

## 5:23-3.16 Electrical subcode

(a) Rules concerning the subcode adopted are as follows:

1. Pursuant to 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 2011" as the electrical subcode for New Jersey.

i. (No change.)

2. The National Electrical Code 2011 may be known and cited as "the electrical subcode."

i. Codes and standards referenced in the Informational Notes of the electrical subcode (NEC 2011) shall be considered adopted by reference to the extent prescribed by each related section. These codes and standards also are printed in DCA Bulletin #12-1, which contains a list of adopted codes and standards that are applicable to the enforcement of the electrical subcode.

3. (No change.)

(b) The following chapters or articles of the electrical subcode are amended as follows:

1. (No change.)

2. Chapter 1 of the electrical subcode, Article 100, entitled "Definitions," is amended as follows:

i. The definition of the term "approved" is amended to delete the phrase "the authority having jurisdiction" and substitute in lieu thereof, the phrase "electrical subcode official. Approval shall be in accordance with N.J.A.C. 5:23-3.7."

ii.-iii. (No change.)

3. Chapter 2 of the electrical subcode, entitled "Wiring and Protection," is amended as follows:

i. Section 210.8(A)(2) and (5) of Article 210, entitled Branch Circuits, is deleted; it is replaced by Section 210.8(A)(2) and (5) and the exceptions in the National Electrical Code 2005 as follows:

"210.8(A)(2) - Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception No. 1 to (2) - Receptacles that are not readily accessible.

Exception No. 2 to (2) - A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)7, or (A)(8).

Receptacles installed under the exceptions to 210.8(A)(2) shall not be considered as meeting the requirements of 210.52(G).

210.8(A)(5) - Unfinished basements: For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5) - Receptacles that are not readily accessible.

Exception No. 2 to (5) - A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)7, or (A)(8).

Exception No. 3 to (5) - A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Receptacles installed under the exceptions to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G)."

ii. Section 210.12(B), entitled "Branch Circuit Extensions or Modifications - Dwelling Units," is deleted in its entirety.

4. Chapter 3 of the electrical subcode, entitled "Wiring Methods and Materials," is amended as follows:

i. (No change.)

ii. (No change in text.)

5. Chapter 4 of the electrical subcode, entitled "Equipment for General Use" is amended as follows:

i. Section 406.4(D)(4), entitled "Arc-Fault Circuit-Interrupter Protection," is deleted in its entirety.

6. (No change in text.)

7. Chapter 6 of the electrical subcode, entitled "Special Equipment," is amended as follows:

i. Section 680.42(B), entitled "Bonding," shall be deleted and the following shall be inserted:

"680.42(B) Bonding. Bonding by metal-to-metal mounting on a common frame or base shall be permitted.

Exception No. 1: The metal bands or hoops used to secure wooden staves shall not be required to be bonded as required in 680.26.

Exception No. 2: A listed self-contained spa or hot tub that meets all of the following conditions shall not be required to have equipotential bonding of perimeter surfaces installed as required in 680.26(B)(2):

(1) Is installed in accordance with manufacturer's instructions on or above grade.

(2) The vertical measurement from all permanent perimeter surfaces within 30 horizontal inches (76 cm) of the spa to the top rim of the spa is greater than 28 inches (71 cm).

Informational Note: For further information regarding the grounding and bonding requirements for self-contained spas and hot tubs, see ANSI/UL 1563 - 2009, Standard for Electric Spas, Equipment Assemblies, and Associated Equipment."

8. (No change in text.)

9. Informative Annex H of the electrical subcode, entitled "Administration and Enforcement," is deleted in its entirety.

(c) (No change.)

**(a)****DIVISION OF FIRE SAFETY****Uniform Fire Code****Bed and Breakfasts****Adopted Amendments: N.J.A.C. 5:70-1.5, 3.2, 4.4, 4.11, and 4.13**

Proposed: November 7, 2011 at 43 N.J.R. 2698(a).

Adopted: April 5, 2012 by Richard E. Constable, III, Acting Commissioner, Department of Community Affairs.

Filed: April 9, 2012 as R.2012 d.090, **without change**.

Authority: N.J.S.A. 52:27D-198.

Effective Date: May 7, 2012.

Expiration Date: September 15, 2017.

