

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Uniform Construction Code**

**Proposed Amendments: N.J.A.C. 5:23-2.18, 2.35, 3.2, 5.3, 6.2, 6.3A, 6.5, 6.6, 6.7, 6.8, 6.9, 6.11A, 6.17, 6.27, 6.28A, 6.31, 12.2, and 12.8**

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2020-030.

Submit written comments by June 5, 2020, to:

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The agency proposal follows:

**Summary**

This rulemaking includes a series of proposed amendments to the Uniform Construction Code, N.J.A.C. 5:23 (UCC), the Rehabilitation Subcode, N.J.A.C. 5:23-6, and the Elevator Safety Subcode, N.J.A.C. 5:23-12. Most of the amendments are proposed to reflect section numbering or wording changes with the adoption of the 2018 editions of the International Codes and National

Standard Plumbing Code (NSPC), the 2017 edition of the National Electrical Code, and the associated referenced standards. An amendment would be made to N.J.A.C. 5:23-6.8(c)16 to reflect the deletion of Chapter 18, Mobile homes and travel trailer park plumbing requirements, from the NSPC 2018. Specific changes that do not fall under that broad category are listed below.

The following summarizes the proposed amendments:

1. At N.J.A.C. 5:23-5.3(a)4iii, Section 1705.7, Driven deep foundations, of the building subcode would be deleted from the list of sections requiring special inspections because concrete placement does not need a special inspection.
2. At N.J.A.C. 5:23-6.8(b)2ii, Section 705.2.3, Combustible projections, of the building subcode would be deleted because fire ratings are not addressed within the materials and methods section of the rehabilitation subcode. An addition would be added to N.J.A.C. 5:23-6.8(b)5i to account for renumbering in the IBC.
3. Proposed new N.J.A.C. 5:23-6.8(h)1xiv, Section R327, Stationary storage battery systems, of the one- and two-family dwelling subcode would be added as a material and method for residential rehabilitation. This is a new section applicable to newly installed and completely replaced stationary storage battery systems.
4. At N.J.A.C. 5:23-6.8(h)13, Section M1701.2, Opening location, is excepted from the materials and methods because the section references flood requirements, which are scoped at N.J.A.C. 5:23-6.3A, Flood-resistant construction, and not covered under materials and methods.
5. At N.J.A.C. 5:23-6.8(l)2i(2), the blower door test requirement for commercial buildings pursuant to Section 5.4.3.1.3a, Testing, acceptable material, and assemblies, of the energy subcode would be deleted from materials and methods of the rehabilitation

subcode. The purpose of the materials and methods section is to provide the requirements for how to perform work. Because this section of the energy subcode establishes when a test is required, it is not considered a material or method.

6. At N.J.A.C. 5:23-6.9(a)2i, amendments would replace the phrase “buildings of group” with “stories or habitable attics within buildings of group.” This is a correction in terminology with no change in requirements.

7. At N.J.A.C. 5:23-6.17(k), amendments would add a note requiring Group B buildings undergoing reconstruction or a change in the character of use to a doctor’s office to include hand sinks in exam rooms pursuant to the plumbing subcode for sanitary reasons.

8. At N.J.A.C. 5:23-6.31(a)5xvii, the parenthetical subcode official responsibility would be deleted because the responsibility is already designated at N.J.A.C. 5:23-3.4, Responsibilities.

9. Proposed new N.J.A.C. 5:23-6.31(a)5xvii and xix, two new special use and occupancy sections from the building subcode, would be added to the change in character of use requirements. The sections incorporated into the rehabilitation subcode are Section 427, Medical gas systems, and Section 428, Higher education laboratories, respectively.

10. At N.J.A.C. 5:23-12.8(a)1, a cross-reference to N.J.A.C. 5:23-6.6(e)22 would be added to clarify that the elevator is to be equipped to operate with a standardized fire service key when work is being performed.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The Department anticipates that this rulemaking would have a positive social impact. The

amendments update the UCC to reflect section numbering and wording changes in the adoption of the latest editions of the national model codes and incorporate new sections within the building and one- and two-family dwelling subcodes, N.J.A.C. 5:23-3.14 and 3.21, into the rehabilitation subcode. This rulemaking ensures that the Uniform Construction Code aligns with the adopted subcodes and ensures clarity among code users.

