

NEW JERSEY ADMINISTRATIVE CODE
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*** NEW JERSEY REGISTER, VOL. 39. NO. 15, AUGUST 6, 2007 ***

TITLE 5. DEPARTMENT OF COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 7. BARRIER FREE SUBCODE

N.J.A.C. 5:23-7.1 (2007)

§ 5:23-7.1 Applicability

The provisions of this subchapter shall apply to all buildings, including their associated sites and facilities, and portions thereof, unless exempted by this subchapter. This subchapter shall be interpreted to require access for people with disabilities, including, but not limited to, occupants, employees, consumers, students, spectators, participants, or visitors.

HISTORY:

Repeal and New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Section was "Accessibility Standards".

NOTES:

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N.J.A.C. 5:23-7.2 (2007)

§ 5:23-7.2 Accessibility standard

(a) The International Code Council/American National Standards Institute standard (ICC/ANSI) A117.1-2003, entitled "Accessible and Usable Buildings and Facilities," is adopted by reference with modification as the technical design standard for accessible construction.

1. Copies of ICC/ANSI A117.1-2003 may be obtained from ANSI at 25 West 42nd Street, Fourth Floor, New York, New York 10036 or from the International Code Council at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795.

(b) Dimensions and construction specifications for sites, buildings and structures required by this subchapter to be accessible shall comply with ICC/ANSI A117.1-2003, modified as follows:

1. In section 101.1, delete exceptions 3 and 4;

2. The text at section 105.2, entitled "Standards," shall be amended as follows:

i. In section 105.2.2, entitled "National Fire Alarm Code," delete "NFPA 72-2002" and insert "the edition of NFPA 72 adopted by reference in the building subcode;"

ii. In section 105.2.3, entitled "Power Assist and Low Energy Power Operated Doors," delete "ANSI/BHMA A156.19-1997" and insert "the edition of ANSI/BHMA A156.19 adopted by reference in the building subcode;"

iii. In section 105.2.5, entitled "Safety Code for Elevators and escalators," delete "ASME/ANSI A17.1-2000 and Addenda A17.1a-2002" and insert "the edition of ASME/ANSI A17.1, Addenda A17.1a, and Supplement A17.1S adopted by reference in the building subcode;"

iv. In section 105.2.6, entitled "Safety Standard for Platform Lifts and Stairway Chairlifts," delete "ASME/ANSI A18.1-1999, with Addenda A18.1a-2001 and A18.1b-2001" and insert "ASME/ANSI A18.1, with Addenda A18.1 adopted by reference in the building subcode."

3. In section 106.5, delete the definition of "Administrative Authority";

4. Delete Chapter 2, "Scoping";

5. In Sections 308.2.2, entitled "Forward Reach: Obstructed High Reach," and 308.3.2, entitled "Side Reach: Obstructed High Reach," add the following language at the end of each section: "Exception: The maximum height and depth of the obstruction shall not apply to kitchen counters in dwelling units."

6. In section 405.2, delete the exception and Table 405.2;

7. At the end of section 410.3, add new section 410.3.1, entitled "Size of platform," as follows: "The dimension of a platform for a vertical wheelchair lift that is equipped with one door at an end and another door on a side shall be 42 inches by 54 inches."

8. Delete Section 504, entitled "Stairways", in its entirety.

9. In section 505.6, entitled "Handrails, Gripping Surface," delete exception 1, and insert the following: "Handrail brackets or mounting hardware, including attached posts and balusters, shall not be considered obstructions and shall be allowed to be fastened on the underside of the handrail, but shall not interfere with the grasping surface of the handrail."

10. In Section 604.3.2, entitled "Overlap," add the following exception:

Exception: In a toilet or bathing facility for a single occupant, accessed only through a private office and not for common use or public use, a lavatory, complying with Section 1003.11.5, shall be permitted on the rear wall 18 inches (455 mm) minimum from the center line of the water closet where the clearance at the water closet is 66 inches minimum measured perpendicular from the rear wall.

11. In Section 604.5, entitled "Grab Bars," delete exceptions 4 and 5 in their entirety.

12. Amend section 604.5.1, entitled "Fixed Side Wall Grab Bars," as follows:

i. In Exception 1, delete the text "and Type B" in the first sentence;

ii. Delete Exception 2 in its entirety.

13. Amend section 604.5.2, entitled "Rear Wall Grab Bars," as follows:

i. At Exception 2, delete the text "or Type B" in the first sentence;

ii. Delete Exception 3 in its entirety.

14. Delete section 604.5.3, entitled "Swing-up Grab Bars," in its entirety.

15. In the first sentence of the exception to section 606.5, entitled "Lavatories with Enhanced Reach Range," delete "and Type B".

16. Delete section 607.8, entitled "Water Temperature," in its entirety.

17. Delete section 608.9 entitled "Water Temperature," in its entirety.

18. In section 609.3, entitled "Spacing," delete exception 2 in its entirety.

19. In section 611, entitled "Washing Machines and Clothes Dryers," delete section 611.3, entitled "Operable parts," and section 611.4, entitled "Height."

20. In section 804.4, entitled "Sinks," add the following: "Exception: Spaces that do not provide a cooktop or conventional range shall not be required to provide an accessible sink."

21. Sections 804.6.2, entitled "Operable Parts", 804.6.3, entitled "Dishwasher," 804.6.4, entitled "Range or Cooktop," 804.6.5, entitled "Oven," and 804.6.6, entitled "Refrigerator/Freezer," shall be deleted in their entirety.

22. Amend section 1002.3.1, entitled "Location," as follows:

i. In the Exception, delete the word "unfinished" in two places.

23. In Section 1002.9, entitled "Operable Parts," delete Exception 2 in its entirety.

24. Delete section 1002.13 entitled "Windows," in its entirety.

25. Amend section 1003.3.1, entitled "Location," in the Exception, delete "unfinished" in two places.

26. In section 1003.9, entitled "Operable Parts," delete exception 2 in its entirety.

27. In section 1003.11.1, entitled "Toilet Facilities: General," delete the first sentence.

28. In section 1003.11.6, entitled "Mirrors," add the following text: "Exception: The mirror height may be adaptable as long as adjusting the mirror can be accomplished with minimal expense and effort."

29. Section 1003.11.9, entitled "Shower," shall be amended as follows:

i. In the first line, after the word "Exception," insert the number "1."

ii. Add the following text at the end of the Exception: "2. The threshold for a shower compartment may be adaptable provided the shower threshold can be made accessible with minimal expense and effort."

30. In section 1003.12.3.1, entitled "Clear Floor Space", delete Exception (a) in its entirety and insert in its place: "(a) the cabinetry can be removed or replaced as a unit,"

31. In section 1003.12.3.2, entitled "Height", delete the exception in its entirety and insert the following in its place: "Exception: A counter that is adjustable or replaceable as a unit to provide a work surface at heights between 29 inches minimum and 36 inches maximum shall be permitted."

32. In section 1003.12.4.1, entitled "Clear Floor Space", delete Exception (a) in its entirety and insert in its place: "(a) the cabinetry can be removed or replaced as a unit,"

33. In section 1003.12.4.2, entitled "Height", delete the exception in its entirety and insert the following in its place: "Exception: A sink and counter that is adjustable or replaceable as a unit at heights between 29 inches minimum and 36 inches maximum, provided rough-in plumbing permits connections of supply and drain piping for sinks mounted at heights of 29 inches, shall be permitted."

34. At Figure 1003.12.4 entitled "Kitchen Sink for Type A Units", delete the text "6 1/2 max/165" from the right side of the figure.

35. At section 1003.12.5 entitled "Kitchen Storage", add the following text: "Exception: Kitchen cabinets mounted above the kitchen counters may be mounted at a standard height as long as remounting the kitchen cabinets can be accomplished with minimal expense and effort."

36. In section 1003.12.6, entitled "Appliances," delete the following sections: section 1003.12.6.1, entitled "Operable parts;" section 1003.12.6.3, entitled "Dishwasher;" section 1003.12.6.4, entitled "Range or cooktop;" section 1003.6.5, entitled "Oven;" section 1003.12.6.6, entitled "Refrigerator/Freezer;" and section 1003.12.6.7, entitled "Trash compactor."

37. Delete section 1003.13, entitled "Windows," in its entirety.

38. Delete section 1004, entitled "Type B Units," in its entirety.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.2, Recreation, recodified to N.J.A.C. 5:23-7.15.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2004 d.59, effective February 2, 2004.

See: 35 N.J.R. 4631(a), 36 N.J.R. 649(a).

Rewrote (b).

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

NOTES:

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N.J.A.C. 5:23-7.3 (2007)

§ 5:23-7.3 Exceptions

(a) The following nonresidential buildings or structures or portions thereof shall not be required to comply with the provisions of this subchapter.

1. Temporary structures, sites and equipment directly associated with the construction process, such as construction site trailers, bridging, or material hoists shall be exempt from the provisions of this subchapter;

i. Exception: Construction site trailers used as sales offices shall be accessible;

2. Areas of buildings or structures where work cannot reasonably be performed by persons having a severe impairment (sight, mobility or hearing) shall not be required to comply with the specific provisions of this subchapter that provide accessibility to such persons;

i. Such areas include, but are not limited to, observation galleries used primarily for security purposes, non-occupiable spaces accessed only by ladders, catwalks, crawl spaces, or very narrow passageways, including elevator pits, elevator penthouses, piping, or equipment catwalks; and

3. Unclassified accessory buildings or structures of Use Group U shall be exempt from the provisions of this subchapter, except as follows:

i. In agricultural buildings, areas used for employment, such as, but not limited to, offices or areas used for packing, sorting, or grading products, as well as areas open to the general public shall be accessible.

