

48 N.J.R. 1851(a)

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**RULE PROPOSALS**

**COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS**

48 N.J.R. 1851(a)

**Proposed Amendments:** [N.J.A.C. 5:23-3.14](#), [6.1](#), [6.4](#) through [6.7](#), and [6.31](#) and [5:70-4.3](#), [4.9](#), and [4.19](#)

**Uniform Construction Code**

**Uniform Fire Code**

**Carbon Monoxide Detection**

Authorized By: Charles A. Richman, Commissioner, Department of Community Affairs.

Authority: [N.J.S.A. 52:27D-124](#) and [52:27D-198](#) and P.L. 2015, c. 146.

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

Proposal Number: PRN 2016-155.

Submit written comments by November 18, 2016, to:

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The agency proposal follows:

## **Summary**

The Department proposes amendments to both the Uniform Construction Code, at [N.J.A.C. 5:23-3.14](#), [6.1](#), [6.4](#) through [6.7](#), and [6.31](#) and the Uniform Fire Code, at [N.J.A.C. 5:70-4.3](#) and [4.9](#), to implement the requirements of P.L. 2015, c. 146. This Act, known as Korman and Park's Law, extends the requirement for carbon monoxide detection to buildings of all uses unless it is determined that there is no potential carbon monoxide hazard.

[N.J.A.C. 5:23-3.14](#) - The proposed amendments to the building subcode of the Uniform Construction Code incorporate the extension of the requirement for carbon monoxide detection to all buildings where a potential carbon monoxide hazard exists through amendments to Section 915 of the 2015 edition of the International Building Code, adopted by reference at [N.J.A.C. 5:23-3.14](#).

[N.J.A.C. 5:23-6.1](#), [6.4](#) through [6.7](#), and [6.31](#) - The proposed amendments to the rehabilitation subcode of the Uniform Construction Code incorporate the requirement for carbon monoxide detection in buildings undergoing rehabilitation or changes of use.

[N.J.A.C. 5:70-4.3](#), [4.9](#), and [4.19](#) - The proposed amendments to Subchapter 4 of the Uniform Fire Code extend the requirements for carbon monoxide detections to all existing buildings where a potential carbon monoxide hazard exists. New requirements are added at [N.J.A.C. 5:70-4.9\(d\)](#). Companion changes are proposed to [N.J.A.C. 5:70-4.19\(d\)](#) as the requirements for buildings other than one- or two-family residences will now be located at [N.J.A.C. 5:70-4.9](#).

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 proposed amendments implement P.L. 2015, c. 146, extending the requirement for carbon monoxide detection to all buildings. It is anticipated that the proposed amendments would have a positive social impact in that they would provide rules for the protection of the occupants of all buildings from the hazards of carbon monoxide.

## **Economic Impact**

These proposed amendments implement P.L. 2015, c.146, extending the requirement for carbon monoxide detection to all buildings. While building owners whose buildings do not already have carbon monoxide detection and those constructing new buildings that had not heretofore been required to have carbon monoxide detection will incur some cost, that cost is relatively minor, and it is a cost of the Act, not of the rules.

## **Federal Standards Statement**

No Federal standards analysis is required because these amendments are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirement.

## **Jobs Impact**

The proposed amendments establish requirements for carbon monoxide detection in all buildings. As such, these amendments are not expected to result in the generation or loss of jobs.

## **Agriculture Industry Impact**

The Department does not anticipate that the proposed amendments would impact the agriculture industry. The extension of the requirement for carbon monoxide detection to all buildings where there is a potential carbon monoxide hazard is an impact of the Act.

## **Regulatory Flexibility Analysis**

The proposed amendments establish the requirements for carbon monoxide detection in buildings where there is a potential carbon monoxide hazard. There is a compliance requirement imposed on entities that own or are constructing new buildings, some of which may be small businesses, as defined under the Regulatory Flexibility Act, [N.J.S.A. 52:14B-16](#) et seq. This new requirement is a consequence of the Act, and not of these proposed amendments. These proposed requirements do contain new compliance requirements and would require these owners to engage professional services for the installation of carbon monoxide detection where there is a potential carbon monoxide hazard and such detection is not already present. There are no new recordkeeping or reporting requirements established as a result of these proposed rules.