### **Economic Impact**

The majority of the proposed amendments have no economic impact because they update the references to the national model codes while maintaining the status quo. For the changes identified in the Summary that clarify current code requirements or incorporate new requirements into the rehabilitation subcode, any impact on the cost of compliance with the regulations would be minimal.

### **Federal Standards Statement**

No Federal standards analysis is required for the proposed amendments because the amendments are not being proposed 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.

### **Jobs Impact**

The proposed amendments are not expected to have an impact on the creation or loss of jobs.

### **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments will impact the agriculture industry.

### **Regulatory Flexibility Analysis**

The proposed amendments update section numbers throughout the UCC to align with the most recent editions of the national model codes. The proposed amendments also clarify current code requirements and incorporate new requirements into the rehabilitation subcode. This rulemaking imposes technical requirements on those undertaking rehabilitation or elevator projects, some of which are small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Because the proposed amendments clarify health and safety requirements, there is no basis for differential treatment of small businesses. The proposed amendments are not expected to introduce any new recordkeeping or reporting requirements on small businesses, nor are they expected to require small businesses to employ professional services not already required, in order to comply with the UCC.

#### **Housing Affordability Impact Analysis**

The proposed amendments are intended to conform the UCC rules to the most recent editions of the adopted model codes and make changes of a technical or corrective nature. The proposed amendments are not expected to have an impact on the affordability of housing.

#### **Smart Growth Development Impact Analysis**

The proposed amendments update section numbers throughout the UCC to align with the most recent editions of the national model codes, clarify current code requirements, and incorporate new requirements into the rehabilitation subcode. Because the proposed amendments do not impact zoning or what may be built in a given location, it is not anticipated that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan.

#### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

## SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

### 5:23-2.18 Inspections

(a) (No change.)

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one- and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. (No change.)

ii. Foundations and all walls up to grade level prior to covering or back filling;

(1) (No change.)

(2) For new construction, additions, and work that is determined to be a substantial improvement pursuant to N.J.A.C. 5:23-6.3A, the foundation location survey, including the lowest floor elevation and as-built elevation documentation, for a building that is located in a flood hazard area shall be submitted to the construction official and to the local floodplain

administrator and shall include elevation certificates as required by section [1612.5] **1612.4** of the building subcode or section R322.1.10 of the one- and two-family dwelling subcode; the documentation and certificates shall be submitted prior to further vertical construction;

iii.-iv. (No change.)

2.- 4. (No change.)

(c) – (h) (No change.)

#### 5:23-2.35 Enforcement actions after issuance of certificate(s) of occupancy

(a) Subsequent to the issuance of a certificate of occupancy, the construction official shall issue a notice of violation for any violation of the provisions of the Code in effect at the time of permit application that comes to his or her attention. Pursuant to N.J.S.A. 2A:14-1.1, no notice of violation may be issued to the developer or to any contractor more than 10 years after issuance of the certificate of occupancy.

1. If violations of any of the following provisions of the Code in effect at the time of permit application are found in a residential structure in a development, other than Group R-1, subsequent to the issuance of a certificate of occupancy, the construction official shall issue such notices and orders as may be necessary to ensure that all units within the development that might have similar violations are inspected for such violations and that any such violations found are cited and abated:

i. (No change.)

ii. The following provisions of the building subcode:

(1) – (4) (No change.)

(5) Chapter 10, Means of Egress, except for sections 1011.5.4, 1011.5.5, 1011.11, 1011.12, [1029.13, 1029.15, and] **1029.14**, 1029.16, and **1029.17**;

iii. – vi. (No change.)

2. (No change.)

### SUBCHAPTER 3. SUBCODES

5:23-3.2 Matters covered; exceptions

(a) – (c) (No change.)

(d) Rules concerning commercial farm buildings are as follows:

1. – 10. (No change.)