(b) The following residential buildings or structures shall not be required to comply with the provisions of this subchapter:

1. Townhouses, except townhouses for which credit is sought for low and moderate income housing through the Council on Affordable Housing (COAH), as provided at N.J.A.C. 5:23-7.5;

i. For the purposes of applying this exemption, a townhouse shall be a single dwelling unit with two or more stories of dwelling space, exclusive of basement or attic, where each dwelling unit extends from foundation to roof. The dwelling unit shall have an independent entrance that shall serve one dwelling unit only at or near grade; most or all of the sleeping rooms shall be on one story; and most or all of the remaining habitable space, such as kitchen, living, and dining areas, shall be on another story; or

2. Buildings of Group R-2, R-3, R-4, or R-5 with one, two, or three dwelling units in a single structure;

i. For the purposes of determining the number of dwelling units in a single structure, firewalls or partywalls shall not constitute separate buildings.

ii. Exception: Townhouses or multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with the applicable provision of N.J.A.C. 5:23-7.5.

N.J.A.C. 5:23-7.3

(c) Regardless of whether individual residential structures or dwelling units on a site are required to be accessible, all common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.3, Recreation: definitions, recodified to N.J.A.C. 5:23-7.16.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a), rewrote the introductory paragraph, deleted (3), and recodified former (4) as (3); in (b), inserted "not" following "shall" and substituted "required to comply with" for "exempt from" in the introductory paragraph; added (c).

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (b)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (b), rewrote 1i and inserted "or partywalls" following "firewalls" in 2i.

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote (b)1; and added (b)2ii.

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N.J.A.C. 5:23-7.4 (2007)

§ 5:23-7.4 Nonresidential buildings and buildings of Use Group R-1

(a) Nonresidential buildings, and buildings of Use Group R-1, shall provide accessibility as follows:

1. Small buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, shall be required to have at least one accessible entrance on the ground (or first) floor and accessible interior building features on all floors. Except as provided in (a)1i through iv below, small buildings that are not more than two stories shall not be required to have an elevator(s) to provide a vertical accessible route between floors. Small buildings that are three or more stories shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

i. Regardless of the square footage of the buildings or floors, buildings of two or more stories that are owned and occupied by public entities shall provide a vertical accessible route between floors;

ii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house public transit stations or airport passenger terminals shall provide a vertical accessible route between floors;

iii. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house the professional offices of health care providers shall provide a vertical accessible route between floors; and

iv. Regardless of the square footage of the buildings or floors, buildings of two or more stories that house shopping centers or shopping malls shall provide a vertical accessible route between floors.

(1) For the purposes of applying this requirement, a shopping center or shopping mall shall mean a building or a series of buildings on a common site, under common ownership or control, or developed as one project or as a series of related projects housing five or more sales or rental establishments.

2. Large buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more, shall provide the accessible building features required of small buildings in (a)1 above. In addition, large buildings shall be required to have an elevator(s) to provide a vertical accessible route between floors; however, in such buildings, floors that are less than 3,000 square feet or floors with only mechanical equipment shall not be required to be served by an elevator.

i. Where facilities for employees, including rest rooms, lunch rooms, and lockers, and public facilities, including rest rooms and drinking fountains, are provided on a floor or mezzanine that is not required to be served by an elevator and where no vertical accessible route is provided, the facilities provided on the floor or mezzanine must also be provided on the accessible level.

ii. A limited use limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 may be used to provide a vertical accessible route to the floor or mezzanine provided that the travel distance does not exceed 25 feet.

3. For the purposes of applying these provisions, buildings separated by firewalls with penetrations intended for human passage shall not constitute separate buildings.

N.J.A.C. 5:23-7.4

4. The following provisions shall apply to a nonresidential building required to be accessible, whether a large building or a small building:

i. An accessible route available to the general public shall not pass through kitchens, storage rooms, or similar spaces.

ii. In buildings, facilities, or portions thereof that primarily serve children, accessible facilities that comply with the provisions of this subchapter for use by adults shall be provided.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:23-7.4, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.17.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

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N.J.A.C. 5:23-7.5 (2007)

§ 5:23-7.5 Residential buildings other than buildings of Group R-1

(a) Buildings of Group R-2, R-3 or R-5 with four or more dwelling units in a single structure shall comply with the provisions of this subchapter.

1. Exception: Multistory dwelling units, which are ground floor dwelling units and for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) and that are attached to at least one other dwelling unit shall comply with the applicable provision of this section.

2. For the purposes of applying this subsection, firewall separations shall not designate separate buildings within a single structure.

3. When being applied to a dwelling unit, the term "adaptable" shall mean a Type A Dwelling Unit as per the ICC/ANSI A117.1-03 standard and shall mean that the dwelling unit has an accessible entrance; an accessible interior route into and throughout the dwelling unit, including maneuvering space at doors; and required clear floor spaces and reach ranges in all rooms. The dwelling unit shall have either the adaptable features in the kitchen and bathroom as per Section 1003 of ICC/ANSI A117.1-03 or a fully accessible kitchen and bathroom as per Section 1002 of ICC/ANSI A117.1-03.

4. When being applied to dwelling units, dormitories or assisted living facilities, the term "accessible" shall mean a unit that complies with Section 1002 of the ICC/ANSI A117.1-03.

5. All common use facilities, including, but not limited to, recreational facilities, laundry areas, mail boxes, meeting rooms, and club houses, provided within the building or on the site must comply with the provisions of this subchapter.

6. The exemption for townhouses in N.J.A.C. 5:23-7.3(b) above notwithstanding, multistory or multifloor townhouses for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1-03:

i. An adaptable entrance, with the plans for the adaptation to provide an accessible entrance;

(1) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;

ii. An adaptable toilet and bathing facility on the first floor;

iii. An adaptable kitchen on the first floor;

iv. An accessible interior route of travel;

(1) An interior accessible route of travel shall not be required between stories; and

v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.

(b) Except as provided at N.J.A.C. 5:23-7.3(b), all dwelling units in elevator-serviced buildings shall comply with the provisions of this subchapter.

1. In an elevator-serviced building, whether a dwelling unit is single story or multi-story, the entry level of each dwelling unit shall have an accessible entrance, an accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

i. An interior vertical accessible route shall not be required within a multi-story dwelling unit.

(c) Except as provided at N.J.A.C. 5:23-7.6, in a building without elevator service, each ground floor dwelling unit shall be required to have an accessible entrance, accessible route into and throughout the entry level of the dwelling unit, an adaptable kitchen, and one adaptable toilet and bathing facility on the accessible route.

1. For the purpose of applying this requirement, the ground floor shall mean, in a building containing dwelling units, the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

2. In a building without elevator service and with a building entrance that serves more than one dwelling unit or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b), all multistory dwelling units with a ground floor entrance shall be accessible as provided in (b) above.

i. Exception: The requirement for an accessible entrance for multistory dwelling units notwithstanding, multistory dwelling units for which credit is sought for low or moderate income housing through the Council on Affordable Housing (COAH) shall have the following features, which shall comply with the standards for Type A dwelling units per ICC/ANSI A117.1-03:

(1) An adaptable entrance, with the plans for the adaptation to provide an accessible entrance;

(A) For the purposes of fulfilling this requirement, the use of a platform lift or a limited use limited application elevator shall be acceptable;

(2) An adaptable toilet and bathing facility on the first floor;

(3) An adaptable kitchen on the first floor;

(4) An accessible interior route of travel;

(A) An interior accessible route of travel shall not be required between stories; and

(5) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor.

(d) In an accessible or adaptable dwelling unit, an accessible route shall be permitted to pass through the kitchen.

(e) Assisted living facilities that are licensed by the Department of Health and Senior Services shall be Group I-2 for the purposes of compliance with the building subcode, fire protection subcode and compliance with the other subcodes of the Uniform Construction Code shall be Group R-2 for the purposes of accessibility as provided at N.J.A.C. 5:23-7.10.

(f) In each dormitory that is owned and operated by an educational facility, five percent or fraction thereof (rounded to the next higher whole number) of the sleeping rooms or suites shall be accessible. Accessible rooms or suites shall be dispersed and shall be provided throughout all types of rooms. When determining the dispersal of accessible dormitory rooms or suites, factors to be considered shall include location, dwelling unit type, room size, amenities provided, and number of beds provided. The remainder of the sleeping rooms or suites shall be adaptable as provided at N.J.A.C. 5:23-7.5(b) for elevator serviced buildings and at N.J.A.C. 5:23-7.5(c) for buildings without an elevator.

1. All common use facilities, including, but not limited to, toilet facilities, bathing facilities, laundry areas, mailboxes, meeting rooms, and recreation rooms, shall be accessible.

(g) When any dwelling unit, regardless of whether it is exempt from the provisions of this subchapter, includes a B use or an M use, any portion used for the B use or M use shall comply with the provisions of this subchapter.

1. This shall include, but not be limited to, parking, sidewalk, entrance, hallway, and those portions of the dwelling unit, interior or exterior, available to or used by customers or clients, including toilet facilities.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.5, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.18.

Amended by R.2002 d.256, effective August 5, 2002.

See: 33 N.J.R. 4184(a), 34 N.J.R. 2787(a).

