

Playground Equipment – Your Compliance Time is About to Expire

The Playground Safety Subcode for New Jersey, N.J.A.C. 5:23-11, requires the upgrade and improvement of all playgrounds. **The upgrade of surfaces was required by October 18, 2004.** The definition of a playground is “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.”

Under this law, all newly constructed playgrounds built, and all new and replacement equipment installed, by a governmental, nonprofit or private for-profit entity was to conform to the requirements of this subcode by April 18, 2000.

The compliance deadline for surfacing has passed.

- October 18, 2004 - All governmental, nonprofit and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode for surfacing.

Future compliance deadlines are as follows

- October 18, 2007 - All governmental and for-profit private entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode for all other elements, or, in the case of governmental entities, at such earlier date as State funds are made available for such purpose.
- October 18, 2014 - All nonprofit entities operating playgrounds shall upgrade their playgrounds by replacement or improvement as necessary to comply with this subcode for all other elements.

NOTE: 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).** Also, in accordance with N.J.A.C. 5:23-7.18(d) and ICC/ANSI A117.1-98, 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.

Playground upgrades and new installations are required to comply with the 1997 edition of the "Handbook for Public Playground Safety" (HPPS), Pub. No. 325, which is produced by the United States Consumer Product Safety Commission and adopted by reference as the Playground Safety Subcode. The HPPS guidelines govern design, installation, inspection and maintenance of playgrounds and playground equipment. These guidelines can be found on the Internet at: <http://www.cpsc.gov/cpsc/pub/pubs/325.pdf>.

Lastly, permits are required for any element of playground construction that is subject to the permit requirements of the State Uniform Construction Code, N.J.A.C 5:23.

Source: New Jersey’s Department of Community Affairs, Division of Codes and Standards