

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendments: N.J.A.C. 5:23-2.7, 2.14, 2.15, 2.17A, 2.18, 3.4, 3.14, 3.15, 3.16, 3.20, 3.21, 3.22, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, and 6.32

Authorized By: Jacquelyn A. Suárez, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 52:27D-119.

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

Proposal Number: PRN 2024-106.

Submit written comments by November 15, 2024, to:

Geraldine Callahan

Department of Community Affairs

PO Box 800

Trenton, New Jersey 08625

Fax No. (609) 984-6696

geraldine.callahan@dca.nj.gov

The agency's proposal follows:

Summary

This rulemaking includes a series of proposed amendments to the Uniform Construction Code (UCC), specifically, these amendments relate to N.J.A.C. 5:23-2, Administration and Enforcement; Process, N.J.A.C. 5:23-3, Subcodes, and N.J.A.C. 5:23-6, Rehabilitation. These amendments are proposed to reflect updates, corrections, or wording changes with the adoption of

the 2021 editions of the International Codes, including the International Building Code (IBC), International Energy Conservation Code (IECC), International Mechanical Code (IMC), International Residential Code (IRC), and the National Standard Plumbing Code (NSPC), as well as the 2020 edition of the National Electrical Code, and the associated referenced standards.

In addition to the changes required to reflect updates and corrections coinciding with the adoptions of the 2021 edition International Codes, other amendments are proposed. Specifically, changes at N.J.A.C. 5:23-2.7, Ordinary maintenance, and 2.17A, Minor work, remove replacement of receptacles, switches, or lighting fixtures in hazardous locations from consideration as ordinary maintenance and instead establishes replacements of such fixtures in hazardous locations as minor work. Hazardous locations are defined within the electrical subcode of the UCC and include, but are not limited to, industrial locations, such as petrochemical and manufacturing plants, and some areas in gas stations. Additionally, N.J.A.C. 5:23-2.14, Construction permits – when required, is amended to require permits when outfitting a temporary structure with utilities and N.J.A.C. 5:23-2.15, Construction permits – application, is amended to require that contractors list their certification number when applying for a permit that involves liquefied petroleum gas service work.

An amendment at N.J.A.C. 5:23-3.4, Responsibilities, is also proposed in order to ensure consistency with the electrical subcode and establish efficient enforcement practices regarding plan review and inspection responsibilities of the UCC. Additionally, language is relocated within a section to aid in clarification.

Amendments are proposed at N.J.A.C. 5:23-3.14, Building subcode, and 3.21, One- and two-family dwelling subcode, to eliminate inconsistent requirements between these subcodes and N.J.A.C. 5:23-3.15, Plumbing subcode, and to correct an error in a cross-reference. The building, one- and two-family dwelling, and plumbing subcode requirements are currently inconsistent as related to drainage requirements. As the requirements within the plumbing subcode are more stringent, the building and one- and two-family dwelling subcodes are proposed for amendment to incorporate the stricter requirements.

Additionally, changes are proposed at N.J.A.C. 5:23-3.22, Fuel gas subcode, to delete a section related to LPG motor vehicle fuel-dispensing facilities, as these facilities are outside the jurisdiction of the UCC. Lastly, changes are proposed at N.J.A.C. 5:23-6.8, Methods and materials, to reflect the proper terminology for swimming pool, spa, and hot tub barriers.

The following summarizes the proposed amendments:

1. N.J.A.C. 5:23-2.7(c)3i is proposed for amendment to include the phrase “in other than hazardous (classified) locations, as defined within Article 500 of the electrical subcode”; this would delete hazardous locations from the list of ordinary maintenance for the replacement of receptacles, switches, or lighting fixtures. A companion change is made at new N.J.A.C. 5:23-2.17A(c)5vi to incorporate such replacements in hazardous locations as minor work.

2. N.J.A.C. 5:23-2.14(b)4iv is proposed for amendment to require permits when outfitting a temporary structure with utilities.

3. New N.J.A.C. 5:23-2.15(b)3 is proposed, which would require that contractors list their certification number when applying for a permit that involves liquefied petroleum gas (LPG) service work. Contractors performing LPG service work are required to be certified in accordance with the Liquefied Petroleum Gas Safety rules (N.J.A.C. 5:18). Propane service work, as defined at N.J.A.C. 5:18, includes the installation of LPG fired appliances, the installation of an LPG service pipe, and the installation of LPG storage containers. The requirement for certification of contractors who perform propane service work has been in place for several years. However, there is no requirement for certified contractors to record their credentials as part of the permit application process. The proposed regulation would make it a requirement. The proposed regulation is similar to what licensed plumbers and electricians and other licensed contractors are required to do as part of the permit application process. Further, the proposed regulation is consistent with the existing system for ensuring that work is performed by properly qualified contractors.