11. Construction type, height, and allowable area requirements for commercial farm buildings and structures shall be as specified in the building subcode and shall not exceed the area or height limitations of Tables [503] **504.3** and **506.2** for the type of construction used, except as follows:

i. – iii. (No change.)

12. – 13. (No change.)

### SUBCHAPTER 5. LICENSING OF CODE ENFORCEMENT OFFICIALS

5:23-5.3 Types of licenses and certifications

(a) Rules concerning code enforcement licensure and certification categories are:

1.-3. (No change.)



4. Special inspector certifications: Subject to the requirements of this subchapter, persons may apply for and may be certified in the following specialties:

i.- ii. (No change.)

iii. Concrete placement special inspector: Concrete placement special inspectors are authorized to carry out field inspections pursuant to section 1705.3[, except] **(excluding section 1705.3.1)**[, section 1705.7] and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 **(excluding shotcrete inspections)**, 8, 10, 11, and 12 of the building subcode.

iv. Reinforced concrete special inspector: Reinforced concrete special inspectors are authorized to carry out field inspections pursuant to section 1705.3[, except] **(excluding section 1705.3.1)**, section 1705.8 and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 **(excluding shotcrete inspections)**, 8, 10, 11, and 12 of the building subcode.

v. Prestressed concrete special inspector: Prestressed concrete special inspectors are authorized to carry out field inspections pursuant to section 1705.3[, except] **(excluding section 1705.3.1)** and Table 1705.3, rows 1, 2, 3, 4, 5, 6, 7 **(excluding shotcrete inspections)**, 8, 9, 10, 11, and 12 of the building subcode.

vi. - viii. (No change.)

## SUBCHAPTER 6. REHABILITATION SUBCODE

### 5:23-6.2 Applicability and compliance

(a) – (b) (No change.)

(c) Compliance: The only requirements of the other subcodes of the UCC that apply are specifically set forth in this subchapter. Compliance with the requirements of the other subcodes

of the Uniform Construction Code is not required for work in existing buildings. However, building components already in compliance with the requirements of the other subcodes of the Uniform Construction Code shall be replaced with components that comply. Where no year or edition is given for a standard referenced in this subchapter, the year or edition shall be the one referenced in the other subcode(s) of the UCC.

1. – 3. (No change.)

4. As an alternative to compliance with the building and fire protection requirements of this subchapter, a permit applicant shall be allowed to evaluate the building in accordance with Sections [1401.5] **1301.5** through [1401.9] **1301.9** of the International Existing Building Code, as referenced by the building subcode, incorporated herein by reference, and to bring the building into compliance with the standards contained therein.

5. (No change.)

(d) – (j) (No change.)

#### 5:23-6.3A Flood-resistant construction

(a) For buildings in designated flood hazard areas, any work that constitutes a substantial improvement or repair of substantial damage of the existing building, as determined by the local floodplain administrator, shall comply with the applicable flood-resistant construction requirements below. As defined in the National Flood Insurance Program rules, 44 CFR 59.1, “‘substantial improvement’ means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the ‘start of construction’ of the improvement. This term includes structures which have incurred ‘substantial damage,’ regardless of the actual repair work

performed.” As defined in these Federal rules, “‘substantial damage’ means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”

1. (No change.)

2. All other buildings:

i. Building subcode: Sections [801.5, 1203.4.2, Exception 5] **802.4, 1202.4.4,**  
1403.6, 1403.7, 1603.1.7, 1605.2.1, 1605.3.1.2, 1612, 1804.5, and 1805.1.2.1.

ii. – iii. (No change.)

#### 5:23-6.5 Renovations

(a) – (d) (No change.)

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

1. – 12. (No change.)

13. The total replacement of a building lighting system or a newly installed building lighting system shall meet Section [404] **R404** (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code, as applicable. (A “lighting system” is defined by the commercial energy code as “a group of luminaires circuited or controlled to perform a specific function.”)

i. (No change.)

14. (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. – 11. (No change.)