Rewrote the section.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Administrative correction.

See: 34 N.J.R. 4195(a).

Amended by R.2003 d.402, effective October 20, 2003.

See: 35 N.J.R. 2797(b), 35 N.J.R. 4861(b).

Rewrote the section.

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (a), added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (c), inserted "or that does not meet any of the exemptions provided at N.J.A.C. 5:23-7.3(b)" preceding "all multistory dwelling" in 2; rewrote (f); added a new (g); recodified former (g) as (h).

Amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Section was "Residential buildings other than Group R-1". Rewrote the section.

Administrative correction.

See: 39 N.J.R. 3296(a).

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N.J.A.C. 5:23-7.6 (2007)

§ 5:23-7.6 Exception for accessible entrance due to site impracticality

(a) Terrain: Site impracticality due to terrain shall mean the following:

1. Single building with common entrance: A site with a single non-elevator-serviced building with a common building entrance for all units shall not be required to provide an accessible building entrance when the following conditions have been met:

i. The slopes of the undisturbed site measured between the planned building entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance exceed 10 percent; and

ii. The slopes of the planned finished grade measured between the entrance and all vehicular or pedestrian arrival points within 50 feet of the planned entrance also exceed 10 percent.

iii. Where there are no vehicular or pedestrian arrival points within 50 feet of the planned entrance, the slope shall be measured to the closest vehicular or pedestrian arrival point.

iv. For the purposes of this subchapter, vehicular or pedestrian site arrival points shall include public or resident parking areas, public transportation stops, passenger loading zones, and public streets or sidewalks.

(1) In the case of sidewalks, the closest point to the entrance shall be where a public sidewalk entering the site intersects with the sidewalk to the entrance.

(2) In the case of resident parking areas, the closest point to the planned entrance will be measured from the entry point to the parking area that is located closest to the planned entrance.

2. Multiple buildings or single building with multiple entrances: For a site with multiple buildings or a site with a single building with multiple entrances, an accessible building entrance shall not be required to be provided when the following conditions have been met:

i. The percentage of the total buildable area of the undisturbed site with a natural grade less than 10 percent slope shall be calculated. The analysis of the existing slope (before grading) shall be done on a topographic survey with two-foot contour intervals with slope determination made between each successive interval. The accuracy of the slope analysis shall be certified by a licensed professional engineer, landscape architect, architect, or surveyor.

ii. The minimum percentage of ground floor dwelling units to be made accessible shall equal the percentage of the total buildable area (not including floodplains, wetlands, or other restricted use areas) of the undisturbed site that has an existing natural grade of less than 10 percent slope.

(b) Floodplain: Site impracticality due to unusual characteristics shall apply to non-elevator-serviced buildings on sites located in a Federally designated floodplain or coastal high-hazard area or sites that are subject to other similar requirements of law or code that require that the lowest floor or lowest structural member of the lowest floor be raised to a specified level at or above the base flood elevation. An accessible entrance shall be deemed to be impractical due to usual characteristics when one of the following conditions is met:

N.J.A.C. 5:23-7.6

1. The unusual site characteristic results in a difference of finished grade elevation exceeding 30 inches and 10 percent when measured between a building entrance and all vehicular or pedestrian arrival points within 50 feet of the planned building entrance; or

2. If there are no vehicular or pedestrian arrival points within 50 feet of the planned building entrance, the unusual characteristics result in a difference in finished grade elevation exceeding 30 inches and 10 percent measured between the planned building entrance and the closest vehicular or pedestrian arrival point.

(c) Site impracticality exceptions shall not apply to elevator-serviced buildings.

(d) The exemption for an accessible building entrance notwithstanding, the interior of the dwelling units required to comply with this subchapter shall be required to be accessible or adaptable in accordance with the provisions of this subchapter.

HISTORY:

New Rule, R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.6, Exterior accessible route, recodified to N.J.A.C. 5:23-7.7.

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N.J.A.C. 5:23-7.7 (2007)

§ 5:23-7.7 Exterior accessible route

(a) Every site containing one or more buildings required by this subchapter to be accessible shall have at least one accessible route which shall provide access to and between buildings and facilities on the same site that are also required to be accessible.

1. Exterior accessible routes may include parking access aisles, curb ramps, walks, or ramps.
2. Where the natural and undeveloped contour of the land exceeds the slope required for an accessible route and it is technically infeasible to alter the land contour, a vehicular route may be provided as an alternate accessible route.
3. An accessible route within a site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones, and public streets or sidewalks to the building entrance served.
4. Entrances to buildings or spaces in buildings that are not required to be accessible shall not be required to be on an accessible route.
5. Unless it is the only building entrance, a loading or service entrance shall not be required to be on an accessible route.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.6, Recreation: pools, recodified to N.J.A.C. 5:23-7.19.

Recodified from N.J.A.C. 5:23-7.6 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.7, Accessible building entrances, recodified to N.J.A.C. 5:23-7.8.

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N.J.A.C. 5:23-7.8 (2007)

§ 5:23-7.8 Accessible building entrances

(a) Unless exempted by N.J.A.C. 5:23-7.6, for buildings or structures required by this subchapter to be accessible, at least 50 percent of the entrances, but not fewer than one entrance, shall be accessible and shall comply with the provisions of this subchapter. The primary entrance(s) used by the general public shall be accessible.

1. Where a building or facility has separate entrances that serve such functions as accessible parking facilities, passenger loading zones, taxi stands, public streets and sidewalks, or accessible interior vertical access, at least one entrance serving each such function shall be accessible.

2. At least one accessible entrance shall serve each separate tenancy or function within a building or facility.

3. Unless it is the only building entrance, a loading or service entrance shall not be required to be accessible.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.7, Recreation: swimming and skating areas, recodified to N.J.A.C. 5:23-7.20.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

In (a), inserted the last sentence in the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.7 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), substituted "Unless exempted by N.J.A.C. 5:23-7.6, for" for "For".

Former N.J.A.C. 5:23-7.8, Interior accessible routes, recodified to N.J.A.C. 5:23-7.9.

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N.J.A.C. 5:23-7.9 (2007)

§ 5:23-7.9 Interior accessible routes

(a) An interior accessible route shall connect all portions of buildings required by this subchapter to be accessible.

1. An interior accessible route may include corridors, floors, ramps, elevators, and clear floor space at fixtures.

(b) Platform lifts shall not be part of an accessible route in new construction, except in special areas permitted below:

1. To provide a line of sight while complying with dispersal requirements for buildings and portions of buildings of Use Group A;

2. To provide access to a performing area; or

3. To provide access to incidental occupiable spaces, such as, but not limited to, a projection booth or equipment control room that is not open to the general public and has not more than five occupants.

(c) Where floor levels are required to be connected by an accessible route and an interior vertical route is provided between levels, the vertical interior route shall be accessible.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.8, Recreation: boating areas, recodified to N.J.A.C. 5:23-7.21.

Recodified from N.J.A.C. 5:23-7.8 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.9, Accessible parking, repealed.

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N.J.A.C. 5:23-7.10 (2007)

§ 5:23-7.10 Accessible parking

(a) Accessible parking spaces shall be the closest parking spaces and shall be on the shortest accessible route to an accessible entrance.

1. For buildings with multiple accessible entrances, accessible parking spaces shall be dispersed and shall be located near each accessible entrance.

2. For every eight accessible parking spaces, or fraction thereof, at least one shall be a van accessible parking space.

3. Each accessible parking space shall be marked with an R7-8 sign from the Manual of Uniform Traffic Control Devices and shall display the international symbol of accessibility. Beneath the R7-8 sign, each accessible parking space shall also be marked with an R7-8P sign, as required by N.J.S.A. 39:4-198, containing the following language:

PENALTY
 \$ 250 FIRST OFFENSE
 SUBSEQUENT OFFENSES
 \$ 250 MINIMUM AND/OR
 UP TO 90 DAYS COMMUNITY SERVICE
 TOW AWAY ZONE

i. The bottom of the R7-8 sign shall be mounted approximately 60 inches above the parking lot or sidewalk surface when the sign is parallel to the sidewalk and approximately 72 inches above the parking lot or sidewalk when the sign is perpendicular to the sidewalk.

ii. The R7-8 sign shall be centered and mounted at the head of each parking space.

4. Where parking is provided within or beneath a building, accessible parking spaces shall also be provided within or beneath the building.

i. In multi-level parking structures, van accessible parking spaces may be clustered on one level.

(b) Parking facilities that do not serve a particular building shall contain accessible parking and the accessible parking spaces shall be located on the shortest accessible route to an accessible entrance to the parking facility.

(c) Except as provided at (d) and (e) below, the required number of accessible parking spaces shall comply with the following table:

Total Parking Spaces	Required Accessible Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4

N.J.A.C. 5:23-7.10

Total Parking Spaces	Required Accessible Parking Spaces
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	Two percent of total
1,001+	20 plus 1 for each 100 over 1,000

(d) For buildings of Group R-2, R-3, R-4, or R-5 that contain adaptable or accessible dwelling units, two percent of the parking spaces serving the units shall be accessible.

1. Where additional parking spaces or parking lots are provided for visitors, the number of required accessible parking spaces shall comply with the table at (c) above.

(e) For medical outpatient facilities, 10 percent of the parking spaces shall be accessible.

1. Exception: For medical facilities that specialize in the treatment of or services for people with mobility impairments, 20 percent of the parking spaces shall be accessible.