4. N.J.A.C. 5:23-2.18(d)5 is proposed for amendment to include a reference to the Building Subcode to ensure accurate cross-referencing of accessibility requirements during final inspection.

5. N.J.A.C. 5:23-3.4(a)1, is proposed for amendment to reassign the responsibilities for enforcement for Sections 1006.2.2.4 and 1010.2.9.2, entitled Electrical rooms. These are new sections in the 2021 edition of the International Building Code and were included in the responsibilities within Chapter 10. However, the inspection and plan review responsibility for these sections do not properly reflect the complete plan review and inspection needs for electrical rooms. This rulemaking assigns these sections to building, electrical, and fire for plan review, and building for inspection to reflect the proper responsibility. Further changes at N.J.A.C. 5:23-3.4(a)1, specifically related to Chapter 31, are proposed to ensure efficient practices of the UCC.

The proposed amendment will allow electrical code officials who are performing inspections in difficult to reach areas, the ability to plan review and inspect solar panel pathways on roofs.

6. N.J.A.C. 5:23-3.4(a)3 is proposed for amendment to correct an error in a numerical reference within the responsibilities table to reflect renumbering within the Electrical Subcode. Additionally, proposed for amendment is the incorporation of Article 620.51(E) of the National Electrical Code (NEC) into the responsibilities table. This section relates to surge protection in elevators and was inadvertently not included in the responsibilities chart when it was initially adopted into the electrical subcode. This article is assigned the same responsibilities as existing Articles 620.51(B), (C), and (D).

7. N.J.A.C. 5:23-3.4(a)6 is proposed for amendment within the enforcement responsibility table for one- and two-family dwelling subcode to enhance efficient practices of the UCC; this is in correlation to the Chapter 31 change noted above. The proposed amendment will allow electrical code officials who are already performing necessary inspections in difficult to reach areas the ability to plan review and inspect solar panel pathways on roofs.

8. N.J.A.C. 5:23-3.4(d) is proposed for amendment in order to move the placement of an exception within its present section. Additionally, N.J.A.C. 5:23-3.4(d)1 is similarly amended to move the placement of an exception within its present section. The amendments are proposed to aid clarification and minimize confusion and do not change the intent of their applicable sections.

9. New N.J.A.C. 5:23-3.14(b)3xvi is proposed to use the previous building subcode requirements, the 2018 International Building Code, regarding fences more than six feet for Utility Group U. The 2021 International Building Code changed this to seven feet. Maintaining the height at more than six feet corresponds with the administrative provisions of the UCC and N.J.A.C. 5:23-2.14(b)9, as they relate to permit requirements.

10. N.J.A.C. 5:23-3.14(b)5ii, iii, and iv are proposed for amendment to correct occupancy

designations and construction types.

11. New N.J.A.C. 5:23-3.14(b)9xxxiii is proposed to align the requirements for emergency escape and rescue opening requirements with the plumbing subcode, as it relates to drainage for area wells by incorporating a cross-reference to the relevant section of the plumbing subcode. A companion change is made at N.J.A.C. 5:23-3.21(c)3xvi to incorporate the same cross-reference and to correct another cross-reference to the building subcode.

12. N.J.A.C. 5:23-3.14(b)10iv(1) is proposed for amendment to remove an incorrect section title and replace it with the correct title.

13. N.J.A.C. 5:23-3.14(b)16xviii amends Section 1705.4, Masonry construction, to apply to seismic category D. For completeness, this section is amended to add the higher seismic categories, E and F.

14. N.J.A.C. 5:23-3.15(b)11ii is proposed for amendment to comport with the 2021 National Standard Plumbing Code. The reference within Section 13.1.10.1, Primary Roof Drainage to Appendix A is proposed for deletion.

15. N.J.A.C. 5:23-3.15(b)11iii is proposed for amendment. As provided for in the notice of proposal for the 2018 National Standard Plumbing Code at 51 N.J.R. 285(a), the proposed amendments at that time were to clarify the intent of 2018 NSPC for overflow roof drainage at N.J.A.C. 5:23-3.15(b)11iii. Upon adoption of the 2021 NPSC, it was discovered that this section needed further clarity, especially regarding Table A.5 within Appendix A. The table no longer exists within the appendix and, as noted above, at paragraph 3, the appendix is deleted. To accommodate for this change in the NPSC, Section 13.1.10.4, Equivalent Systems, would be utilized. Other than the appendix reference being corrected, the modification is reworded to better represent the section text layout within the unamended code.