12. In buildings of Use Groups R-3, R-4, and R-5:

i. When the work being performed creates living space over a private garage, the private garage shall comply with Section [406.3.4] **406.3.2** of the building subcode or R302.6 of the one- and two-family dwelling subcode, as applicable, for fire resistance rating.

ii.- iii. (No change.)

13. – 19. (No change.)

20. The total replacement of a building lighting system or a newly installed building lighting system shall meet Section [404] **R404** (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code, as applicable. (A “lighting system” is defined by the commercial energy code as “a group of luminaires circuited or controlled to perform a specific function.”)

i. (No change.)

21. – 24. (No change.)

(f) – (l) (No change.)

## 5:23-6.7 Reconstruction

(a) – (d) (No change.)

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

1. – 16. (No change.)

17. The total replacement of a building lighting system or a newly installed building lighting system shall meet Section [404] **R404** (N1104) of the residential energy code or Section 9.1.2 of the commercial energy code, as applicable. (A “lighting system” is defined by the commercial energy code as “a group of luminaires circuited or controlled to perform a specific function.”)

i. (No change.)

18. – 21. (No change.)

(f) – (l) (No change.)

#### 5:23-6.8 Materials and methods

(a) (No change.)

(b) Building and Fire Protection Materials and Methods: The following sections of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the building and fire protection materials and methods requirements for this subchapter:

1. The following sections of Chapter 5 entitled “General Building Height and Areas”:

i. Section 505 shall apply to newly constructed “Mezzanines **and Equipment Platforms**”;

2. The following sections of Chapter 7 entitled “Fire and Smoke Protection Features”:

i. (No change.)

ii. Sections 705.2.1, 705.2.2, [705.2.3,] 705.4;

iii. - xix. (No change.)

3. All of Chapter 8 entitled “Interior Finishes” [except Section 802];

4. All of Chapter 9 entitled “Fire Protection Systems” except Sections 902, 903.2, 904.2, 905.3, 906.1, 907.2, 908, 910.2, 911, [916.1] **917, 918**;

5. The following sections of Chapter 10 entitled “Means of Egress”:

i. Sections 1010.1.4.1, 1010.1.4.2, 1010.1.4.3, 1010.1.4.4, **1010.1.4.5**, 1010.1.9, 1010.1.10.1, 1010.1.10.2;

ii. – iv. (No change.)

6. The following sections of Chapter 12 entitled “Interior Environment”:

i. Section [1203.5.2] **1202.5.2** shall apply to new sources of contaminants; and

ii. Section [1210] **1209**;

7. All of Chapter 14 entitled “Exterior Walls” except Sections 1401, [1402, 1403.2, 1403.3, 1403.4] **1402.2, 1402.3, 1402.4**;

8. All of Chapter 15 entitled “Roof Assemblies and Rooftop Structures” except Sections 1501, 1502, 1503.4, [1503.5,] 1510.9;

9. – 13. (No change.)

14. All of Chapter 22 entitled “Steel” except Section[s] 2201[, 2202];

15. All of Chapter 23 entitled “Wood” except Section[s] 2301.1[, 2302];

16. (No change.)

17. All of Chapter 25 entitled “Gypsum Board and Plaster” except Sections 2501.1, [2501.2,] 2502;

18. – 20. (No change.)

(c) Plumbing Materials and Methods: The following sections of the plumbing subcode (N.J.A.C. 5:23-3.15) shall constitute the plumbing materials and methods requirements for this subchapter:

1.-15. (No change.)

[16. All of Chapter 18 entitled, “Mobile Homes & Travel Trailer Park Plumbing Requirements.”]

(d) Electrical Materials and Methods: The following sections of the electrical subcode (N.J.A.C. 5:23-3.16) shall constitute the electrical materials and methods requirements for this subchapter:

1. (No change.)
2. All of Chapter 1 entitled “General” except Sections 110.8 Wiring Methods, 110.26 Spaces About Electrical Equipment ([600] **1,000** Volts, Nominal, or less), 110.32 Work Space About Equipment (over [600] **1,000** Volts, Nominal) and 110.33 Entrance to Enclosures and Access to Working Space;

i. (No change.)