HISTORY:

New Rule, R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.10, Requirements applicable to specific nonresidential Groups and Group R-1, recodified to N.J.A.C. 5:23-7.11.

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N.J.A.C. 5:23-7.11 (2007)

§ 5:23-7.11 Requirements applicable to specific nonresidential Groups and Group R-1

(a) Occupancies of Group A shall be accessible as follows:

1. Where services and facilities are provided in areas that are not required to be accessible, the same services and facilities shall be provided in an accessible area and shall be accessible.

2. In dining areas of occupancies of Use Groups A-2 and A-3, the total floor area allotted for seating and tables shall be accessible, except as follows:

i. Where fixed or built-in seats and tables are provided, at least five percent, but not fewer than one, of the seats and tables shall be accessible. Where more than one accessible seat and table is provided, they shall be dispersed.

ii. In buildings without elevators, an accessible route to a raised or lowered dining area of less than 3,000 square feet is not required provided that the raised or lowered dining area contains less than 25 percent of the total dining area and the same services are available on the accessible level.

3. Accessible spaces for wheelchairs shall be provided in each assembly area in accordance with the following table.

Capacity of Seating	Accessible Seating
4-25	1
26-50	2
51-300	4
301-500	6
over 500	6 plus 1 for each 100 over 500

4. In buildings or portions of buildings of Use Group A-1, Use Group A-3, or Use Group A-5, where fixed seats are provided on more than one viewing level, accessible spaces for wheelchairs shall be provided on more than one viewing level.

i. The accessible seating shall be integrated with inaccessible seats.

ii. Where five or more accessible seats are required, the accessible seating shall be integrated and dispersed throughout all classes of seats.

5. In buildings or portions of buildings of Use Group A-1 or Use Group A-5, including stadiums, sports arenas, or other facilities where fixed seating is provided and spectators are likely to stand in place, a line of sight shall be provided over standing spectators.

6. Pursuant to N.J.A.C. 5:23-7.9(b)1, when necessary to provide a line of sight, a platform lift may be part of an accessible route.

7. Four percent of the seats, but not fewer than two seats, in stadiums, in theaters, auditoriums, or lecture halls that have fixed seating and audio-amplification systems or that have an occupant load of 50 or more persons shall have permanently installed assistive listening system.

8. Assembly areas that are not equipped with audio-amplification devices or that have an occupant load of fewer than 50 persons shall have either a permanently installed assistive listening system or an adequate number of electrical outlets or other supplementary wiring to support a portable assistive listening system, which shall be available to patrons.

i. Where this alternative is selected, signage shall be provided to notify patrons of the availability of a listening system.

(b) Occupancies of Group I shall be accessible as follows:

1. All public or common use facilities, including employee areas, shall be accessible.

2. Accessible bedrooms shall be distributed among all types of patient care areas and all types and classes of bedrooms.

3. In residential health care facilities of Group I-1 that are licensed by the Department of Health and Senior Services, and in buildings or portions thereof of Group I-1 used as boarding homes, four percent or fraction thereof (rounded to the next higher whole number) of the resident bedrooms, including toilet or bathing facilities that serve these bedrooms, shall be accessible.

4. In buildings or portions thereof of Use Group I-2, including hospitals licensed by the Department of Health and Senior Services, 10 percent or fraction thereof (rounded to the next higher whole number), of the patient bedrooms, including toilet and bathing facilities that serve a patient bedroom, shall be accessible.

i. In nursing homes or portions thereof of Use Group I-2 licensed by the Department of Health and Senior Services, 50 percent or fraction thereof (rounded to the next higher whole number) of patient bedrooms, including toilet and bathing facilities that serve a patient bedroom, shall be accessible.

5. In hospital or rehabilitation facilities or portions thereof of Use Group I-2 licensed by the Department of Health and Senior Services that specialize in treating conditions that affect mobility, 100 percent of the patient bedrooms, including toilet and bathing facilities that serve a patient bedroom shall be accessible.

6. Assisted living facilities that are licensed by the Department of Health and Senior Services are Group I-2 for the purposes of building subcode, fire protection subcode compliance, and compliance with the other subcodes of the Uniform Construction Code, shall be Group R-2 for the purposes of accessibility, where those dwelling units or rooms are available for occupancy only for 30 or more consecutive days.

i. When dwelling units or rooms are available for occupancy for less than 30 consecutive days, 50 percent of those dwelling units or rooms shall be fully accessible and shall include one fully accessible bathroom and, where a kitchen is provided, a fully accessible kitchen.

ii. In dwelling units in an assisted living facility that are designated Group R-2 for the purposes of accessibility, the following may be adaptable:

(1) The threshold for an accessible transfer shower may be adaptable as long as the shower threshold can be adapted with minimal expense and effort to be accessible; and

(2) A transfer-type shower of 36 inches by 48 inches that includes an accessible seat may be provided in individual dwelling units. The threshold of this shower shall not exceed four inches;

7. In occupancies of Use Group I-2, there shall be at least one accessible passenger loading zone.

8. Buildings or portions thereof of Use Group I-3 shall have at least one accessible inmate confinement area or room per institution and at least one accessible inmate toilet and bathing facility per institution. All public or common areas and all employee areas shall be accessible.

(c) In Group R-1 accessible guestrooms shall be provided in accordance with Table C-1 below.

Accessible Guestrooms and Roll-In Showers

Number of Rooms	Accessible Rooms	Roll-In Showers
1-25	1	N/A
26-50	2	N/A
51-75	3	1
76-100	4	1
101-150	5	2
151-200	6	2
201-300	7	3
301-400	8	4
401-500	9	4 plus 1 for each additional 100 over 400
501-1,000	2 percent of total	
1,001 and up	20 plus 1 for each 100 over 1,000	

1. Each accessible guestroom shall provide an accessible bed, as follows. To allow for the use of a transfer device, the accessible bed shall be a minimum of six and one-half inches clear from the floor to the lowest level of the bed frame. Adjacent to the bed there shall be clear floor space that meets the requirements of ICC/ANSI A117.1, Section 305. A platform bed shall not be allowed.

2. A building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor shall be exempt from the provisions of this subchapter.

3. Visible and audible alarms and notification devices shall be provided in the accessible guestrooms required by Table C-1 above and shall be provided in additional rooms in compliance with Table C-2 below.

Table C-2
Visible and Audible Alarms and Notification Devices

Number of Guestrooms	Rooms With Accessible Alarms
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total
1,001 and up	20 plus 1 for each 100 over 1,000

4. Accessible guestrooms shall be provided throughout all classes and types of rooms.

i. When determining dispersal of accessible guestrooms, factors shall include room size, room cost, amenities provided, and the number of beds provided.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.10, Recreation: court games, recodified to N.J.A.C. 5:23-7.23.

N.J.A.C. 5:23-7.11

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Amended by R.2004 d.67, effective February 17, 2004.

See: 35 N.J.R. 4627(a), 36 N.J.R. 949(b).

In (c)2, added R-5 to the list of groups.

Amended by R.2005 d.184, effective June 20, 2005.

See: 36 N.J.R. 5283(a), 37 N.J.R. 2201(b).

Rewrote (b) and (c).

Recodified from N.J.A.C. 5:23-7.10 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), deleted "Use" preceding "Group"; in (a)6, updated the N.J.A.C. reference; and rewrote the introductory paragraph of (c) and (c)2.

Former N.J.A.C. 5:23-7.11, Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1, recodified to N.J.A.C. 5:23-7.12.

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N.J.A.C. 5:23-7.12 (2007)

§ 5:23-7.12 Requirements applicable to all nonresidential use groups, including spaces other than guestrooms in Use Group R-1

(a) All toilet and bathing facilities shall be accessible.

1. At least one of each type of fixture or element in each accessible toilet room or bathing facility shall be accessible.

i. Exception: Where multiple individual toilet rooms are clustered and serve a common medical office area or suite(s), five percent of the individual toilet rooms shall be accessible.

2. Where water closet compartments are provided in a toilet room or bathing facility, at least one wheelchair accessible compartment shall be provided.

3. Where six or more water closet compartments are provided in a toilet room or bathing facility, at least one ambulatory accessible compartment, designed and constructed in accordance with Section 604.9 of ICC/ANSI A117.1-03, shall be provided in addition to the wheelchair accessible toilet compartment.

(b) All passenger elevators on an accessible route shall be accessible and shall comply with the dimensional requirements of an accessible elevator.

1. An elevator that provides an accessible route within an individual dwelling unit shall not be required to comply with the dimensional requirements of an accessible elevator.

2. Platform lifts shall not be part of an accessible route to bridge level differentials in new construction, except as provided by N.J.A.C. 5:23-7.9(b).

(c) At least 50 percent of the drinking fountains provided on each floor, but not fewer than one, shall be accessible.

1. When only one drinking fountain is provided on a floor, it shall be accessible to wheelchair users and to people who have trouble stooping or bending.

(d) Where storage facilities, such as, but not limited to, cabinets, shelves, closets, drawers, or lockers are provided in spaces required to be accessible, at least one of each type be accessible.

(e) Where fixed or built-in seats or tables are provided, at least five percent, but not fewer than one, shall be accessible.

1. Where more than one built-in seat or table is provided, the accessible seats and tables shall be dispersed throughout the area.

(f) Customer service facilities shall be accessible as follows:

1. Where dressing or fitting rooms are provided, at least five percent, but not fewer than one, in each distinct area or function on a site shall be accessible.