16. N.J.A.C. 5:23-3.16(a)1 is proposed for amendment to include Tentative Interim

Amendments (TIA) 19. The 2020 edition of the National Electrical Code is adopted as the electrical subcode, which includes TIA 1-9. The Department of Community Affairs (Department) proposes to add TIA 19, which amends Section 210.8(F), Ground-Fault Circuit-Interrupter Protection for Personnel, Outdoor Outlets. The TIA amends this section regarding ground-fault circuit-interrupter protection to state that it is not to be required for the listed HVAC equipment until September 1, 2026. Previous TIA 13 provided a similar allowance until January 1, 2023. TIA 13 and 19 came about after several jurisdictions outside New Jersey who adopted or planned to adopt the 2020 NEC discovered a problem of repeated tripping of GFCI breakers on newly installed HVAC units, tracing it to GFCI device incompatibility with certain types of HVAC equipment. As the related industry is not ready for this requirement with the amount of nuisance tripping, adopting this TIA provides a timeline well before the Department looks to adopt the 2023 NEC after September of 2025.

18. N.J.A.C. 5:23-3.21(c)6xlv is proposed for amendment to include the correct cross-reference to the building subcode.

19. New N.J.A.C. 5:23-3.22(b)4iv is proposed to delete a section relating to LPG motor fuel-dispensing facilities as these facilities are regulated pursuant to N.J.A.C. 5:18, Liquefied Petroleum Gas, and not to the UCC.

20. N.J.A.C. 5:23-6.4(d)4iv, 6.5(d)4iv, 6.6(d)4iv, and 6.7(d)3iv are proposed for deletion to remove the specified minimum sizes, as Section 3.2.1 of the NSPC already sets forth the minimum size for traps and tailpieces and is captured within the plumbing materials and methods at N.J.A.C. 5:23-6.8(c)2.

21. N.J.A.C. 5:23-6.8(b)20iv and (h)1xiii are proposed for amendment to reflect the proper terminology for swimming pool, spa, and hot tub barriers in the section. The proposed amendments remove and replace improper terminology with the proper terms and grammar to aid in clarification of the section. In addition, this change expands the requirements for completely replaced and newly installed pools beyond just the barrier and provides a cross-reference which previously had none.

22. N.J.A.C. 5:23-6.9(e)7 is proposed for amendment to include language referencing pump motors, so it is in line with changes made at N.J.A.C. 5:23-6.8(b)20iv and (h)1xiii that correlate to newly installed pools.

23. New N.J.A.C. 5:23-6.32(h) is proposed to include a general reference to energy subcode compliance for an addition to a building. In addition, the new subsection references the residential and commercial definitions at N.J.A.C. 5:23-6.3. This section further clarifies how the residential energy code applies for compliance with the building thermal envelope air leakage requirements. Understanding that many additions remain open to the existing home, or if the addition is an add-a-level addition, the testing requirement is not feasible and only a visual inspection of the building thermal envelope pursuant to Section R402.4.1.1 of the residential energy code would be required in conjunction with UCC Form F-392. This exception does not preclude the permit applicant from the test, but the minimum would be a visual test pursuant to the section and the UCC form.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements 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 proposed amendments update the UCC to reflect technical changes and wording changes for correction and to comport with the adoption of the latest editions of the national model codes.

Including the latest editions of the codes into the administrative provisions of the UCC ensures that modern techniques and technologies that promote safety and establish uniformity are in place throughout the State.

This rulemaking ensures internal consistency and clarity throughout the UCC and among code users. Ensuring that electrical replacements in hazardous locations require a minor work permit provides for a greater level of safety in these projects. In addition, adding cross-references to other requirements for licensed contractors, specifically, LPG contractors, ensures consistency with other licensing rules. This rulemaking also provides clear delineation of enforcement responsibility and ensures that the established health and safety requirements of the UCC are met. Finally, changes are made to align the three subcodes and correct cross-references to ensure consistent and predictable enforcement.

Economic Impact

The Department does not anticipate that the proposed amendments to enforcement responsibility would have any economic impact. The change regarding electrical replacements in hazardous locations would require a minor work permit for such work, but such cost is minimal in nature and ensures that the work is undertaken safely in hazardous locations. The change to clarify existing requirements, or in the case of licensed contractors, reflect the requirements of other laws, and, accordingly, it is not anticipated that these proposed amendments will have a discernible economic impact.

The changes to responsibilities, as well as the changes to align multiple subcodes, would have no economic impact and would ensure streamlined enforcement throughout local enforcing agencies. The proposed amendments 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 are not expected to have an economic impact.