3. – 10. (No change.)

(e) Mechanical Materials and Methods: The following sections of the mechanical subcode (N.J.A.C. 5:23-3.20) shall constitute the mechanical materials and methods requirements for this subchapter:

1. – 11. (No change.)

12. All of Chapter 14, entitled “Solar **Thermal** Systems.”

(f) (No change.)

(g) (No change.)

(h) Residential Materials and Methods: The following sections of the one- and two-family dwelling subcode (N.J.A.C. 5:23-3.21) shall constitute the residential materials and methods requirements for this subchapter:

1. The following sections of Chapter 3, entitled “Building Planning”:

i. – vii. (No change.)

viii. Sections R315.1.1, R315.4, [R315.6.1, R315.6.4] **R315.7.1, R315.7.4;**

ix. – xi. (No change.)

xii. Section R324 shall apply to newly installed and completely replaced solar energy systems; [and]

xiii. Section R326 shall apply to newly installed and completely replaced enclosures for swimming pools, spas, and hot tubs. This shall also apply to partial enclosure replacement if the portion being replaced exceeds 25 percent of the total perimeter of the enclosure; **and**

**xiv. Section R327 shall apply to newly installed and completely replaced stationary storage battery systems;**

2. – 12. (No change.)

13. All of Chapter 17, entitled “Combustion Air,” **except 1701.2;**

i. (No change.)

14. – 20. (No change.)

(i) Elevator Devices Materials and Methods: The following sections of the elevator subcode [(N.J.A.C.5:23-12)] **(N.J.A.C. 5:23-12)** shall constitute the elevator device materials and methods requirements for this subchapter:

1. The following sections of **the elevator subcode and ASME A17.1** referenced by the adopted building subcode: [Section 8.6.1, General Requirements; 8.6.2. Repairs; 8.6.3, Replacements; 8.7, Alterations including Appendix L; Appendix P, Table N1;] **N.J.A.C. 5:23-12.2(c) and 12.8, ASME A17.1, Sections 8.7 Alterations, 8.8, Welding; and 8.9, Code Data Plate, and Appendices, except for E, J, N, T, W, X, and Y.**

2. - 5. (No change.)



(j) Conveying Devices Materials and Methods: The following sections of Chapter 30 of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the conveying device materials and methods requirements for this subchapter:

1. Section 3004.3 – “Conveyors”; Section 3004.4 – “Personnel and material hoists” [except for the seismic design provisions;] and the following referenced standards from [Section 3001.2] **Table 3001.3** – “ALI ALCTV,” “ANSI MH 29.1,” “ASME B20.1.”

(k) (No change.)

(l) Energy Conservation Materials and Methods: The following sections of the energy subcode (N.J.A.C. 5:23-3.18) shall constitute the energy conservation materials and methods requirements for this subchapter:

1. (No change.)
2. Commercial energy code provisions:
  - i. The following sections of Chapter 4 of the commercial energy code entitled “Commercial Energy Efficiency”:
    - (1) (No change.)
    - (2) Sections 5.4.3.1 (**excluding 5.4.3.1.3a**), 5.4.3.2, 5.4.3.3, 5.5.4.1, 5.8.1, and 5.8.2;
    - (3) – (5) (No change.)

5:23-6.9 New building elements

(a) When the rehabilitation of an existing building creates or includes any building element of a type listed in this section, then the new element shall comply with the requirements for such an element established by this section.

1. (No change.)
2. When the number of stories in a building is increased without increasing the height of the building, the building shall comply with the story requirements of Table [503] **504.4** of the building subcode.
  - i. [Buildings of group] **Stories or habitable attics within buildings of Group R-5** shall comply with N.J.A.C. 5:23-3.21(c)3i of the [one-and] **one- and** two-family dwelling subcode.
- 3.-18. (No change.)
19. Newly created dwelling unit separation and guestroom separation assemblies shall comply with the requirements of Sections 708, 711, and [1207] **1206** of the building subcode, as appropriate, based on the construction type of the existing building, or with Section R302 and Appendix K of the one- and two-family dwelling subcode, as applicable.
20. – 23. (No change.)
24. 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 [in] **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—[600] **1,000** Volts, Nominal or Less), 110.32 (Work Space About Equipment--Over [600] **1,000** Volts, Nominal), 110.33 (Entrance and Access to Work Space), 404.8 (Accessibility and Grouping) and 408.18 (Clearances), as applicable, of the electrical subcode. (Electrical)

i. – ii. (No change.)