**Summary of Public Comments and Agency Responses:**

Comments were received from Todd Kieninger, P.E., owner of the Sea Gypsy Bed and Breakfast, and from Doug McMain, owner of the Queen Victoria Bed and Breakfast.

COMMENT: One commenter wishes to express support for the proposed changes, which he considers to be reasonable. He believes that the changes will help the tourism industry and encourage the creation and retention of bed and breakfast inns.

RESPONSE: The Department agrees with the commenter and thanks him for his expression of support for the proposal.

COMMENT: Although the other commenter heartily agrees that rule changes are needed and applauds the direction that the Department has taken, he takes exception to the requirement that the innkeeper's home address be prominently posted because he does not want inn guests coming to his house uninvited, which he says often happens when they find out where he lives. He believes the posting of a phone number to be sufficient and does not believe that guests would go to his house, rather than call him, in the event of any problem or emergency. He regards the posting of his address as "a silly requirement that adds nothing to the safety or level of comfort for our guests." Owners of bed and breakfast inns have the same right to privacy as do owners of other businesses. He believes that this requirement, if adopted, would be no more enforceable than the current "live in the premises" rule and would be "mostly ignored and meaningless."

RESPONSE: This change was proposed as a less restrictive alternative to the current rule requiring that the owner reside at the premises. Failure to adopt it would leave the current rule in place, since deletion of the requirement was not proposed, and therefore cannot be done on adoption. In any event, the commenter fails to note that the amendments also provide owners with the option of providing location information for an agent who resides either at the bed and breakfast inn or within a 15-

minute travel distance. Thus, an owner who does not wish to provide his or her home address to bed and breakfast guests would now have the option of having an agent whose information would be provided instead. It is necessary that someone authorized to act on behalf of the owner be available to guests at all times, even in the event of telecommunications failure.

#### Federal Standards Statement

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

Full text of the adoption follows:

#### 5:70-1.5 Definitions

The following terms shall have the meaning indicated except where the context clearly requires otherwise. All definitions found in the Uniform Fire Safety Act, P.L. 1983, c. 383, N.J.S.A. 52:27D-192 et seq., shall be applicable to this chapter. Where a term is not defined in this section or in the Uniform Fire Safety Act, then the definition of that term in the Uniform Construction Code at N.J.A.C. 5:23-1.4 shall govern.

"Bed and breakfast" means a facility providing sleeping or dwelling accommodations to transient guests which:

1.-2. (No change.)

3. Has at least one dwelling unit occupied by the owner of the facility or his agent as his place of residence during any time that the facility is being used for the lodging of guests or has an owner or agent of the owner within 15 minutes travel distance of the facility while guests are lodging there;

i. If the owner or agent is not on site, there shall be a clearly legible sign, conspicuously displayed in the area where guests register, containing the owner's or agent's name, address (including unit number or apartment number) and a 24-hour emergency telephone number;

4. Has not less than 300 square feet of common area for the exclusive use of the guests, including, but not limited to, parlors, dining rooms, libraries, porches, verandas, and solariums for occupancies with more than 10 guests or not less than 150 square feet of common area for occupancies with 10 or fewer guests;

5.-7. (No change.)

8. Does not allow:

i. More than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days; or

ii. (No change.)

### SUBCHAPTER 3. STATE FIRE PREVENTION CODE

#### 5:70-3.2 Modifications

(a) The following articles or sections of the State Fire Prevention Code are modified as follows:

1.-3. (No change.)

4. Chapter 4, Emergency Planning and Preparedness, shall be amended as follows:

i.-xv. (No change.)

xvi. In Section 408.8, Group R-1 occupancies, a new section 408.8.2.1 shall be added as follows: "408.8.2.1 Bed and breakfasts. Each bed and breakfast shall have at least one dwelling unit occupied by the owner of the facility or his agent as his place of residence during any time that the facility is being used for the lodging of guests or the owner or agent of the owner shall be within 15 minutes travel distance of the facility while guests are lodging there. The owner or agent shall carry out the applicable duties described in this chapter. If the owner or agent is not on site, there shall be a clearly legible sign, conspicuously displayed in the area where guests register, containing the owner's or agent's name, address (including unit number or apartment number) and a 24-hour emergency telephone number."

Recodify existing xvi.-xxiv. as xvii.-xxv. (No change in text.)

5.-46. (No change.)