Federal Standards Statement

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

Jobs Impact

The proposed amendments are not expected to have any impact on the creation or loss of jobs as the intention of the amendments are to ensure consistency with the UCC and make administrative corrections and updates.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments, which impact electrical replacements in hazardous locations, reassign code official responsibilities, create consistency across the subcodes, and provide corrections, would impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments update and clarify sections throughout the UCC to make corrections and to align language with the most recent editions of the national model codes. This rulemaking ensures clarity and consistency in technical requirements imposed on those undertaking construction or rehabilitation work and replacement of equipment in hazardous locations, some of which are small businesses, as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. As 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 majority of 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. These proposed amendments are not expected to have an impact on the affordability of housing or the average costs associated with housing.

The proposed amendments, which ensure consistency in subcode official responsibility, align similar requirements across subcodes, and provide for the permit requirements for electrical replacements in hazardous locations, are not expected to have an impact on housing affordability or the average cost of housing in the State. The changes to the responsibilities regarding solar pathways provide for more efficient inspections by allowing just one subcode official to perform the necessary inspection.

Smart Growth Development Impact Analysis

The proposed amendments update and clarify sections throughout the UCC to align with the most recent editions of the national model codes and the current code requirements, in addition to administrative corrections and technical updates. As 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 on housing production within Planning Areas 1 and 2, or within designated centers, pursuant to 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

5:23-2.7 Ordinary maintenance

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

(c) The following items are ordinary maintenance and shall be treated as such by every enforcing agency. No permit for, inspections of, or notice to the enforcing agency of ordinary maintenance shall be required. This is not an all-inclusive listing of ordinary maintenance.

1. – 2. (No change.)

3. Ordinary electrical maintenance shall include:

i. [The] **In other than hazardous (classified) locations, as defined within Article 500 of the electrical subcode, the** replacement of any receptacle, switch, or lighting fixture, or part thereof, not containing emergency battery packs with a like or similar item. Receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant are required shall comply with Section 406.4(D) of the electrical subcode;

ii. – vii. (No change.)

4. – 6. (No change.)

5:23-2.14 Construction permits—when required

(a) (No change.)

(b) The following are exceptions from (a) above:

1. – 3. (No change.)

4. Exceptions to permit requirements for temporary structures, tents, tensioned membrane structures, canopies, and greenhouses are as follows:

i. – iii. (No change.)

iv. Regardless of whether the **temporary structure**, tent, tensioned membrane structure, canopy, or greenhouse requires a permit, a permit shall be required for any electrical equipment, electrical wiring, or mechanical equipment that would otherwise require a permit.

5. – 11. (No change.)

(c) – (g) (No change.)

5:23-2.15 Construction permits—application

(a) (No change.)

(b) In addition to the requirements at (a) above, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. – 2. (No change.)

3. The name and address of the contractor or subcontractor for installation, alteration, repair, or replacement work on liquefied petroleum gas systems, where such work is proposed.

i. Work on liquefied petroleum gas systems shall be undertaken only by persons certified to perform such work pursuant to N.J.A.C. 5:18, except in the case of a single-family homeowner performing work on his or her own dwelling, licensed plumbing contractors, or licensed heating, ventilating, air conditioning, and refrigeration contractors.

ii. The certification number of the liquefied petroleum gas contractor shall be affixed to the corresponding subcode technical section.

Recodify existing 3.-11. as **4.-12.** (No change in text.)

[12.] **13.** In the event of any change of contractor or person in charge of work at (b)1

through [11] 12 above, such change shall be filed as an amendment to the application.

(c) – (f) (No change.)

5:23-2.17A Minor work

(a) – (b) (No change.)

(c) Minor work:

1. – 4. (No change.)

5. Minor work shall also mean and include the following:

i. – v. (No change.)

vi. In hazardous (classified) locations, as defined within Article 500 of the electrical subcode, the replacement of any receptacle, switch, or lighting fixture, or part thereof, with a like or similar item. Receptacles in locations where ground-fault circuit interrupter protection, damp/wet, or tamper-resistant are required shall comply with Section 406.4(D) of the electrical subcode;

6. – 7. (No change.)

(d) (No change.)

5:23-2.18 Inspections

(a) – (c) (No change.)

(d) Final inspection: Upon completion of the building or structure, and before the issuance of a certificate of use and occupancy required herein, a final inspection shall be made, and any violations of the code shall be noted, and the holder of the permit shall be notified of any discrepancies by the construction official. The final inspection shall include:

1. – 4. (No change.)

5. A review for compliance with **the accessibility provisions of the Building Subcode, N.J.A.C. 5:23-3.14, and the Barrier Free Subcode**, [for all buildings required by N.J.A.C. 5:23-7.1 to be accessible] **N.J.A.C. 5:23-7, as applicable.**

6. (No change.)