## **Housing Affordability Impact Analysis**

The proposed amendments establish requirements for carbon monoxide detection in all buildings. Residential buildings where there are potential carbon monoxide hazards already are required to have carbon monoxide detection. Accordingly, it is not expected that the proposed amendments will have any impact on the affordability of housing.

## **Smart Growth Development Impact Analysis**

The proposed amendments establish requirements for carbon monoxide detection in all buildings. As such, it is not expected 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.

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

CHAPTER 23  
UNIFORM CONSTRUCTION CODE

SUBCHAPTER 3. SUBCODES

5:23-3.14 Building subcode

(a) (No change.)

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

1.-7. (No change.)

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

i. -lxxv. (No change.)

**lxxvi. In Section 915.1.1, Where required, "in Group I-1, I-2, I-4 and R occupancies and in classrooms in Group E occupancies" shall be deleted.**

**lxxvii. In Subsections 915.1.2 through 915.1.5, including the exceptions, the word "and" shall be deleted before "classrooms" and the words "or any other occupiable space(s)" following "classrooms."**

**lxxviii. In Section 915.2, Locations, "by Section 915.1.1" shall be deleted.**

**lxxix. A new subsection 915.2.4, Other occupancies, shall be added as follows:**

**"915.2.4 Other occupancies. Carbon monoxide detection equipment shall be installed in other occupancies. Systems using detectors shall have a distinct visual and audible notification at an approved location. When alarms are installed in lieu of detectors, they shall be located such that the audible signal is not less than 15 dB above the average ambient sound level.**

**Exception: Carbon monoxide detection equipment shall not be required in locations, such as repair garages, where the presence of carbon monoxide may be expected as a function of the normal use of the space. Additionally, carbon monoxide detection equipment shall not be required in locations where battery charging for motorized equipment takes place. In such locations, carbon monoxide detection equipment shall be provided just outside such spaces at the points where these spaces connect to other occupiable space(s)."**

**lxxx. Section 915.6, Maintenance, shall be deleted in its entirety.**

9.-26. (No change.)

## SUBCHAPTER 6. REHABILITATION SUBCODE

### 5:23-6.1 Introduction; using this subcode

(a) (No change.)

(b) Repair Work: The requirements that apply to repair work are in [N.J.A.C. 5:23-6.4](#). The requirements for repairs are brief due to the limited nature of the work. There is a short list of materials that may not be used for repair work due to their inherently hazardous nature and another list of materials which must be used in connection with repair work where applicable. These lists should be used when planning the repair components of any project.

1. (No change.)

**2. (Reserved.)**

**3. The installation of carbon monoxide detection equipment is required in buildings containing a fuel burning appliance or having an attached garage.**

(c) Renovation Work: The requirements that apply to renovation work are in [N.J.A.C. 5:23-6.5](#). Renovation is defined in [N.J.A.C. 5:23-6.3](#).

1.-2. (No change.)

[3. Renovation work must comply with [N.J.A.C. 5:23-6.8](#), Materials and methods. All materials used for the renovation work must meet the standards for those materials established by [N.J.A.C. 5:23-6.8](#) and methods of installation must comply with that section. [N.J.A.C. 5:23-6.8](#), Materials and methods, references and makes applicable to renovation work certain specified subsections of the other subcodes of the Uniform Construction Code. Only those subsections specifically referenced in [N.J.A.C. 5:23-6.8](#) apply to renovation work. All materials and methods used in renovation work must comply with the requirements of that section.]

**3. The installation of carbon monoxide detection equipment is required in buildings containing a fuel burning appliance or having an attached garage.**

4.(No change.)

(d) Alteration Work: The requirements that apply to alteration work are in [N.J.A.C. 5:23-6.6](#). Alteration is defined in [N.J.A.C. 5:23-6.3](#).

1.-2. (No change.)

[3. Alteration work must also comply with materials and methods that are set forth in [N.J.A.C. 5:23-6.8.](#)]

**3. The installation of carbon monoxide detection equipment is required in buildings containing a fuel burning appliance or having an attached garage.**

4.-7. (No change.)

