

[N.J.A.C. 5:23-11.1](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 54 No. 18, September 19, 2022

NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

§ 5:23-11.1 Subcode adopted

(a) Pursuant to authority of P.L. 1999, c.50 ([N.J.S.A. 52:27D-123.9](#) et seq.), the Commissioner hereby adopts the playground safety guidelines of the United States Consumer Product Safety Commission, known as the 2010 edition of the "Handbook for Public Playground Safety" (Pub. No. 325). These guidelines are hereby adopted by reference as the Playground Safety Subcode for New Jersey.

1. Copies of these guidelines may be obtained from the United States Consumer Product Safety Commission, Office of Information and Public Affairs, Washington, DC 20207, www.cpsc.gov/CPSCPUB/PUBS/325.pdf.
2. The "Handbook for Public Playground Safety" may be known and cited as the "Playground Safety Subcode."

(b) Only those guidelines that govern design, installation, inspection and maintenance of playgrounds and playground equipment shall be deemed to be mandatory. Guidelines concerning supervision and training of personnel shall be deemed to be advisory only.

History

HISTORY:

Amended by R.2011 d.135, effective May 16, 2011.

See: [43 N.J.R. 244\(a\)](#), [43 N.J.R. 1255\(a\)](#).

In the introductory paragraph of (a), substituted "2010" for "1997"; and in (a)1, inserted "www.cpsc.gov/CPSCPUB/PUBS/325.pdf".

Annotations

Notes

[Chapter Notes](#)

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[N.J.A.C. 5:23-11.2](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 54 No. 18,
September 19, 2022

**NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23.
UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE**

§ 5:23-11.2 Definitions

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

"Completely inclusive playground" shall mean a playground designated for public use for children two to five years of age or five to 12 years of age, with an accessible playground surface, a playground surface inspection, and maintenance schedule with the standards detailed in the Americans with Disabilities Act of 1990, [42 U.S.C. §§ 12101](#), et seq., and designed in accordance with the rules adopted pursuant to subsection b. of section 2 of P.L. 1999, c. 50 ([N.J.S.A. 52:27D-123.10](#)).

"Playground" shall mean an improved area designed, equipped, and set aside for play of six or more children, which is not intended for use as an athletic playing field or athletic court, and shall include any play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

History

HISTORY:

Amended by R.2022 d.047, effective April 4, 2022.

See: [53 N.J.R. 1659\(a\)](#), [54 N.J.R. 545\(b\)](#).

Section was "Definition". Rewrote the section.

Annotations

Notes

[Chapter Notes](#)

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[N.J.A.C. 5:23-11.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 54 No. 18, September 19, 2022

NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

§ 5:23-11.3 Enforcement of subcode

- (a) No permit shall be required for any element of playground construction that is not otherwise subject to the permit requirements of the State Uniform Construction Code.
- (b) Compliance with the requirements of this subcode shall be the responsibility of the manager of the facility, of the owner of the facility and of the agency responsible for the administration of the facility.
- (c) The facility manager and/or facility owner or agency responsible for administration of the facility shall certify in writing that any work performed complies with, and the facility is maintained in accordance with, all applicable provisions of this subcode and shall retain this certification on file.
- (d) Complaints regarding lack of compliance with this subcode shall be in writing and shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager or owner or administering agency shall respond in writing within 30 days to any written complaint received detailing the position taken with respect to the complaint. If the facility manager or owner or administering agency fails to respond in a manner satisfactory to the party registering the complaint, then the party shall have recourse to the appeals process as set forth at [N.J.A.C. 5:23-2.38](#).

Annotations

Notes

[Chapter Notes](#)

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End of Document

[N.J.A.C. 5:23-11.4](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 54 No. 18, September 19, 2022

NJ - New Jersey Administrative Code > TITLE 5. COMMUNITY AFFAIRS > CHAPTER 23. UNIFORM CONSTRUCTION CODE > SUBCHAPTER 11. PLAYGROUND SAFETY SUBCODE

§ 5:23-11.4 Compliance schedule

- (a) All governmental and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2007 for all other elements, or, in the case of governmental entities, at such earlier date as State funds are made available for such purpose.
- (b) All nonprofit entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode by October 18, 2004 for surfacing and by October 18, 2014 for all other elements.
- (c) All newly constructed playgrounds built, and all new and replacement equipment installed, by a governmental, nonprofit or private for-profit entity more than six months after October 18, 1999 shall conform to the requirements of this subcode.
- (d) All construction or alteration of playgrounds, playground equipment and surfacing that are subject to the Playground Safety Subcode shall comply with the applicable provisions of the Barrier-Free Subcode ([N.J.A.C. 5:23-7](#)).
1. In accordance with [N.J.A.C. 5:23-7.19\(d\)](#) and ICC/ANSI A117.1, Sections 302 and 303, surfaces of all routes and spaces required to be accessible shall be stable, firm, and slip-resistant. Sand and gravel shall therefore not be used as surfacing materials when new equipment is being installed, or a new safety surface is being put in place, and the barrier-free subcode is applicable.
- (e) In addition to (c) and (d) above, completely inclusive playgrounds shall include the following:
1. Parking shall be provided in accordance with local municipal law.
 - i. Street parking installation shall be in conformance with the local municipal ordinance, including the accessible route, which shall include the installation of a curb cut.
 - ii. Lot and deck parking shall be accessible pursuant to Chapter 11 of the building subcode;
 2. Unitary surfacing shall be provided in areas surrounding the playground equipment and on pathways to playground areas that are not connected.
 - i. Prior to selecting a site for construction of a completely inclusive playground, the applicant shall ensure that local, county, and State laws allow for the use of unitary surfacing in the desired area;
 3. Where restroom facilities are provided, at least one facility shall be a family or assisted-use toilet room installed in accordance with Section 1109.2.1.1 of the building subcode;
 4. Shading shall be provided. A minimum of 20 percent of the square footage of unitary surface and equipment of the playground shall be shaded. Priority may be given to areas that have seating or tables.
 - i. Shading may be provided by natural or man-made means;

5. Fencing shall be provided around the playground.
 - i. Fencing material may include, but is not limited to, traditional fencing materials or natural barriers, such as hedges;
6. Play components that address the physical, sensory, cognitive, social, emotional, imaginative, and communication needs shall be provided. The applicability of these features shall be determined by the owner of the facility pursuant to the manufacturer's instructions; and
7. Quiet play areas shall be provided.
 - i. The playground manager shall identify the quiet play areas.

History

HISTORY:

Administrative correction.

See: [36 N.J.R. 170\(a\)](#).

Amended by R.2022 d.047, effective April 4, 2022.

See: [53 N.J.R. 1659\(a\)](#), [54 N.J.R. 545\(b\)](#).

In (d), updated the N.J.A.C. reference, inserted a comma following "firm", and deleted "therefore" preceding "applicable"; and added (e).

Annotations

Notes

[Chapter Notes](#)

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