(e) – (i) (No change.)

SUBCHAPTER 3. SUBCODES

5:23-3.4 Responsibilities

(a) The enforcement responsibilities of the adopted subcodes are as follows:

1. Building Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 10	Means of Egress		
	1001-1007, except 1006.2.2.4	Building/Fire	Building
	1006.2.2.4	Building/Electrical/Fire	Building
...			
	1010.2.9.2	[Building/Electrical] Building/Electrical/Fire	Building
...			
Ch. 31	Special Construction		
	3111.3.4	[Fire] Electrical/Fire	[Fire] Electrical
...			

2. (No change.)

3. Electrical Subcode

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
Ch. 2	Wiring and Protection		
...			
Ch. 6	Special Equipment		
	[250.104(A)(2)-285] 250.104(A)(2)-250.194	Electrical	Electrical
...			
	[620.51(B)-(D)] 620.51(B)-(E)	Electrical/Elevator ¹	[Elevator/Electrical ³] Electrical/Elevator³

4. - 5. (No change.)

6. One- and Two-Family Dwelling Subcode:

Chapter	Section/Title	Responsibility	
		Plan Review	Inspection
...			
Ch. 3	Building Planning		
	R324.6	[Fire] Electrical/Fire	[Fire] Electrical
...			

7. – 9. (No change.)

(b) – (c) (No change.)

(d) Any mechanical inspector employed by the Department or by a municipality, and so assigned by the construction official, shall have the responsibility for enforcement of the provisions of the code[,

except work involving the installation or replacement of backflow preventers or electrical work,] for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, **except work involving the installation or replacement of backflow preventors or electrical work**, in existing buildings of Group R-3 or R-5. For a new installation, the mechanical inspector shall have this enforcement responsibility provided that the installation does not penetrate a fire-rated assembly.

1. When no mechanical inspector is assigned, the construction official shall assign the plumbing subcode official or a plumbing inspector, who shall have the responsibility for the enforcement of provisions of the code[, except electrical,] for the installation and replacement of heating or cooling equipment or water heaters or other mechanical equipment, such as refrigeration, air conditioning, or ventilating apparatus, gas piping or heating systems, or stand-by power generators, **except electrical**, in existing buildings of Group R-3 or R-5. A plumbing subcode official or plumbing inspector need not be a mechanical inspector to perform these inspections.

5:23-3.14 Building subcode

(a) (No change.)

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

1. – 2. (No change.)

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

i. – xv. (No change.)

xvi. In Section 312.1, General (Utility and Miscellaneous Group U), in description of fences, “7 feet (2134 mm)” shall be deleted and “6 feet (1829 mm)” shall be inserted.

4. (No change.)

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

i. (No change.)

ii. Table 504.3 “ALLOWABLE BUILDING HEIGHT IN FEET ABOVE GRADE PLANE” shall be amended as follows:

(1) (No change.)

(2) In the first column, OCCUPANCY CLASSIFICATION, superscript ⁱ shall be inserted at Group I-4. In addition, the following note shall be added to the table: “i. Child-care facilities of Types IIB, III, IV[,] HT, or V construction shall be limited to 20 feet in height above grade plane.”

(3) – (9) (No change.)

iii. Table 504.4, ALLOWABLE NUMBER OF STORIES ABOVE GRADE PLANE, shall be amended as follows:

(1) - (5) (No change.)

(6) The allowable number of stories for Group A-5 NS and S, construction Types IIIB, IV[,] HT, VA, and VB shall be deleted.

(7) – (15) (No change.)

(16) Under OCCUPANCY CLASSIFICATION, add superscript “i” to Group I-4. In addition, the following note shall be added to the table: “i. Child care facilities of Types IIB, III, IV[,] HT, or V construction shall be limited to 1 story.”

(17) - (25) (No change.)

iv. Table 506.2, ALLOWABLE AREA FACTOR IN SQUARE FEET, shall be amended as follows:

(1) (No change.)

(2) Under construction Type IIIB, IV, HT[,] VA, and VB for Group A-5 NS, S1, and SM, “UL” shall be deleted.

(3) – (5) (No change.)

v. – viii. (No change.)

6. – 8. (No change.)

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

i. – xxxii. (No change.)

xxxiii. In Section 1031.5.3, Drainage, “and in accordance with the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted after “Section 1805.”

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

i. – iii. (No change.)

iv. 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. In section 102.2, entitled [“adopted by the administrative authority”] **“applicability”** in the first sentence shall be deleted.

2. – 31. (No change.)

v. – lix. (No change.)

11. – 15. (No change.)