2. Where service counters or windows are provided, one of the following accessible options shall be provided:

- i. A portion of the counter which is a minimum of 36 inches in length and a maximum of 36 inches in height;
 - ii. An auxiliary counter with a maximum height of 36 inches in close proximity to the main counter; or
 - iii. Equivalent facilitation, such as a folding shelf attached to the main counter or space at the side of the counter.
3. Where check-out aisles are provided, accessible check-out aisles shall be installed in accordance with the table below:

Number of Check-Out Aisles	Accessible Check-Out Aisles
1-4	1
5-8	2
9-15	3
over 15	3 plus 1 for each additional 5 over 15

i. Where check-out aisles of different types, such as, but not limited to, express lanes, are provided, at least one of each type shall be accessible.

ii. Traffic control devices, security devices, or turnstiles located in accessible check-out lanes or aisles shall be accessible.

(g) Where public telephones are provided, one telephone per floor or one telephone in each bank of public telephones shall be accessible.

1. Each accessible telephone and 25 percent of other public telephones in each bank shall be equipped with volume control.

2. At each accessible telephone, clear floor space for either a forward or a parallel approach shall be provided.

(h) Where automatic teller machines (ATM) are provided, clear floor space shall be provided at each ATM as follows:

1. Where only a forward approach is provided, all operations and controls shall be accessible.

2. Where only a parallel approach is provided, reach ranges shall comply with the following:

i. Where the reach depth to the controls is 10 inches or less, the maximum height for the controls shall be 54 inches.

ii. For each increase in reach depth of one inch, the maximum height for the controls shall be reduced one-half inch.

iii. The reach depth shall not exceed 24 inches with a corresponding maximum height of 46 inches.

3. Where both a parallel and a forward approach are provided, the reach ranges shall comply with both the parallel and forward approach reach ranges in the adopted technical standard or with the parallel reach ranges in (h)2 above.

(i) In buildings and portions of buildings required by this subchapter to be accessible, controls, operating mechanisms, and hardware, including electrical outlets and switches that control lighting, ventilation, or electrical outlets shall be accessible.

(j) Accessible signage shall be provided at the following locations in buildings and portions of buildings required by this subchapter to be accessible:

1. Areas of refuge required by the building subcode to be accessible;

2. Accessible toilet and bathing facilities;

3. Accessible parking spaces shall have signage that complies with N.J.A.C. 5:23-7.10.

4. Where one or more building entrances are not accessible, accessible signage shall be provided giving directions to the closest accessible building entrance; and

5. Where an elevator does not provide a vertical accessible route, accessible signage shall be provided giving directions to the closest accessible elevator.

N.J.A.C. 5:23-7.12

i. Detectable warnings shall be provided at the edges of passenger transit platforms that border a drop-off and that are not otherwise protected by platform screens or guards.

(k) Braille shall be included on building signage designating permanent rooms and spaces.

1. Directional signage within a building shall not be required to include braille.

2. Building directories and other temporary signage are exempt from the provisions of this subchapter.

(l) Spaces required to be accessible in buildings covered by this subchapter shall be provided with an accessible means of egress that complies with the building subcode.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.11, Recreation: ice rinks and roller rinks, recodified to N.J.A.C. 5:23-7.24.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote (a), (b) and (h); in (j)3, amended the N.J.A.C. reference.

Recodified from N.J.A.C. 5:23-7.10 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Deleted (a)2; recodified (a)3 and (a)4 as (a)2 and (a)3; in (a)3, inserted ", designed and constructed in accordance with Section 604.9 of ICC/ANSI A117.1-03,"; and in (b)2 and (j)3, updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.12, Existing facilities, recodified to N.J.A.C. 5:23-7.13.

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N.J.A.C. 5:23-7.13 (2007)

§ 5:23-7.13 Existing facilities

(a) Construction projects in existing buildings or facilities shall comply with the Rehabilitation Subcode, N.J.A.C. 5:23-6.

(b) Any building or portion of a building constructed or altered to be accessible shall be maintained accessible.

(c) A limited use/limited application elevator that complies with ANSI/ASME A17.1b-1995, Part 25 shall be allowed to provide a vertical accessible route in the following buildings or tenancies, provided that the travel distance of the device does not exceed 25 feet:

1. In small buildings as defined in this subchapter;
2. In individual tenancies of less than 10,000 square feet in buildings of 10,000 square feet or more;
3. To serve floors or mezzanines of less than 3,000 square feet; or
4. In Use Groups A-4 or E of any size.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.12, Recreation: playing fields, recodified to N.J.A.C. 5:23-7.25.

Recodified from N.J.A.C. 5:23-7.12 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.13, Variations, recodified to N.J.A.C. 5:23-7.14.

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TITLE 5. DEPARTMENT OF COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 7. BARRIER FREE SUBCODE

N.J.A.C. 5:23-7.14 (2007)

§ 5:23-7.14 Variations

(a) Where it can be demonstrated that one or more of the provisions of this subchapter are technically infeasible, variations or exceptions to those specific provisions may be granted if:

1. The spirit and intent of the law are observed;
2. Public welfare and safety are assured; and
3. Equivalent facilitation and protection for people with disabilities are secured.

(b) In no case shall a complete waiver of these requirements be granted.

(c) Procedures for granting variations and exceptions shall be in accordance with N.J.A.C. 5:23-2.9 through 2.13.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.13, Recreation: golf facilities, recodified to N.J.A.C. 5:23-7.26.

Recodified from N.J.A.C. 5:23-7.13 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.14, Enforcement, recodified to N.J.A.C. 5:23-7.15.

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N.J.A.C. 5:23-7.15 (2007)

§ 5:23-7.15 Enforcement

(a) Enforcement of this subchapter shall be the primary responsibility of the building subcode official except as otherwise designated below:

1. Plan review with regard to compliance with the following sections of ICC/ANSI A117.1-1998 shall be the joint responsibility of the building and plumbing subcode officials:

- i. Section 602 (drinking fountains and water coolers);
- ii. Sections 604 (water closets and toilet compartments); and 605 (urinals);
- iii. Section 606 (lavatories and sinks);
- iv. Sections 607 (bathtubs); and 608 (shower compartments);
- v. Section 1002.11.5 (dwelling unit--water closet);
- vi. Section 1002.11.6 (dwelling unit, bathtub--faucets);
- vii. Section 1002.11.7 (dwelling unit, shower--spray unit); and
- viii. Section 1002.12.4 (dwelling unit--sink).

2. Plan review and inspection with regard to compliance with ICC/ANSI A117.1-1998, Section 309 (operable parts) that are regulated by the electrical, fire protection, or plumbing subcodes shall be the responsibility of the corresponding subcode official. Plan review and inspection of all other mechanisms shall be the responsibility of the building subcode official.

3. Inspection with regard to compliance with the following sections of ICC/ANSI A117.1-1998 shall be the responsibility of the plumbing subcode official:

- i. Sections 602.3 (drinking fountains--operable parts); and 602.4 (drinking fountains--spouts, height); 602.5 (drinking fountain--spout location); and 606.6 (drinking fountain--water flow);
- ii. Sections 604.2 (water closets--location); 604.4 (water closets--height); 604.6 (water closets--flush controls); 605.2 (urinals--height); and 605.4 (urinals--flush controls);
- iii. Sections 606.3 (lavatories--height and clearances); 606.4 (lavatories--faucets); and 606.6 (lavatories--exposed pipes and surfaces);
- iv. Sections 607.5 (bathtubs--controls); and 607.6 (bathtub--shower unit);
- v. Sections 608.2 (shower compartments--size and clearance); 608.4 (showers--seats); 608.5 (showers--controls); and 608.6 (showers--shower unit); 608.7 (showers--thresholds);
- vi. Sections 1002.11.5.1 (dwelling units, water closet--location); 1002.11.5.3 (dwelling units, water closet--height); 1002.11.3.3 (dwelling unit--flush controls); and 1002.12.4 (dwelling units--sink).

N.J.A.C. 5:23-7.15

4. Enforcement of the technical requirements for elevators shall be the responsibility of the elevator subcode official. The building subcode official shall be responsible to ensure that the elevator is on an accessible route.

HISTORY:

New Rule, R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.14, Recreation: ski lifts, aerial tramways, and conveyors, recodified to N.J.A.C. 5:23-7.27.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Recodified from N.J.A.C. 5:23-7.14 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.15, Recreation, recodified to N.J.A.C. 5:23-7.16.

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N.J.A.C. 5:23-7.16 (2007)

§ 5:23-7.16 Recreation

(a) All facilities, equipment, and sites or portions thereof, intended for outdoor active or passive recreation shall meet all applicable requirements of this subchapter in addition to the provisions of N.J.A.C. 5:23-7.17 through 7.32. All support facilities and site access points required to be on an accessible route of travel shall be made accessible in accordance with the applicable provisions of this subchapter.

1. Indoor recreational facilities shall be on an accessible route of travel and shall comply with all applicable requirements of this subchapter.

(b) Compliance with the provisions of this subchapter that relate to the accessibility of recreational equipment or recreation sites shall be the responsibility of the manager of that recreational facility, of the owner of that facility, whether publicly or privately held, and of the agency responsible for the administration of that facility.

1. The facility manager and/or the facility owner or agency responsible for administration of the facility shall certify, in writing, that any work performed complies with all applicable provisions of this subchapter and shall retain this certification on file.

