

\*\*\* This file includes all Regulations adopted and published through the \*\*\*  
\*\*\* New Jersey Register, Vol. 46 No. 9, May 5, 2014 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 23. UNIFORM CONSTRUCTION CODE  
SUBCHAPTER 9. CODE INTERPRETATIONS

N.J.A.C. 5:23-9 (2014)

§ 5:23-9.1 (Reserved)

§ 5:23-9.2 (Reserved)

§ 5:23-9.3 Interpretation: Recreational park trailers

(a) This is a binding, prospective interpretation of the Uniform Construction Code (UCC) issued pursuant to the Uniform Construction Code Act, *N.J.S.A. 52:27D-124*.

1. The Uniform Construction Code Act gives the Commissioner the authority to issue such prospective interpretations to resolve inconsistent or conflicting code interpretations.

2. With regard to recreational park trailers, the Construction County Board of Appeals of Sussex County rendered a decision that no permit is required for the installation of these structures. This is inconsistent with the Uniform Construction Code Act itself and with the application of the Uniform Construction Code to recreational park trailers by the Department and by local enforcing agencies around the State.

3. Recreational park trailers, also known as "park models," are subject to all of the provisions of the Uniform Construction Code, including the requirement to obtain a permit for installation and the requirement to have all applicable prior approvals. They are closed construction and are subject to the requirements of N.J.A.C. 5:23-4D. The basis for this determination is presented in (b) through (h) below.

(b) Any "building" or "structure" is subject to the State Uniform Construction Code. A building or a structure is, therefore, subject to all the substantive and procedural requirements of the Code. A "structure" is "a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above or below the surface of a parcel of land..." *N.J.A.C. 5:23-1.4*.

(c) A recreational park trailer is a combination of materials. In fact, it is a combination of the same types of materials used in any home and it involves all the same safety issues as a home. It is intended for occupancy-the same type of occupancy as any other vacation home. While there may be some dispute as to whether it is on or above the surface of the parcel, it clearly is one or the other.

(d) The jurisdictional definitions of the Uniform Construction Code were deliberately made very expansive. The intent was that there be no loopholes. That is why the Act provides for full pre-emption of any construction regulations incorporated in any Act of the State of New Jersey, or any municipality, board, department, commission or agency upon promulgation of a regulation by the Department. The Department has not yet promulgated regulations for everything potentially covered by the Act. It has, however, adopted rules governing recreational park trailers. (See N.J.A.C. 5:23-4D.)

(e) A recreational park trailer is a structure that is enclosed with exterior walls-walls identical in construction to those of any dwelling. It is clearly designed for housing or shelter and it is arranged for the support of individuals. It is equipped with plumbing, electrical and mechanical systems just as is any dwelling.

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(f) A recreational park trailer can be distinguished from a conventional recreational vehicle (RV). The full term is "recreational park trailer." It is a special type of RV that is intended for installation in a "park." They are built under a different standard than conventional RVs. The principal difference between the national consensus standard for RVs, ANSI A119.2, and the recreational park trailer standard is that the recreational park trailer standard covers all types of the requirements typically found in a building code while the RV standard does not. The two are sufficiently different that there are even two different trade associations, one for recreational park trailers and one for traditional RVs.

(g) The UCC's jurisdiction in this matter is not pre-empted by the Federal Manufactured Housing and Safety Standard Act (MHSSA), 42 U.S.C. §§5401 et seq. No manufacturer is required to submit to the Federal system. If they voluntarily submit, then the Federal rules preempt any otherwise applicable State rules.

1. The reason for this approach is simple. Regulation to protect public health and safety is reserved, by the Constitution, to the states. Federal involvement in health and safety is only possible when a Federal interest can be found. The Federal interest in this case is the commerce clause.