16. Chapter 17, Structural Tests and Special Inspections, shall be amended as follows:

i. – xxii. (No change.)

xxiii. In Section 1705.4, Masonry construction, “in Seismic Design Category D, E or F” shall be inserted after the word “construction.” Additionally, in Exception 2, the reference to Table 1807.1.6.3(1) shall be deleted.

xxiv. – xl. (No change.)

17. – 27. (No change.)

5:23-3.15 Plumbing subcode

(a) (No change.)

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

1. – 10. (No change.)

11. Chapter 13 of the plumbing subcode, entitled "Storm Water Drainage," shall be amended as follows:

i. (No change.)

ii. Section 13.1.10.1, Primary Roof Drainage, shall be amended to delete the last sentence **and the reference to “(See Appendix A)”** 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: 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 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.] **amended as follows:**

(1) Within the title and throughout the subsections, “secondary” shall be deleted and “overflow” shall be inserted in its place.

(2) At subsection a., “independent secondary” shall be deleted and “overflow” shall be inserted. In addition, “Secondary roof drainage shall be sized for a 100-year, 15-minute storm. See Appendix A.” shall be deleted.

[(1)] **(3)** (No change in text.)

[(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.]

(4) At subsection d, “(See Appendix A).” shall be deleted, along with the second and third sentences.

iv. (No change.)

12. – 19. (No change.)

(c) (No change.)

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 (NEC) 2020," and Tentative Interim Amendments 1-9 **and 19** as the electrical subcode for New Jersey.

i. (No change.)

2. – 3. (No change.)

(b) (No change.)

5:23-3.20 Mechanical subcode

(a) (No change.)

(b) The following chapters, sections, or pages of the International Mechanical Code/2021 shall be amended as follows:

1. – 3. (No change.)

4. Chapter 5 of the mechanical subcode, entitled "Exhaust Systems," shall be amended as follows:

i. (No change.)

ii. Item 7 [in] **at** Sections 504.11, Common exhaust systems for clothes dryers located in multistory structures, and 505.5, Common exhaust systems for domestic kitchens located in multistory structures, is amended to add “, if provided,” after the word “and[“].”

iii. – iv. (No change.)

5. – 14. (No change.)

5:23-3.21 One- and two-family dwelling subcode

(a) – (b) (No change.)

(c) The following chapters or sections of the IRC/2021 shall be modified as follows:

1. – 2. (No change.)

3. Chapter 3, Building Planning, shall be amended as follows:

i.-xv. (No change.)

xvi. In Section R310.4.3, Drainage, "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.]

“Section R406 and in accordance with the plumbing subcode (N.J.A.C. 5:23-3.15)” shall be inserted. “Additionally, within the exception “Table R405.1” shall be deleted and “Table R406.1” shall be inserted.”

xvii. – xlv (No change.)

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

i. – vii. (No change.)

viii. Sections R405, Foundation Drainage, with the exception of Table R405.1, which shall be renumbered as "Table R406.1", and R406, Foundation Waterproofing and Dampproofing, shall be deleted and the text of Section 1805, Dampproofing and Waterproofing from the building subcode shall be inserted as follows:

"R406.1 General. Walls or portions thereof that retain earth and enclose interior spaces and floors below grade shall be waterproofed and dampproofed in accordance with this section, with the exception of those spaces containing groups other than residential and institutional where such omission is not detrimental to the building or occupancy. Ventilation for crawl spaces shall comply with Section R408.

R406.1.1 Story above grade plane. Where a basement is considered a story above grade and the finished ground level adjacent to the basement wall is below the basement floor elevation for 25 percent or more of the perimeter, the floor and walls shall be dampproofed in accordance with Section R406.2

and a foundation drain shall be installed in accordance with Section [R406.4.1] **R406.4.2**. The foundation drain shall be installed around the portion of the perimeter where the basement floor is below ground level. The provisions of Sections R406.3 and R406.4.1 shall not apply in this case.

R406.1.2 Under-floor space. The finished ground level of an under-floor space such as a crawl space shall not be located below the bottom of the footings. Where there is evidence that the ground water table rises to within 6 inches (152 mm) of the ground level at the outside building perimeter, or that the surface water does not readily drain from the building site, the ground level of the under-floor space shall be as high as the outside finished ground level, unless an approved drainage system is provided. The provisions of Sections R406.2, R406.3 and R406.4 shall not apply in this case.

R406.1.2.1 Flood hazard areas. For buildings and structures in flood hazard areas as established in Section R322, the finished ground level of an under-floor space such as a crawl space shall be equal to or higher than the outside finished ground level on at least one side.

Exception: Under-floor spaces that meet the requirements of FEMA TB-11.