25. – 34. (No change.)

5:23-6.11A Supplemental requirements in all Groups

(a) – (c) (No change.)

(d) Underground Structures: When the work area exceeds 50 percent of the gross enclosed floor area of an underground structure, the entire structure shall comply with Section [405.0] **405** of the building subcode.

5:23-6.17 Basic requirements—Group B

(a) – (j) (No change.)

(k) Plumbing Fixtures: Plumbing fixtures shall be provided as follows: Where the plumbing subcode allows for the substitution or omission of fixtures, such substitutions or omissions shall also be permitted under this section. (Plumbing)

	Total Occupancy <sup>1, 2,</sup> <sub>3, 4</sub>	Water Closets	Lavatories	Drinking Water Facilities	Service Sinks
Employees	1-15	1 Unisex	1	1	1
	16 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Customers	1-25	1 Unisex	1	1	1
	26 and over	Fixtures to be provided as per Table 7.21.1 of the plumbing subcode.			
Note 1. – Note 3. (No change.)					
<b>Note 4. Regardless of total occupancy, exam rooms shall comply with Section 7.21.6e of the plumbing subcode.</b>					

(l) – (n) (No change.)

5:23-6.27 Basic requirements—Groups R-3 and R-5

(a) – (b) (No change.)

(c) When the work being performed creates living space over a private garage, the private garage shall comply with Section [406.1.4] **406.3.2** of the building subcode for fire resistance rating or Section R302.6 of the one- and two-family dwelling subcode, as applicable.

(d) – (h) (No change.)

5:23-6.28A Supplemental requirements—Group S

(a) – (e) (No change.)

(f) Public Garages: When the work area exceeds 50 percent of the gross floor area of a public garage, the entire building is required to comply with Sections **406.2.5, 406.2.8, 406.2.9, 406.4.1, 406.4.2, [406.4.3, 406.4.6, 406.4.7, 406.4.8]** 406.5.3, 406.5.7, 406.5.8, 406.5.9, 406.5.10, 406.5.11, 406.6.2, and 406.6.3 of the building subcode.

5:23-6.31 Change of use

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

1. – 4. (No change.)

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

i. – xv. (No change.)

- xvi. [Hyberbaric] **Hyperbaric** Facilities - Section 425; [and]
- xvii. Combustible Dusts, Grain Processing and Storage - Section [R426.] **426;**  
[(Plan review--Building, Fire. Inspection--Building)]
- xviii. Medical Gas Systems – Section 427; and**
- xix. Higher Education Laboratories – Section 428.**

6. – 8. (No change.)

(b) – (d) (No change.)

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

#### TABLE E

##### Hazard Categories and Classifications

##### Height and Area

(No change.)

1. – 2. (No change.)

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

i. Nonseparated groups: The maximum allowable height and area shall be determined by applying the more restrictive of the height and area limitations of each group, as per Table [503] **504.3 and Table 506.2** of the building subcode, to the entire building.

(1) – (3) (No change.)

ii. Separated groups: Each portion of the building containing a group shall be completely separated from adjacent groups by a fire barrier or horizontal assembly, or both, having a fire resistance rating in accordance with Table 707.3.10 of the building subcode; mixed occupancies shall use the highest applicable rating from Table 707.3.10. For buildings equipped throughout with an automatic sprinkler system, the required fire resistance rating for groups other than H is permitted to be reduced by one hour but shall not be reduced to less than one hour. Each portion of the building shall comply with the height limitation of Table [503] **504.4** of the building subcode for that group. In each story, the area shall be such that the sum of the ratios of the floor area of each group divided by the allowable area of Table [503] **506.2** of the building subcode for each group shall not exceed 1.0.