2. The Federal government, therefore, can and does regulate in this area, but only so far as is necessary to facilitate interstate commerce. Multiple state regulations and enforcement procedures clearly can interfere with commerce in factory constructed buildings. It is not uncommon, however, for a manufacturer to build identical units on the same assembly line with some having Federal labels and some having none. Those with none are intended for shipment to states and localities that do not have codes.

3. In that context, it is clear that the jurisdictional definitions of the MHSSA only establish an eligibility for Federal regulation, not a requirement for it. Recreational park trailers were written out of the Federal law and then that opt-out was broadened by U.S. Department of Housing and Urban Development (HUD) regulations (something quite inconceivable if Federal regulation was mandatory). When recreational park trailers were written out of Federal law, any possibility of the pre-emption of state rules was eliminated.

(h) The fact that a recreational park trailer may be exempt from Federal regulation does not mean that it is exempt from State regulation. Exactly the opposite is the case. Confusion has arisen because there are State laws and rules that had to be passed to enable the State to work with HUD to administer the Federal standards when they are applicable. *N.J.A.C. 5:23-4C.2* is such a rule. It only governs those structures that are eligible for and, in fact, have been made subject to Federal law by the manufacturers. Recreational park trailers are not eligible for Federal regulation, so *N.J.A.C. 5:23-4C* does not apply.

§ 5:23-9.4 (Reserved)

§ 5:23-9.5. (Reserved)

§ 5:23-9.6 Interpretations: Construction requirements for new and existing casinos

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(a) Fixed central pedestal seating (stools) shall be allowed within major aisles and cross-aisles in casinos for gaming patrons who use standard size slot machines or other similar machines, within these aisles, provided the following requirements have been met:

1. Schematic drawings which indicate the dimensions and locations of the stools, and the distances from adjacent fixtures, walls or other objects shall be submitted to the Department for review and release;

2. Stool placement shall not result in any reduction of the required aisle accessway width when measured from the stool and any other adjacent obstacle, including, without limitation, other stools in back-to-back seating arrangements; and

3. Stools that swivel and have a back rest shall be self-centering.

(b) The following code requirements shall apply to gaming floors:

1. The use group of the gaming floor area shall be A-2.

2. Each gaming floor area shall be designed using an open landscape plan such that there is clear visibility throughout the floor and at least two of the exits are clearly discernible from all portions of the floor. Line of sight obstructions shall be limited and shall be subject to the approval of the Department.

3. An egress study shall be provided for each new egress route and for all modifications to an existing egress route, increases in occupant load or change of egress elements for gaming floor areas.

i. The occupant load shall be calculated at 11 square feet gross per person for all gaming floor areas, regardless of the gaming activity.

ii. The total capacity of the means of egress shall be calculated based on 116 2/3 percent of the calculated occupant load of any floor area containing gaming activities and any adjacent spaces using the gaming floor for exit access.

iii. Travel distances shall be delineated on the egress study and shall be measured from each and every occupiable point on the gaming floor to the closest exit. The travel distance shall be measured along the natural path of travel using a distance of one foot from obstructions, corners and walls and using the center of door openings.

iv. Each egress route shall identify the travel distance, number of occupants and size and type of egress elements.

4. Areas that are back-of-house to the gaming floor where security is necessary shall be permitted to apply the following special locking arrangements: Doors in means of egress serving rooms or spaces required by the Division of Gaming Enforcement to be controlled for security reasons shall be permitted to be locked if equipped with egress control devices which shall unlock manually and by any of the following means:

i. Actuation of an automatic fire suppression system on any casino floor or back-of-house zone;

ii. Actuation of a manual alarm station contained within the secured area;

iii. A signal from a fire command center; or

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iv. Loss of power to the egress control device.