R406.1.3 Ground-water control. Where the groundwater table is lowered and maintained at an elevation not less than 6 inches (152 mm) below the bottom of the lowest floor, the floor and walls shall be dampproofed in accordance with Section R406.2. The design of the system to lower the groundwater table shall be based on accepted principles of engineering that shall consider, but not necessarily be limited to, permeability of the soil, rate at which water enters the drainage system, rated capacity of pumps, head against which pumps are to operate and the rated capacity of the disposal area of the system.

R406.2 Dampproofing. Where hydrostatic pressure will not occur, floors and walls for other than wood foundation systems shall be dampproofed in accordance with this section. Wood foundation systems shall be constructed in accordance with AWC PWF.

R406.2.1 Floors. Dampproofing materials for floors shall be installed between the floor and the base course required by Section R406.4.1, except where a separate floor is provided above a concrete slab.

Where installed beneath the slab, dampproofing shall consist of not less than 6-mil (0.006 inch; 0.152 mm) polyethylene with joints lapped not less than 6 inches (152 mm), or other approved methods or materials. Where permitted to be installed on top of the slab, dampproofing shall consist of mopped-on bitumen, not less than 4-mil (0.004 inch; 0.102 mm) polyethylene, or other approved methods or materials. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.2.2 Walls. Dampproofing materials for walls shall be installed on the exterior surface of the wall, and shall extend from the top of the footing to above ground level.

Dampproofing shall consist of a bituminous material, 3 pounds per square yard (16N/m) of acrylic modified cement, 1/8-inch (3.2 mm) coat of surface-bonding mortar complying with ASTM C 887, any of the materials permitted for waterproofing by Section R406.3.2, or other approved methods or materials.

R406.2.2.1 Surface preparation of walls. Prior to application of dampproofing materials on concrete walls, holes and recesses resulting from the removal of form ties shall be sealed with a bituminous material or other approved methods or materials.

Unit masonry walls shall be parged on the exterior surface below ground level with not less than 3/8 inch (9.5 mm) of portland cement mortar. The parging shall be covered at the footing.

Exception: Parging of unit masonry walls is not required where a material is approved for direct application to the masonry.

R406.3 Waterproofing. Where the ground-water investigation indicates that a hydrostatic pressure condition exists, and the design does not include a ground-water control system as described in Section R406.1.3, walls and floors shall be waterproofed in accordance with this section.

R406.3.1 Floors. Floors required to be waterproofed shall be of concrete and designed and constructed to withstand the hydrostatic pressures to which the floors will be subjected.

Waterproofing shall be accomplished by placing a membrane of rubberized asphalt, butyl rubber, fully adhered/fully bonded HDPE or polyolefin composite membrane or not less than 6-mil (0.006 inch; 0.152 mm) polyvinyl chloride with joints lapped not less than 6 inches (152 mm) or other approved materials under the slab. Joints in

the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.3.2 Walls. Walls required to be waterproofed shall be of concrete or masonry and shall be designed and constructed to withstand the hydrostatic pressures and other lateral loads to which the walls will be subjected.

Waterproofing shall be applied from the bottom of the wall to not less than 12 inches (305 mm) above the maximum elevation of the ground-water table. The remainder of the wall shall be dampproofed in accordance with Section R406.2.2.

Waterproofing shall consist of two-ply hot-mopped felts, not less than 6-mil (0.006 inch; 0.152 mm) polyvinyl chloride, 40-mil (0.040 inch; 1.02 mm) polymer-modified asphalt, 6-mil (0.006 inch; 0.152 mm) polyethylene or other approved methods or materials capable of bridging nonstructural cracks. Joints in the membrane shall be lapped and sealed in accordance with the manufacturer's installation instructions.

R406.3.2.1 Surface preparation of walls. Prior to the application of waterproofing materials on concrete or masonry walls, the walls shall be prepared in accordance with Section R406.2.2.1.

R406.3.3 Joints and penetrations. Joints in walls and floors, joints between the wall and floor, and penetrations of the wall and floor shall be made watertight utilizing approved methods and materials.

R406.4 Subsoil drainage system. Where a hydrostatic pressure condition does not exist, dampproofing shall be provided and a base shall be installed under the floor and a drain installed around the foundation perimeter. A subsoil drainage system designed and constructed in accordance with Section R406.1.3 shall be deemed adequate for lowering the ground-water table.

R406.4.1 Floor base course. Floors of basements, except as provided for in Section R406.1.1, shall be placed over a floor base course not less than 4 inches (102 mm) in thickness that consists of gravel or crushed stone containing not more than 10 percent of material that passes through a No. 4 (4.75 mm) sieve.

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a floor base course is not required.

