not required to comply with [ICC/ANSI] ICC A117.1, Section 404.

ii. (No change.)

5.-13. (No change.)

14. In buildings of Group R-1, in at least one sleeping room or suite of every 25 or fewer that are part of the scope of work, the work being performed shall comply with the applicable provisions of [ICC/ANSI] ICC A117.1, unless the facility already provides the number of accessible sleeping rooms required by Chapter 11 of the building subcode. In addition, at least one sleeping room or suite of every 25 or fewer that are part of the scope of work shall be equipped with a visual alarm and notification device for the hearing impaired unless the facility already provides the number required by Chapter 11 of the building subcode. (Building)

15.-25. (No change.)

(f)-(1) (No change.)

5:23-6.7 Reconstruction

(a)-(d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. (No change.)

2. In buildings required by Chapter 11 of the building subcode to be accessible, when bathrooms or toilet rooms are altered, the following requirements for providing accessibility shall apply unless the requirements of Chapter 11 of the building subcode have been met:

i. When toilet partitions are moved or installed, but existing fixtures are not being moved, an accessible stall complying with [ICC/ANSI] ICC A117.1, Section 604.9, shall be created provided that this can be accomplished without moving fixtures. (Building)

ii. When bathroom fixtures or hardware are replaced, the replacement fixtures or hardware shall comply with [ICC/ANSI] ICC A117.1, Sections 603 through 608, as applicable, for nonresidential buildings or [ICC/ANSI] ICC A117.1, Chapter 10, for residential buildings required by Chapter 11 of the building subcode to be accessible. (Plumbing)

iii.-iv. (No change.)

3. (No change.)

4. Replacement or new doors shall comply with the following: (Building)

i. In buildings required by Chapter 11 of the building subcode to be accessible, when new door openings are created, existing door openings are enlarged or door assemblies are

replaced and the required door width can be achieved within the existing opening, the new door shall comply with [ICC/ANSI] ICC A117.1, Section 404.

(1) If the door being added, enlarged, or replaced is a building entrance and at least 60 percent of the entrance doors are accessible, then the door being added, enlarged, or replaced is not required to comply with [ICC/ANSI] ICC A117.1, Section 404.

ii. (No change.)

5.-22. (No change.)

(f)-(j) (No change.)

(k) In a building required by Chapter 11 of the building subcode to be accessible, where the space reconstructed is a primary function space, an accessible path of travel to the space shall be provided up to the point at which the cost of providing accessibility is disproportionate to the cost of the overall project; a cost is disproportionate if it exceeds 20 percent of the cost of the work. (Building)

1.-4. (No change.)

5. Where it is technically infeasible to comply with the technical standards of [ICC/ANSI] ICC A117.1, the work must comply to the maximum extent feasible.

(l) (No change.)

5:23-6.8 Materials and methods

(a)-(f) (No change.)

(g) Barrier Free Materials and Methods: The requirements of [ICC/ANSI] ICC A117.1 shall constitute the barrier free materials and methods requirements for this subchapter and shall apply

to work projects in all buildings other than buildings of Group R-2, R-3, R-4, or R-5 containing fewer than four dwelling units or buildings of Use Group U.

1.-4. (No change.)

5. Section 309 of the [ICC/ANSI] **ICC A117.1** shall not apply to electrical panelboard replacement(s).

(h) – (l) (No change.)

5:23-6.9 New building elements

(a)-(b) (No change.)

(c) Electrical Subcode shall be as follows:

1. Newly installed (not replacing an existing device) electrical service equipment, switchboards, panelboards, motor control centers and other electrical equipment containing overcurrent, switching, or control devices likely to require examination, adjustment, servicing, or maintenance while energized shall conform with the requirements specified at N.J.A.C. 5:23-6.8, Materials and methods, and, in addition, shall conform with Sections 110.26 (Space About Electrical Equipment---1,000 Volts, Nominal or Less), 110.32 (Work Space About Equipment---Over 1,000 Volts, Nominal), 110.33 (Entrance to Enclosures and Access to Work Space), 404.8 (Accessibility and Grouping), and 408.18 (Clearances), as applicable, of the electrical subcode. (Electrical)

i. (No change.)

ii. In buildings required to comply with the barrier free subcode, newly installed panelboards (not replacement) shall comply with Sections 309.2 and 309.3 of the [ICC/ANSI] **ICC A117.1**.

2.-3. (No change.)

(d)-(e) (No change.)

SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

5:23-11.4 Compliance schedule

(a)-(c) (No change.)

(d) All construction or alteration of playgrounds, playground equipment, and surfacing that are subject to the Playground Safety Subcode shall comply with the applicable provisions of the Barrier-Free Subcode (N.J.A.C. 5:23-7).

1. In accordance with N.J.A.C. 5:23-7.19(d) and [ICC/ANSI] ICC A117.1, Sections 302 and 303, surfaces of all routes and spaces required to be accessible shall be stable, firm, and slip-resistant. Sand and gravel shall, therefore, not be used as surfacing materials when new equipment is being installed, or a new safety surface is being put in place, and the barrier-free subcode is applicable.

(e) In addition to (c) and (d) above, completely inclusive playgrounds shall include the following:

1.-2. (No change.)

3. Where restroom facilities are provided, at least one facility shall be a family or assisted-use toilet room installed in accordance with Section [1109.2.1.1] **1110.2.1** of the building subcode;

4.-7 (No change.)

SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

5:23-12.12 Special safety equipment

(a) (No change.)

(b) In buildings containing more than one elevator device, each such device shall be identified according to ASME A17.1, referenced in the building subcode.

1. In addition, each elevator shall be identified by such a number in every elevator lobby. The identification number shall be a minimum of 1 1/2 inches high and of a color that contrasts with the background. The number shall be permanent and shall be on or adjacent to every elevator hoistway entrance frame. By August 4, 2003, all existing elevators shall comply with this requirement. On all elevators installed on or after June 15, 2009, the identification number shall be a minimum of two inches high.

i. Exception: The identification number on newly installed destination-oriented elevators shall be in accordance with [ICC/ANSI A117.1-2003,] Section 407.2.3.2 **of the ICC A117.1, as referenced in the building subcode.**

(c)-(f) (No change.)