5. Gaming equipment, change banks, monitor cabinets, and other obstructions located on the gaming floor shall not exceed 75 inches in height except as provided in this paragraph:

i. Equipment and obstructions located at or within 27 feet of perimeter walls surrounding the casino floor and walls with a minimum height of 75 inches throughout the casino floor, measured perpendicular to the wall, may be of unrestricted height;

ii. Equipment and obstructions located at columns, but not extending more than 14 feet in any direction around the column, including the column itself, may be of unrestricted height;

iii. Equipment and obstructions located so that they do not obstruct visibility throughout the gaming floor, the visibility of at least two exits, or the operation of fire protection systems, may be of such height as is consistent with such visibility and operation; and

iv. Slot machines and similar gaming equipment may be 85 inches in height at any location on the casino floor provided all of the following conditions are met throughout the casino floor(s):

(1) An exit catchment area shall be provided immediately in front of the means of egress having the largest egress capacity and each other means of egress, ranked from the largest to smallest in terms of egress capacity, until such areas are provided in front of means of egress comprising 50 percent of the required egress capacity. Each catchment area shall be a rectangle with the full width of the means of egress component and twice the depth. Gaming equipment and other obstructions within the catchment area shall require Department approval;

(2) All exit signs that are provided on the casino floor shall have a minimum letter height of 10 inches and a minimum letter stroke of two inches with approved distinguishable colors; and

(3) Prior to the installation of the 85-inch high machines, when directed by the Department, the permit applicant and the Department shall perform a means of egress and exit visibility survey and the permit applicant shall install additional signage if deemed necessary, or other means found necessary to ensure the discernability of two exits.

6. Signage installed on the gaming floor shall comply with the following:

i. All signage shall be listed, labeled, approved and identified by an approved testing laboratory;

ii. Each sign shall be attached to a wall, post or ceiling. A post-mounted sign above slot machines shall be fastened to, and supported by, the slot machine base;

iii. A sign containing moving sections or ornaments shall be equipped with fail-safe provisions to prevent the sign from releasing and falling or from shifting its center of gravity more than 15 inches. The fail-safe device shall be in addition to the mechanism and mechanism housing that operate the movable section. The fail-safe device shall be capable of supporting the full dead weight of the sign when the moving mechanism releases; and

iv. A sign shall not obstruct visibility throughout the gaming floor, the visibility of exit signage or the operation of fire protection systems.

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7. Monitor cabinets, change banks, fillers, slot machine bases, and similar items shall be constructed of non-combustible or fire retardant treated material.

8. All illuminated signs, amplification systems, turntables, video displays, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power or signal to the device(s).

- i. This requirement does not apply to exit signs or emergency communications systems.
- ii. This requirement shall not apply to slot machines or similar gaming equipment.
- iii. This requirement shall not apply to video displays that are an integral part of a gaming machine.

9. On casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level.

(c) All casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. Standpipe connections located on columns shall be marked on all four sides of the column as described above.

1. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.
2. This requirement shall not apply to standpipe hose connections located in open parking structures.

(d) The following precautions shall be taken during construction in any portion of an occupied casino hotel:

1. Except for changes to gaming tables, slot bases or signage, temporary construction partitions shall be required when construction is undertaken in an area with public access or in an area where the automatic sprinkler system will be inoperable.

i. A fire partition with a fire resistance rating of one hour shall be required for projects with automatic sprinkler protection. Fire partitions shall be constructed of noncombustible materials as defined in the building subcode and shall be continuous from the top of the floor to the underside of the ceiling above and shall be securely attached thereto. Opening protectives shall be rated for 3/4 hour.

ii. A fire separation assembly with a fire resistance rating of two hours shall be provided for projects where the automatic sprinkler system is inoperable. Fire separation assemblies shall be constructed of noncombustible materials, as defined in the building subcode, and shall be continuous from the top of the floor to the underside of floor/roof slab or deck above or to the top fire resistance rated floor ceiling assembly above and shall be securely attached thereto. Opening protectives shall be rated for 1 1/2 hours.

2. Projects with the ceiling removed shall be provided with operable upright type automatic sprinklers.

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§ 5:23-9.7 (Reserved)

§ 5:23-9.8 (Reserved)

§ 5:23-9.9 (Reserved)

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