2. The enforcement of the accessibility features of recreational equipment notwithstanding, the construction of recreational equipment may require a construction permit if so determined by the building subcode official.

3. The enforcement of the requirements for swimming pools, including the accessibility features, shall be the responsibility of the building subcode official.

4. Complaints regarding lack of enforcement of these provisions shall be directed to the facility manager and the facility owner or agency responsible for administration of the facility. The facility manager shall respond within 30 days to any written complaint received detailing the position taken with respect to this complaint. If the facility manager fails to respond in a manner satisfactory to the party registering the complaint, then that party shall have recourse to the appeals process as set forth at N.J.A.C. 5:23-2.38 and 3.11.

5. Any alteration, renovation and/or addition to any existing recreational facility, the cost of which meets or exceeds the limit set forth in N.J.S.A. 40A:11-3, shall be performed in compliance with all applicable provisions of this subchapter. This limit shall apply to both privately- and publicly-owned recreational facilities. If it is feasible to achieve a greater degree of compliance with this subchapter with respect to the entire recreation area, then the facility manager may make alterations, renovations or additions in compliance with the applicable provisions of this subchapter to other facilities or equipment in lieu of the facility or equipment originally being altered, renovated and/or added.

i. Notwithstanding the above provisions, no alteration, renovation or addition shall be made which reduces or diminishes the degree to which any facility meets the criteria of this subchapter.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

N.J.A.C. 5:23-7.16

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Amended by R.1996, d.274, effective June 17, 1996 (operative October 1, 1996).

See: 28 N.J.R. 1443(a), 28 N.J.R. 3121(a).

Amended (b), added (b)2 and 3 and recodified former (b)2 and 3 as (b)4 and 5.

Recodified from N.J.A.C. 5:23-7.2 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (a), changed N.J.A.C. reference in the introductory paragraph. Former N.J.A.C. 5:32-7.15, Recreation: trails, recodified to N.J.A.C. 5:23-7.28.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b)3, deleted the N.J.A.C. reference.

Recodified from N.J.A.C. 5:23-7.15 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In the introductory paragraph of (a), updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.16, Recreation: definitions, recodified to N.J.A.C. 5:23-7.17.

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N.J.A.C. 5:23-7.17 (2007)

§ 5:23-7.17 Recreation: definitions

"Multi-functional play equipment" means play equipment designed to provide multiple play activities such as, but not limited to, swinging, jumping, sliding, and climbing.

"Park" or "recreation area" means an area set aside and designated for recreation, including either active participation, as in sports, or passive recreation, as in the observation of nature.

"Recreation equipment" means equipment and prescribed surrounding safety areas, including, but not limited to, fixed equipment, fixed manipulative play equipment (such as playground equipment), picnic tables, benches, fire places and grills, ski lifts, and aerial tramways.

"Recreation facility" means a facility, body of water, dock, court, field, location, or portion thereof, intended for active or passive recreation that is required by this subchapter to be accessible regardless of whether the facility is indoor or outdoor.

"Single function play equipment" means play equipment designed to provide a single play activity, such as, but not limited to, swinging, jumping, climbing, or sliding.

"Site access points" means entrances, waiting areas, drop-off zones, parking areas, and public transportation stops serving the recreational area or facility, except those used solely for maintenance purposes.

"Support facility" means a facility ancillary to a recreation facility including, but not limited to, toilet facilities, food services, information services, first aid stations, drinking fountains, telephones, spectator seating and shelters. Facilities primarily housing mechanical equipment or those exclusively used for storage are not included in this definition.

"Transfer platform" means a platform with a minimum dimension of 18 inches by 24 inches mounted 15 inches to 17 inches above grade as an integral part of the multi-functional play equipment to provide access.

"Transfer point" means a clear space 36 inches by 60 inches adjacent to a transfer platform.

"Undeveloped areas" means areas used for activities such as camping, hunting, fishing, the observation of nature or open space conservation and which contain no recreation equipment or recreation facilities.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.3 by R.1999 d.105, effective April 5, 1999.

N.J.A.C. 5:23-7.17

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Former N.J.A.C. 5:32-7.16, Recreation: camping sites, recodified to N.J.A.C. 5:23-7.29.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote "Recreational facility".

Recodified from N.J.A.C. 5:23-7.16 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.17, Recreation: exceptions, recodified to N.J.A.C. 5:23-7.18.

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N.J.A.C. 5:23-7.18 (2007)

§ 5:23-7.18 Recreation: exceptions

These recreation requirements do not apply to undeveloped areas as defined in N.J.A.C. 5:23-7.17.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.4 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.17, Recreation: equipment, recodified to N.J.A.C. 5:23-7.30.

Recodified from N.J.A.C. 5:23-7.17 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Updated the N.J.A.C. reference.

Former N.J.A.C. 5:23-7.18, Recreation: route of travel, recodified to N.J.A.C. 5:23-7.19.

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N.J.A.C. 5:23-7.19 (2007)

§ 5:23-7.19 Recreation: route of travel

(a) There shall be an accessible route of travel connecting the following elements: at least one site access point and all support facilities, accessible recreation facilities, and accessible recreation equipment at each park or recreation area. For purposes of applying this requirement, parks may be divided into smaller areas and an accessible route provided from one site access point at each area to all support facilities, accessible recreation facilities, and accessible recreation equipment in that area.

(b) An accessible route of travel shall meet the following criteria:

1. An accessible route of travel that connects an accessible site access point and support facilities, accessible recreation facilities, and accessible recreation equipment shall meet all of the criteria for an accessible route in the technical standard adopted as part of this subchapter, except that the following are also acceptable surfacing materials: flat surfaced pavers on concrete, flat surfaced pavers on sand, and wood decking. Crushed stone laid over a compacted subgrade and bound with sufficient cement to provide a non-shifting, firm surface shall also be acceptable.

2. A challenge level I accessible route may connect additional site access points, if provided, and support facilities, recreation equipment, and recreation facilities. A challenge level I accessible route shall meet the criteria for an accessible route in the technical standard adopted as part of this subchapter, except as follows:

i. In addition to the materials listed in (b)1 above, the following materials are acceptable as surfacing: soil cement, graded wood chips, grass, and compacted earth.

ii. An accessible route with a running slope of 1:16 or steeper shall be considered a ramp. Cross slopes shall not exceed 1:30.

iii. Landings for ramps shall be provided at the top, bottom, at all changes in direction, and after each 48 feet of projection.

iv. Materials specified in (b)1 above are acceptable ramp surfacing materials.

v. When the running slope is between 1:20 and 1:16, a level rest area at least five feet by five feet shall be provided every 200 feet.

(c) The accessible route to multi-functional play equipment shall lead onto the equipment itself, as specified at N.J.A.C. 5:23-7.31(c)1.

(d) When a resilient safety area is specified by the manufacturer of the play equipment, an accessible route through the resilient safety area shall be provided. It shall meet the following conditions:

1. Commercially manufactured or processed materials must be certified by the manufacturer as permitting independent wheelchair passage;

2. Natural materials must be of the type and depth to meet the specifications in the Consumer Products Safety Commission Handbook on Playground Safety (Consumer Products Safety Commission, Washington, D.C. 20207) or must be one of the following:

N.J.A.C. 5:23-7.19

- i. Wood chips of relatively uniform size from hard wood without bark, leaves, twigs, or brush, or
 - ii. Double shredded bark and mulch of relatively uniform size without leaves, twigs, or brush; and
3. The accessible route and the resilient safety area shall be of the same material.
- (e) The accessible route to single function play equipment shall lead to the safety area surrounding the equipment.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.5 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (c), changed N.J.A.C. reference. Former N.J.A.C. 5:32-7.18, Recreation: equestrian facilities, recodified to N.J.A.C. 5:23-7.31.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b), rewrote 1 and the introductory paragraph of 2; in (d), rewrote the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.18 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In (c), updated the N.J.A.C. reference.

Former N.J.A.C. 5:23-7.19, Recreation: pools, recodified to N.J.A.C. 5:23-7.20.

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N.J.A.C. 5:23-7.20 (2007)

§ 5:23-7.20 Recreation: pools

(a) At least one pool of each type provided in each distinct area on a site, intended for swimming, soaking, wading, or diving, exclusive of those intended for ornamental, decorative, or mechanical purposes, must adjoin an accessible route of travel.

1. The interior of swimming pools, defined as pools with a depth ranging between 24 inches and 13 feet, and the interior of soaking pools, shall be made accessible by one of the methods detailed in (a)3 through 5 below.

2. Wading pools, defined as pools with a maximum depth of less than 24 inches, and diving pools, defined as pools or tanks with a minimum depth of over 13 feet, are not required to provide interior access.

3. A vertical lift meeting the following criteria, and as shown in Figure 7.19a, shall be provided:

- i. Designed by its manufacturer for independent operation by the user;
- ii. Equipped with a chair designed for independent transfer from a wheelchair. The chair shall have a rigid seat with a depth of at least 15 inches and shall have a rigid back support at least 15 inches high;

(1) As an alternative to (a)3ii above, a pool may be equipped with a moving platform. A wheelchair shall be provided to the user if this option is used.

- iii. Adjoining a clear level floor area with a minimum dimension of five feet by five feet;
- iv. Having controls that meet the criteria for controls and operating mechanisms in the technical standard adopted as part of this subchapter; and
- v. Located to meet the criteria of Figure 7.19a.