### SUBCHAPTER 4. FIRE SAFETY CODE

#### 5:70-4.4 General provisions

(a) The applicability of provisions of this subchapter to existing buildings or structures, identified or classified by the Federal, State or local government authority as historic buildings, shall be determined by the local construction code enforcing agency in consultation with the fire official.

1. For purposes of applying this section, historic buildings shall include any building that meets one or more of the following criteria:

i. Buildings listed on the New Jersey or National Registers of Historic Places either individually or as a contributing building to a historic district;

ii. Buildings that have been issued a Determination of Eligibility by the Keeper of the National Register of Historic Places;

iii. Buildings identified as contributing buildings to Local Historic Districts which have been certified by the Keeper of the National Register as substantially meeting the National Register Criteria; or

iv. Buildings with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing building to a historic district.

2. Variances: Building owners wishing to use an alternative to compliance with specific provisions of this subchapter shall submit request(s) for variances in writing in accordance with N.J.A.C. 5:70-2.14. Requests for variances shall identify all nonconformities with the requirements of this subchapter and shall include: a statement of the requirements of this subchapter from which a variance is sought, a statement of the manner by which strict compliance with the provisions of this subchapter would result in practical difficulties or would detract from the historic character of the building, and a statement of feasible alternatives to the requirements of this subchapter that would adequately protect the health, safety and welfare of the intended occupants and of the public generally.

i. The provisions of N.J.A.C. 5:70-2.14, Variances, notwithstanding, a variance may be granted where no feasible alternative to the strict requirements of the subchapter exists, provided that the owner submits a finding by a qualified architect that the feature of the building which cannot be brought into strict compliance with the requirements of this subchapter is essential to maintaining the historical value and character of the building. Any such finding submitted in support of a variance application shall be in writing and shall state the basis and reasons for the finding.

(b)-(d) (No change.)

#### 5:70-4.11 Means of egress

(a) Every story utilized for human occupancy having an occupant load of 500 or less shall be provided with a minimum of two exits, except as provided in (b) below. Every story having an occupant load of 501 to 1,000 shall have a minimum of three exits. Every story having an occupant load of more than 1,000 shall have a minimum of four exits.

1. (No change.)

2. When more than one exit is required, an existing fire escape shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions.

i. Access to a fire escape shall be through a door, except that window access shall be permitted from single dwelling units or guestrooms in Use Groups R-1, R-2 and I-1 or when serving spaces having a maximum occupant load of 10 in other use groups.

(1) Exception: Window access shall be permitted to serve more than one guestroom for bed and breakfasts in Use Group R-1 provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

(2) For bed and breakfasts in Use Group R-1, where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height and a minimum net clear opening of 24 inches in width.

3. Any new fire escapes shall be constructed and installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3 dated June 2001.

i. Access to a fire escape shall be through a door installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3 dated June 2001, except that window access shall be permitted from single dwelling units or guestrooms in Use Groups R-1, R-2 and I-1 or when serving spaces having a maximum occupant load of 10 in other use groups.

(1) Exception: Window access shall be permitted to serve more than one guestroom for bed and breakfasts in Use Group R-1 provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

(2) For bed and breakfasts in Use Group R-1, where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height and a minimum net clear opening of 24 inches in width.

4.-7. (No change.)

(b)-(o) (No change.)

5:70-4.13 Protection of interior stairways and other vertical openings

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

(c) Interior stairways and other vertical openings connecting no more than three levels shall be enclosed with approved assemblies and opening protectives having a fire resistance as follows:

1.-9. (No change.)

10. In Use Group R-1, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted:

i. (No change.)

ii. In buildings with not more than 25 guests in which the following conditions are met:

(1) (No change.)

(2) The building is protected throughout by an automatic fire alarm system, installed in accordance with the New Jersey Uniform Construction Code and supervised in accordance with N.J.A.C. 5:70-4.9(c); and

(3) Every sleeping room above the second floor or more than 16 feet above grade is provided with direct access to a fire escape or other approved secondary exit or any exit access corridor exceeding 20 feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier.

11. (No change.)

(a)

## DIVISION OF FIRE SAFETY

### Uniform Fire Code

#### Mattresses

#### Adopted New Rule: N.J.A.C. 5:70-2.25

Proposed: June 6, 2011 at 43 N.J.R. 1310(a).