(e)-(i) (No change.)

5:23-6.4 Repairs

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

(g) In buildings [of Groups I-1, R-1, R-2, R-3, R-4 or R-5] containing a fuel burning appliance or having an attached garage, carbon monoxide [alarms] **detection equipment** shall be installed in accordance with [N.J.A.C. 5:23-3.20\(c\)](#) of the mechanical subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

**i. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.**

5:23-6.5 Renovations

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

(g) In buildings [of Groups I-1, R-1, R-2, R-3, R-4 or R-5] containing a fuel burning appliance or having an attached garage, carbon monoxide [alarms] **detection equipment** shall be installed in accordance with [N.J.A.C. 5:23-3.20\(c\)](#) of the mechanical subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

**i. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.**

(h) (No change.)

5:23-6.6 Alterations

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

(g) In buildings [of Groups I-1, R-1, R-2, R-3, R-4 or R-5] containing a fuel burning appliance or having an attached garage, carbon monoxide [alarms] **detection equipment** shall be installed in accordance with [N.J.A.C. 5:23-3.20\(c\)](#) of the mechanical subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

**i. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.**

(h)-(l) (No change.)

5:23-6.7 Reconstruction

(a)-(e) (No change.)

(f) In buildings [of Groups I-1, R-1, R-2, R-3, R-4 or R-5] containing a fuel burning appliance or having an attached garage, carbon monoxide [alarms] **detection equipment** shall be installed in accordance with [N.J.A.C. 5:23-3.20\(c\)](#) of the mechanical subcode or Section R315 of the one- and two-family dwelling subcode, as applicable. (Fire)

**i. Exception: Battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.**

(g)-(l) (No change.)

5:23-6.31 Change of use

(a)-(i) (No change.)

(j) Carbon monoxide [alarms] **detection equipment**: When the use of a building is changed [to Groups I-1, R-1, R-2, R-3, R-4 or R-5] and the building contains a fuel-burning appliance or has an attached garage, carbon monoxide [alarms] **detection equipment** shall be installed in accordance with the mechanical subcode. (Fire)

1. Exception[s]: [Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage; the room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and the building is provided with a common area carbon monoxide alarm system. The individual alarms shall be located in every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s) and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected; or

ii. The building is provided with a monitored carbon monoxide alarm system. Individual alarms shall be located in every room containing a fuel-burning appliance. All such alarms shall be connected to an alarm monitoring station that shall be staffed at all times by a person who is

trained and qualified to respond so as to protect the health and safety of building occupants in the event of the activation of one or more alarms. Carbon monoxide alarms and fire alarms may be incorporated into a common monitored system.] **In occupancies other than Group I-1, I-2, I-4 or R or classrooms in Group E occupancies, battery-powered or plug-in devices shall be accepted for purposes of meeting the requirements of this section.**

2. (No change.)  
(k)-(p) (No change.)

## CHAPTER 70 UNIFORM FIRE CODE

### SUBCHAPTER 4. FIRE SAFETY CODE

#### 5:70-4.3 Relationship to Uniform Construction Code

(a) A building in full compliance with the subcodes adopted pursuant to the Uniform Construction Code Act and regulations in force at the time of its construction and possessing a valid certificate of occupancy shall not be required to conform to the more restrictive requirements established by this subchapter except as may be required by (a)5, [and] **7, and 8** below.

1.-3. (No change.)

4. The requirements of [N.J.A.C. 5:70-4.19](#) shall apply to all Use Group R-3 or **R-4** structures, other than newly constructed buildings at the time of initial occupancy, regardless of their state of compliance with the Uniform Construction Code or any other code.

5.-7. (No change.)

**8. The requirements for carbon monoxide detection at [N.J.A.C. 5:70-4.9\(d\)](#) shall apply to all Use Groups, other than newly-constructed buildings at the time of initial occupancy, regardless of their state of compliance with the Uniform Construction Code.**

(b) (No change.)