4. Interior/exterior steps that meet the criteria of Figure 7.19b.

Figure 7.19a
Pool Entry

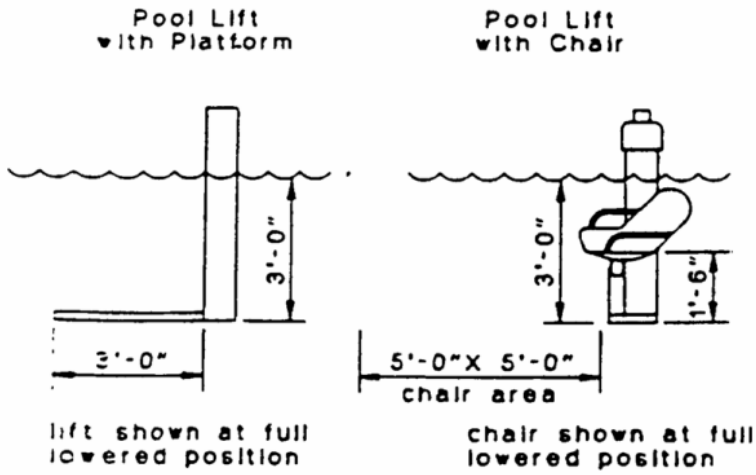
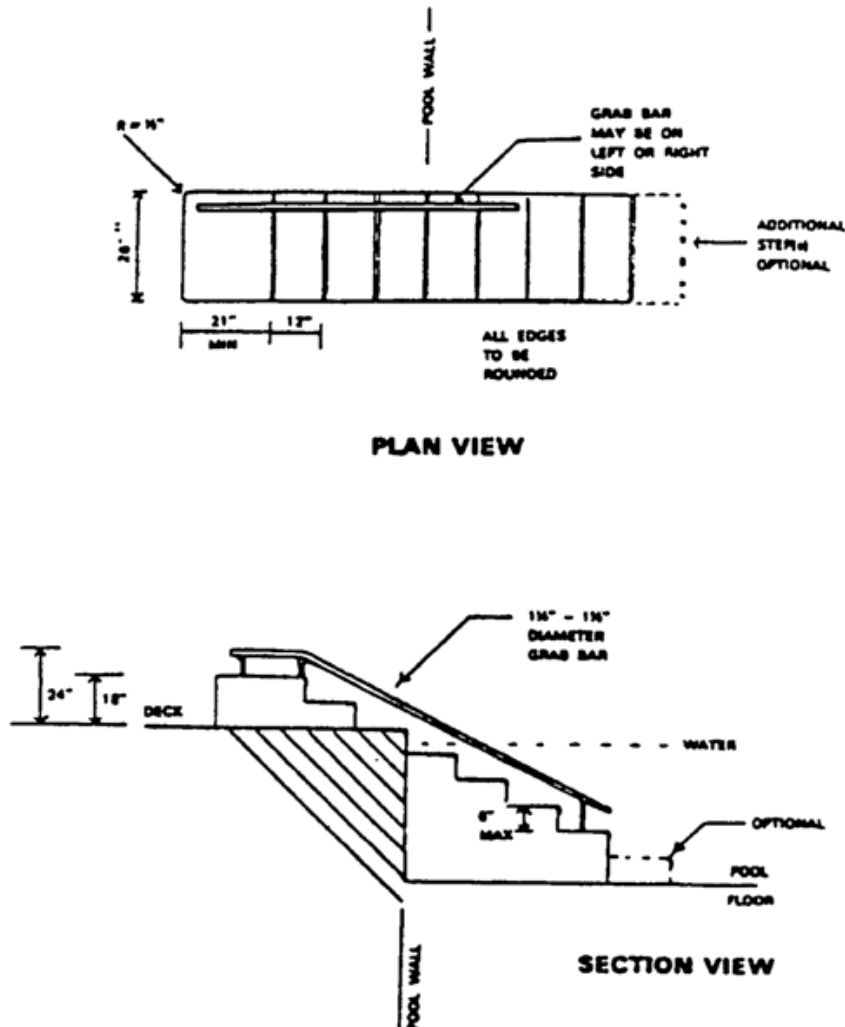


Figure 7.19b



i. The edge of the steps shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

5. A ramp that meets the criteria of Figure 7.19c.

i. Where this option is used, a wheelchair shall be provided.

ii. The edge of the ramp shall be white, orange, yellow or some other color which contrasts with the color of the pool for the safety of the visually impaired.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Added (a)2i and (a)3ii: also amended Figure 7.104b.

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.6 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Administrative Correction.

See: 38 N.J.R. 3024(a), 38 N.J.R. 3776(c).

Recodified from N.J.A.C. 5:23-7.19 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.20, Recreation: swimming and skating areas, recodified to N.J.A.C. 5:23-7.21.

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N.J.A.C. 5:23-7.21 (2007)

§ 5:23-7.21 Recreation: swimming and skating areas

(a) At each designated swimming and/or skating area at natural or man-made bodies of water, there shall be an accessible route or an accessible trail meeting the criteria of N.J.A.C. 5:23-7.29 that connects at least one point to the water's edge to other elements at the site as required by N.J.A.C. 5:23-7.19(a).

1. At designated swimming and/or skating areas, the provision of access as described in (a) above at one location per site shall be deemed as satisfying the requirements of this section.

2. This provision shall not apply in those ocean front areas where wave action renders the provision of an accessible route or an accessible trail impractical from an engineering standpoint.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996.

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.7 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (a), changed N.J.A.C. references in the introductory paragraph.

Recodified from N.J.A.C. 5:23-7.20 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In (a), updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.21, Recreation: boating areas, recodified to N.J.A.C. 5:23-7.22.

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N.J.A.C. 5:23-7.22 (2007)

§ 5:23-7.22 Recreation: boating areas

(a) Each boating area with docking facilities shall have one accessible docking space.

(b) Each accessible mooring space shall adjoin an accessible route of travel and shall have a minimum clear space of five feet by five feet to allow transfer to the boat. Additionally, each accessible mooring space shall be a maximum of 36 inches above the mean water level in non-tidal areas.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Recodified from N.J.A.C. 5:23-7.8 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a), substituted "docking" for "mooring".

Recodified from N.J.A.C. 5:23-7.21 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.22, Recreation: fishing areas, recodified to N.J.A.C. 5:23-7.23.

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N.J.A.C. 5:23-7.23 (2007)

§ 5:23-7.23 Recreation: fishing areas

If docks are provided in a fishing area, the criteria of N.J.A.C. 5:23-7.22 shall apply.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Recodified from N.J.A.C. 5:23-7.9 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Changed N.J.A.C. reference.

Recodified from N.J.A.C. 5:23-7.22 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Updated the N.J.A.C. reference.

Former N.J.A.C. 5:23-7.23, Recreation: court games, recodified to N.J.A.C. 5:23-7.24.

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N.J.A.C. 5:23-7.24 (2007)

§ 5:23-7.24 Recreation: court games

(a) The surface of at least one court must adjoin an accessible route of travel.

(b) Entrances to the courts required to be accessible shall meet the criteria for accessible doors in the technical standard adopted as part of this subchapter.

(c) On sites with more than one type of court, at least one of each type of court in each distinct area on a site shall adjoin an accessible route of travel.

1. Where there is a main or center court, this court shall be included as one of those on an accessible route of travel.

(d) All permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

(e) Court surfaces shall meet the criteria for an accessible route in the technical standard adopted as part of this subchapter, except in those instances where the recognized rules of the particular game dictate another surface.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Recodified from N.J.A.C. 5:23-7.10 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Recodified from N.J.A.C. 5:23-7.23 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.24, Recreation: ice rinks and roller rinks, recodified to N.J.A.C. 5:23-7.25.

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N.J.A.C. 5:23-7.25 (2007)

§ 5:23-7.25 Recreation: ice rinks and roller rinks

The surface of at least one of each type of rink provided in each distinct area on a site shall adjoin an accessible route of travel.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Recodified from N.J.A.C. 5:23-7.11 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Recodified from N.J.A.C. 5:23-7.24 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.25, Recreation: playing fields, recodified to N.J.A.C. 5:23-7.26.

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N.J.A.C. 5:23-7.26 (2007)

§ 5:23-7.26 Recreation: playing fields

There shall be an accessible route of travel to at least one of each type of playing field provided in each distinct area on a site. For an overlay field, an accessible route of travel to the primary field shall fulfill the requirements of this section. For a complex of playing fields in a single area, an accessible route of travel to the area shall fulfill the requirements of this section. Additionally, all permanent spectator viewing areas seating 50 or more persons shall be on an accessible route of travel.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Recodified from N.J.A.C. 5:23-7.12 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Recodified from N.J.A.C. 5:23-7.25 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.26, Recreation: golf facilities, recodified to N.J.A.C. 5:23-7.27.

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N.J.A.C. 5:23-7.27 (2007)

§ 5:23-7.27 Recreation: golf facilities

(a) For golf facilities, there shall be an accessible route of travel to the area where the transfer to golf carts is made.

(b) If provided, bridges shall either be designed for use by golf carts or shall meet the criteria for a ramp in the technical standard adopted as part of this subchapter.

(c) Where curbs are provided at points where courses cross a thoroughfare, a ramp or a curb ramp that meets the criteria for ramps in the technical standard adopted as part of this subchapter shall be provided.