Adopted: April 2, 2012 by Richard E. Constable, III, Acting

Commissioner, Department of Community Affairs.

Filed: April 3, 2012 as R.2012 d.084, **without change**.

Authority: N.J.S.A. 52:27D-198.16.

Effective Date: May 7, 2012.

Expiration Date: September 15, 2017.

#### Summary of Public Comment and Agency Response:

A comment was submitted by Seth Jacobson, Citizens for Fire Safety.

COMMENT: The national fire safety organization Citizens for Fire Safety supports the proposed new rule.

RESPONSE: The Department thanks this organization for their support.

#### Federal Standards Statement

The technical provisions of the adopted new rule are the same as those imposed by Federal law (Title 16 of the Code of Federal Regulations, Part 1633) that requires all mattresses for sale or sold in commerce to meet the promulgated flammability requirements and exhibit labeling attesting to same. The adopted new rule is not otherwise subject to any standards or requirements imposed by Federal laws. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

5:70-2.25 Mattresses

All mattresses offered for sale or sold in New Jersey must meet the fire performance standards codified at Title 16 of the Code of Federal Regulations, Part 1633, incorporated herein by reference, as amended and supplemented.

## ENVIRONMENTAL PROTECTION

(b)

### SITE REMEDIATION PROGRAM

#### Administrative Requirements for the Remediation of Contaminated Sites and Technical Requirements for Site Remediation

**Adopted Amendments:** N.J.A.C. 7:1E-5.7; 7:14A-3.1, 7.5, 8.7, and 22.4; 7:14B-1.4, 1.6, 1.7, 2.1 through 2.4, 2.6, 2.7, 3.1, 3.2, 3.5, 5.1, 5.4 through 5.9, 6.5, 6.7, 7.1 through 7.4, 8.1, 8.3, 9.1, 9.2, 9.4, 9.5, 10.1, 10.3, 10.4, 10.6, 10.8, 12.2, 12.4, 13.1, 13.2, 13.4, 13.8, 13.10, 15.1, 16.2 and 16.9; 7:26B-1.4, 1.5, 1.6, 1.8, 1.10, 1.11, 2.1, 3.2, 3.3, 3.4, 5.3, 5.4, 5.7, 5.9, and 7:26B Appendix C; 7:26C-1.1, 1.3 through 1.6, 2.1, 2.2, 2.3, 2.4, 3.2, 3.3, 4.1 through 4.8, 5, 6.2, 6.3, 6.4, 7.1, 7.2, 7.4 through 7.10, 9.5, 10.4, 10.6, 13.3, 13.4, 13.5, and 7:26C Appendix C; and 7:26D-1.4, 1.5, 2.2, 3.2, and 7:26D Appendices 4 and 5

**Adopted Repeals and New Rules:** N.J.A.C. 7:14B-3.7 and 12.1; 7:26B-8.1; 7:26C-1.2, 2.2, 2.5, and 7.3; and 7:26E

**Adopted Repeals:** N.J.A.C. 7:14B-1.8, 3.6, 3.8, 8.2, 8.4 through 8.8, 9.3, 12.3, and 14; 7:26B-1.7, 1.9, 3.3, 3.4, 4, 5.1, 5.2, 5.5, 5.6, 5.8, 6, 7, and 8.2 through 8.4; and 7:26C-2.3

**Adopted New Rules:** N.J.A.C. 7:26B-1.12, 3.3, and 3.4; and 7:26C-1.7, 1.8, 4.2, 4.5, 4.10, 7.2, 7.5, 7.6, 14, 15, 16, and 7:26C Appendices B and D

Proposed: August 15, 2011 at 43 N.J.R. 1935(a).

Adopted: April 12, 2012 by Bob Martin, Commissioner, Department of Environmental Protection.

Filed: April 13, 2012 as R. 2012 d.095, **with substantial and technical changes** not requiring additional public notice and opportunity for comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 13:1K-6 et seq., 58:23-11 et seq., 58:10A-21 et seq., 58:10B-1 et seq., and 58:10C-1 et seq.

DEP Docket Number: 12-11-07

Effective Date: May 7, 2012.

Expiration Date: February 27, 2014, N.J.A.C. 7:1E; December 2, 2015, N.J.A.C. 7:14A;