#### 5:70-4.9 Automatic fire **and carbon monoxide** alarms

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

**(d) Carbon monoxide detection equipment shall be installed in all existing buildings which contain a fuel-burning appliance or have an attached garage. An "open parking structure," as defined in the building subcode of the Uniform Construction Code, shall not be deemed to be an attached garage.**



**1. One- and two-family dwellings: Carbon monoxide detection shall be installed in buildings of Use Groups R-3 and R-4 in accordance with the requirements of [N.J.A.C. 5:70-4.19](#).**

**2. Carbon monoxide detection equipment shall be installed in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building of Group I-1, R-1 or R-2 occupancies, except as provided in (d)2i or ii below.**

**i. Guestrooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide detection equipment provided that:**

**(1) The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;**

**(2) The guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or an attached garage and the building has a common area carbon monoxide alarm system with all common area detectors connected to an approved supervisory station or other approved local visual and audible supervisory signal; and**

**(3) Individual detection equipment is located in every room adjacent to the room(s) containing a fuel-burning appliance; and**

**(A) In every corridor, hall or lobby adjacent to such room(s);**

**(B) In the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance; and**

**(C) On any story within two stories above or below the story containing the fuel-burning appliance.**

**ii. The building is provided with a supervised carbon monoxide detection system. Individual detectors shall be located in every room containing a fuel-burning appliance. All such detectors shall be connected to an approved supervisory station. Carbon monoxide and fire alarms may be incorporated into a common monitored system.**

**3. Carbon monoxide detection equipment shall be installed in all occupancies other than those listed in (d)2 above in accordance with this paragraph. Systems using detectors shall have a distinct visual and audible notification. When alarms are installed in lieu of detection, they shall be located such that the audible signal is not less than 15 dB above the average ambient sound level. Carbon monoxide [page=1854] detectors or alarms shall be installed in the immediate vicinity of all potential source(s) of carbon monoxide.**

**i. Carbon monoxide detection equipment shall not be required:**

**(1) In locations, such as repair garages, where the presence of carbon monoxide may be expected as a function of the normal use of the space;**

**(2) In the immediate area of large-drop battery charging;**

**(3) In unconditioned spaces where detectors or alarms may be subject to ambient temperatures outside the device's listed operating range or spaces where exposure to potential contaminants which may adversely affect their operation. For unconditioned spaces that require such detection, detection equipment shall be installed in approved adjacent room(s) or space(s);**

**(4) In other occupiable space(s) not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage, provided that the building has a common area carbon monoxide detection system with all common area detectors connected to an approved supervisory station or other approved local visual and audible supervisory signal and individual carbon monoxide alarms are located:**

**(A) In every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s);**

**(B) In the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, or ventilation shafts on the story containing the fuel-burning appliance;**

**(C) In the first area served by each main duct leaving the area where the appliance is located; and**

**(D) Any story within two stories above or below a story containing a fuel-burning appliance.**

**4. For carbon monoxide detection systems in occupancies other than those listed in (d)2 above, audible and visual supervisory notification shall only be provided at the detector, control panel and remote annunciator. The balance of the system installation shall comply with NFPA 720 and with the Uniform Construction Code. Carbon monoxide and fire alarms may be incorporated into a common monitored system.**

**5. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed and maintained in accordance with the requirements of this section and the edition of NFPA 720 currently referenced in this chapter, as applicable. Carbon monoxide alarms may be battery operated, hard wired or of the plug-in type. Expired alarms shall be immediately replaced.**

**6. Carbon monoxide detection systems shall comply with the edition of NFPA 720 currently referenced in this chapter. Carbon monoxide detectors shall be listed in accordance with UL 2075.**

5:70-4.19 Smoke detectors for one- and two-family dwellings; carbon monoxide detectors

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

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups [I-1, R-1, R-2,] R-3 and R-4, except for [units in] buildings that do not contain a fuel-burning device or have an attached garage, as follows:

1.-2. (No change.)

[3. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Housing Inspection, carbon monoxide detectors may be installed in any building required to be registered as a hotel or multiple dwelling in the locations specified in the Uniform Construction Code ([N.J.A.C. 5:23-3.20](#)).

4. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Rooming and Boarding House Standards, carbon monoxide alarms may be installed in any rooming or boarding house in the locations specified in the Uniform Construction Code ([N.J.A.C. 5:23-3.20](#)).]