R406.4.2 Foundation drain. A drain shall be placed around the perimeter of a foundation that consists of gravel or crushed

stone containing not more than 10 percent material that passes through a No. 4 (4.75 mm) sieve. The drain shall extend a minimum of 12 inches (305 mm) beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches (152 mm) above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or the top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2 inches (51 mm) of gravel or crushed stone complying with Section R406.4.1 and shall be covered with not less than 6 inches (152 mm) of the same material.

R406.4.3 Drainage discharge. The floor base and foundation perimeter drain shall discharge by gravity or mechanical means into an approved drainage system that complies with the plumbing subcode.

Exception: Where a site is located in well-drained gravel or sand/gravel mixture soils, a dedicated drainage system is not required."

ix. (No change.)

5. – 24. (No change.)

5:23-3.22 Fuel gas subcode

(a) (No change.)

(b) The following chapters, sections, or pages of the International Fuel Gas Code/2021 shall be amended as follows:

1. – 3. (No change.)

4. Chapter 4 of the fuel gas subcode, entitled “Gas Piping Installation,” shall be amended as follows:

i. – iii. (No change.)

iv. Section 412, Liquefied petroleum gas motor vehicle fuel-dispensing facilities, shall be deleted.

5. – 11. (No change.)

SUBCHAPTER 6. REHABILITATION SUBCODE

5:23-6.4 Repairs

(a) – (c) (No change.)

(d) The following products and practices shall not be used:

1. – 3. (No change.)

4. Plumbing materials and supplies:

i. – ii. (No change.)

iii. Flexible traps and tailpieces; **and**

[iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S

(Brown & Sharpe) 17 gauge (.045 inch); and]

[v.] **iv.** (No change in text.)

5. - 6. (No change.)

(e) – (g) (No change.)

5:23-6.5 Renovations

(a) – (c) (No change.)

(d) The following products and practices shall not be used:

1. – 3. (No change.)

4. Plumbing materials and supplies:

i. – ii. (No change.)

iii. Flexible traps and tailpieces; **and**

[iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S

(Brown & Sharpe) 17 gauge (.045 inch); and]

[v.] **iv.** (No change in text.)

5. - 7. (No change.)

(e) - (h) (No change.)

5:23-6.6 Alterations

(a) – (c) (No change.)

(d) The following products and practices shall not be used:

1. – 3. (No change.)

4. Plumbing materials and supplies:

i. – ii. (No change.)

iii. Flexible traps and tailpieces; **and**

[iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S

(Brown & Sharpe) 17 gauge (.045 inch); and]

[v.] **iv.** (No change in text.)

5. – 7. (No change.)

(e)-(l) (No change.)

5:23-6.7 Reconstruction

(a) – (c) (No change.)

(d) The following products and practices shall not be used:

1. – 2. (No change.)

3. Plumbing materials and supplies:

i. – ii. (No change.)

iii. Flexible traps and tailpieces; **and**

[iv. Sheet and tubular copper and brass trap and tailpiece fittings less than B&S

(Brown & Sharpe) 17 gauge (.045 inch); and]

[v.] **iv.** (No change in text.)

4. – 6. (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. – 19. (No change.)

20. The following sections of Chapter 31 entitled “Special Construction:”

i. – iii. (No change.)

iv. Section 3109 shall apply to newly installed and completely replaced [enclosures for] swimming pools, spas, and hot tubs. [This] **For barriers, this** shall also apply to partial [enclosure] **barrier** replacements if the portion being replaced exceeds 25 percent of the total perimeter of the [enclosure] **barrier**;

v. – vii. (No change.)

(c) – (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. – xii. (No change.)

xiii. Section R327 shall apply to newly installed and completely replaced [enclosures for] swimming pools, spas, and hot tubs. [This] **For barriers, this** shall also apply to partial [enclosure] **barrier** replacement if the portion being replaced exceeds 25 percent of the total perimeter of the [enclosure] **barrier**;

xiv. – xvi. (No change.)

2. – 20. (No change.)

(i) – (l) (No change.)

5:23-6.9 New building elements

(a) – (d) (No change.)

(e) Energy Subcode shall be as follows:

1. – 6. (No change.)

7. Newly installed pools heaters **and pump motors** shall meet Section R403.10 (N1103.10) of the residential energy code or Section 7.4.5 of the commercial energy code, as applicable.

8. (No change.)

5:23-6.32 Additions

(a) – (g) (No change.)

(h) All additions shall comply with the residential energy code or commercial energy code, as applicable.

1. Air leakage for buildings subject to the residential energy code shall be required to meet only a visual inspection of the building thermal envelope pursuant to Section R402.4.1.1 (N1102.4.1.1) and UCC Form F-392.

Recodify existing (h) – (i) as **(i) – (j)** (No change in text.)