(d) Miniature golf facilities shall be accessible as follows:

1. The entire playing surface shall be accessible at starting points, end points, and at all points in-between where possible. In those areas where the ball cannot physically come to rest because of steep slopes, access is not required.
2. The entry and exit points shall be a minimum of 32 inches wide, with no railings, obstacles, or elevation change.
3. Each hole shall have a platform with a turn around radius of five feet.
4. When obstacles are provided, there shall be a 32 inch minimum clear width on one side of the obstacle.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.13 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote (b) and (c).

Recodified from N.J.A.C. 5:23-7.26 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

N.J.A.C. 5:23-7.27

Former N.J.A.C. 5:23-7.27, Recreation: ski lifts, aerial tramways, and conveyors, recodified to N.J.A.C. 5:23-7.28.

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N.J.A.C. 5:23-7.28 (2007)

§ 5:23-7.28 Recreation: ski lifts, aerial tramways, and conveyors

(a) In areas where ski lifts or other comparable mechanisms for skiing are provided, there shall be an accessible route of travel connecting site access point(s) and support facilities required to be accessible with the area where the transfer to skis is made.

(b) In areas where aerial tramways, conveyors, or other comparable mechanisms for sightseeing are provided, an accessible route of travel shall be provided to connect site access point(s) and support facilities required to be accessible with the moving seat, car or platform of the aerial tramways, conveyors, or comparable mechanisms.

1. A five feet by five feet clear, level areas that meets the criteria for an accessible route in the technical standard adopted as part of this subchapter shall be provided immediately adjacent to the upper, lower, and any intermediate terminals of such mechanisms to facilitate transfer from a wheelchair to the car, seat or platform.

i. Where seats are provided, they shall be at a height of 16 inches to 18 inches above the clear, level area.

(c) There shall be a control immediately available to the operator of the ski lift, aerial tramway or conveyor to stop and restart the mechanism to allow the transfer of a disabled person on and off.

(d) The requirements of this section shall not apply to moving sidewalks or other horizontal conveyors guided by a track or tracks.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Recodified from N.J.A.C. 5:23-7.14 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote (b).

Recodified from N.J.A.C. 5:23-7.27 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.28, Recreation: trails, recodified to N.J.A.C. 5:23-7.29.

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N.J.A.C. 5:23-7.29 (2007)

§ 5:23-7.29 Recreation: trails

(a) Trails through undeveloped areas are exempted from the requirements of this subchapter.

(b) All other trails shall meet the requirements for slope and for the provision of rest areas of either (b)1 or 2 below and the surfacing requirements in (b)3 or 4 below.

1. A running slope shall not exceed 1:8 at any place and cross slopes shall not exceed 1:30. Level rest areas at least five feet by five feet shall be provided every 300 feet when the running slope is between 1:16 and 1:12. This shall be a challenge level 2 accessible trail. Level rest areas at least five feet by five feet shall be provided every 200 feet when the running slope is between 1:12 and 1:8. This shall be a challenge level 3 accessible trail.

i. If the topography of the site is such that average grade exceeds that in (b)1 above, an exception to the slope limitations may be allowed.

2. Trails may also be constructed in accordance with the requirements of N.J.A.C. 5:23-7.19(b)1 (accessible route) or N.J.A.C. 5:23-7.19(b)2 (challenge level 1 accessible route).

3. In addition to the materials listed at N.J.A.C. 5:23-7.19(b)1 and 2, the following materials are acceptable as surfacing for trails: untreated, soils, compacted gravel, and ungraded wood chips.

4. Each trail shall be marked in accordance with the technical criteria for permanent signs in the technical standard adopted as part of this subchapter.

i. Each sign shall contain the following information:

(1) The international symbol of access for an accessible route or the challenge level of the accessible route or accessible trail; and

(2) The length of the accessible route or accessible trail.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.15 and amended by R.1999 d.105, effective April 5, 1999.

N.J.A.C. 5:23-7.29

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

In (b), changed N.J.A.C. references in 2 and 3.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (b)4, substituted "for permanent signs in the technical standard adopted as part of this subchapter" for "of CABO/ANSI A117.1, Section 4.28.1 through 4.28.5 and Section 4.28.6.1".

Recodified from N.J.A.C. 5:23-7.28 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In (b)2 and (b)3, updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.29, Recreation: camping sites, recodified to N.J.A.C. 5:23-7.30.

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N.J.A.C. 5:23-7.30 (2007)

§ 5:23-7.30 Recreation: camping sites

(a) In camping areas in other than undeveloped areas, at least five percent (rounded off to the next higher whole number) of camp sites shall meet the following criteria:

1. There shall be an accessible route of travel connecting these accessible camp sites with site access point(s) and support facilities required to be accessible;
2. Sites and signs leading to such sites shall be marked with the International Symbol of Accessibility, which complies with the technical standard adopted as part of this subchapter;
3. Where tent platforms are provided, each of those required to be accessible shall be equipped with a ramp meeting the criteria of the technical standard adopted as part of this subchapter; and
4. The accessible camp sites shall be distributed throughout the camping area to the degree feasible as determined by the topography of the area.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.16 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (a)2, substituted "which complies with the technical standard adopted as part of this subchapter" for "displayed as specified in CABO/ANSI A117.1, Section 4.28"; in (a)3, substituted "the technical standard adopted as part of this subchapter; and" for "CABO/ANSI A117.1, Section 4.8".

Recodified from N.J.A.C. 5:23-7.29 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

Former N.J.A.C. 5:23-7.30, Recreation: equipment, recodified to N.J.A.C. 5:23-7.31.

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N.J.A.C. 5:23-7.31 (2007)

§ 5:23-7.31 Recreation: equipment

(a) Five percent of all picnic tables, benches, fireplaces and grills provided, rounded to the next higher whole number, but not less than one, shall be on an accessible route of travel.

1. Such equipment shall be distributed throughout the picnic area to the degree feasible as determined by the topography of the area.

(b) Within each play area on a site, at least 25 percent of the single function play equipment shall be of a type identified by its manufacturer as accessible to and usable by both disabled and non-disabled persons.

(c) At least 25 percent of the play activities of all multi-functional play equipment within each play area on a site shall be of a type identified by its manufacturer as accessible to and usable by both disabled and non-disabled persons.

1. Access onto the multi-functional play equipment may include, but is not limited to, the following:

i. A ramp that complies with the technical standard adopted as part of this subchapter and that provides a landing at the top and at the bottom that has a minimum width of five feet by five feet;

ii. Transfer point(s) adjacent to transfer platform(s); and

iii. An accessible route that complies with N.J.A.C. 5:23-7.19, which, because of the topography of the land, leads directly onto the equipment.

2. Accessibility features, such as ramps and transfer platforms, shall not be considered play functions. Passive activities shall not be considered play functions.

(d) Playground equipment required to be accessible in (b) and (c) above shall be on an accessible route as delineated at N.J.A.C. 5:23-7.19.

(e) As existing play equipment is replaced in any play area, at least 50 percent of the replacement equipment shall be of a type identified by the manufacturer as usable by both disabled and non-disabled persons until the percentage as specified in (b) and (c) above is met.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.17 and amended by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

N.J.A.C. 5:23-7.31

In (c) and (d), changed N.J.A.C. references throughout.

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

In (c), substituted "its" for "the" preceding "manufacturer" in the introductory paragraph and rewrote 1i.

Recodified from N.J.A.C. 5:23-7.30 and amended by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

In (c)1iii, substituted "that" for "which", and in (c)1iii and (d), updated the N.J.A.C. references.

Former N.J.A.C. 5:23-7.31, Recreation: equestrian facilities, recodified to N.J.A.C. 5:23-7.32.

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N.J.A.C. 5:23-7.32 (2007)

§ 5:23-7.32 Recreation: equestrian facilities

(a) At each equestrian facility, at the area used for mounting, a mounting platform shall be provided for people with disabilities.

1. To mount a pony, the top of the platform shall be 32 inches above the surface upon which the pony stands.
2. To mount a horse, the top of the platform shall be 41 inches above the surface upon which the horse stands.
3. The mounting platform shall have a minimum dimension of five feet long and three feet wide.
4. Any ramp that provides access to the mounting platform shall meet the criteria for ramps in the technical standard adopted as part of this subchapter, except that a maximum slope of 1:9 shall be allowed.

HISTORY:

New Rule, R.1988 d.352, effective August 1, 1988.

See: 19 N.J.R. 1270(a), 20 N.J.R. 1873(b).

Amended by R.1988 d.503, effective November 7, 1988.

See: 20 N.J.R. 1764(b), 20 N.J.R. 2754(a).

Platform height changed from 42 inches to 32 inches.

Administrative Correction.

See: 22 N.J.R. 1355(b).

Amended by R.1995 d.144, effective March 20, 1995 (operative July 1, 1995).

See: 26 N.J.R. 2698(a), 26 N.J.R. 3524(a), 27 N.J.R. 1180(a).

Amended by R.1996 d.132, effective March 18, 1996 (operative July 1, 1996).

See: 27 N.J.R. 3870(a), 28 N.J.R. 1505(a).

Recodified from N.J.A.C. 5:23-7.18 by R.1999 d.105, effective April 5, 1999.

See: 30 N.J.R. 2972(a), 31 N.J.R. 852(a).

Amended by R.2002 d.350, effective November 4, 2002.

See: 34 N.J.R. 626(a), 34 N.J.R. 3772(a).

Rewrote the section.

Recodified from N.J.A.C. 5:23-7.31 by R.2007 d.144, effective May 7, 2007.

See: 38 N.J.R. 4962(a), 39 N.J.R. 1683(a).

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