(1) (No change.)

iii. Separate buildings: If each group is separated from other groups by fire walls that meet the requirements of Table 601 of the building subcode, then each group shall be considered a separate building. Each building shall comply with the height and area limitation of Table [503] **504.3 and Table 506.2** of the building subcode.

(1) (No change.)

4. (No change.)

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

TABLE F

Hazard Categories and Classifications

Exposure of Exterior Walls

(No change.)

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

Requirements for Exterior Wall Fire Resistance Rating Building Use Group

(No change.)

i. The requirements for exterior wall fire resistance rating shall not apply to exterior walls which face buildings on the same lot where the buildings are such that, if combined into one structure, the resulting building would comply with the height and area limitations of Table [503] **504.3 and Table 506.2** of the building subcode.

ii. – iv. (No change.)

2. (No change.)

(g) (No change.)

(h) Fire Alarm and Detection Systems: When a change of use is made to any of the following groups, a fire alarm system and/or an automatic fire detection system shall be installed in accordance with Section 907 of the building subcode. Where a portion of a building is changed to any of the following groups, a fire alarm system and/or an automatic fire detection system

shall be installed throughout the building in accordance with Section 907 of the building subcode unless the proposed use is separated from the other use(s) in the building by a fire barrier having a fire resistance rating in accordance with Table 707.3.10 of the building subcode in which case only the portion changed shall comply; mixed occupancies shall use the highest applicable rating from Table 707.3.10. (For purposes of applying this section, horizontal separation shall not be considered.)

1. – 9. (No change.)

10. Group R-4: [A manual fire alarm system and an] **An** automatic smoke detection system shall be installed and maintained as required by Section [907.2.10] **907.2.10A** of the building subcode. (Fire)

(i) Single and Multiple Station Smoke Alarms: When a change of use is made to any of the following groups, single and multiple station smoke alarms shall be installed in accordance with Section [907.2.11] **907.2.10** of the building subcode.

1. Group R-1: Single or multiple station smoke alarms shall be installed and maintained as required by Section [907.2.11.1] **907.2.10.1** of the building subcode.

2. Groups R-2, R-3, R-4, R-5, and I-1: Smoke alarms shall be installed and maintained as required by Section [907.2.11.2] **907.2.10.2** of the building subcode or Section R314 of the one- and two-family dwelling subcode, as applicable.

3. (No change.)

(j) – (q) (No change.)

## SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

### 5:23-12.2 Referenced standards



(a) Periodic and acceptance tests and inspections, if applicable, shall be required on all new, altered, and existing elevators, dumbwaiters, moving walks, wheelchair lifts, manlifts, and stairway chairlifts. The required cyclical inspections and tests shall be performed in accordance with the most recent edition of [AME] ASME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode. [This subsection] **Requirements for periodic tests and inspections** shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

1. Periodic, routine, and acceptance tests and inspections, as applicable, shall be required on all new, altered, and existing escalators.

(b) – (f) (No change.)

#### 5:23-12.8 Alterations, minor work, ordinary elevator maintenance

(a) For the purposes of this subchapter, alteration of an elevator device means any change to equipment other than minor work as provided in (b) below and ordinary maintenance, as defined [in] **at N.J.A.C. 5:23-2.7(c)6**. Alteration of an elevator device shall comply with the applicable requirements of Section 8.7 and Appendix L of the most recent edition of ASME A17.1, referenced in the building subcode, or with the applicable requirements of the most recent edition of ASME A18.1, or ASME A90.1 referenced in the building subcode.

1. For purposes of the elevator subcode, “alteration” shall mean stand-alone projects undertaken on elevator devices and, **with the exception of N.J.A.C. 5:23-6.6(e)22**, shall not be used to trigger any additional requirements of N.J.A.C. 5:23-6.6. If work on an elevator device or devices is part of a larger scope of work, then the appropriate category

of work, as determined under the Rehabilitation Subcode, and the accompanying requirements shall apply.

(b) (No change.)