

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Proposed Amendment: N.J.A.C. 5:23-9.6

Authorized by: Richard E. Constable, III, Commissioner, Department of Community
Affairs.

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 2013-

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

Submit written comments by: June 14, 2013 to:

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RICHARD E. CONSTABLE, III, Commissioner

The agency proposal follows:

Summary

At N.J.A.C. 5:23-9.6(a)3, the restriction on slot stools rotation is proposed for deletion. This was originally incorporated into the requirements to aid in exiting the space in an emergency. The Department has studied this requirement and found it to be unnecessary; therefore, it is proposed for deletion.

At N.J.A.C. 5:23-9.6(a)4, the dimensional limitations between the face of the slot machine and the slot stool are proposed for deletion. Again, this was originally incorporated into the requirements for exiting. In reality, the slot stools are being installed in locations that far exceed the limitations in the requirement for patron comfort. Therefore, the Department is proposing to delete this requirement.

At N.J.A.C. 5:23-9.6(a)5, the current requirement for the width of a slot aisle is 48 inches. This was incorporated into the UCC due to a lack of a dimensional requirement in the model code. With the adoption of the 2009 International Building Code, the minimum width of a double-loaded assembly aisle is 42 inches, therefore, this requirement is proposed for deletion.

At N.J.A.C. 5:23-9.6(b)5, the current requirement for 65-inch maximum height gaming equipment, change banks, monitor cabinets and other obstructions is proposed to be increased to 75-inches. As the casino industry has broadened over the last few years, and slot machines in other jurisdictions are unregulated, the 65-inch high slot machines are no longer readily available. As a result, the Department is proposing to increase the maximum height to 75 inches. If the exits are not readily apparent, additional exit signs will be required in accordance with N.J.A.C. 5:23-9.6(b)5.iv. At N.J.A.C. 5:23-9.6(b)5i,

the restriction on unlimited height of equipment and obstructions around the perimeter of the gaming floor would be changed from at or within 21 feet to 27 feet. Additionally, requirements would be added to further define other walls of the casino floor where unrestricted height machines may be placed.

At N.J.A.C. 5:23-9.6(b)5ii, the restriction on unlimited height equipment and obstructions around columns on the gaming floor would be changed from 12 feet to 14 feet.

At N.J.A.C. 5:23-9.6(b)5iv, the current limitation of a 75-inch maximum slot height is proposed to be increased to 85 inches in height. The requirement for circle top design of the slots such that 40 percent of the projected area is open is no longer necessary as a result of changes in slot machine design. Additionally, the requirement for catchment areas has been reduced from 67 percent to 50 percent. Because assembly occupancy is required to have a main exit capable of serving 50 percent of the occupant load, the Department believes this reduction in the catchment requirement is justified. Finally, the requirement for an egress and exit visibility survey is amended to be at the discretion of the Department.

At N.J.A.C. 5:23-9.6(b)8, The industry has informed the Department that damage is done to the video display (television) equipment when shunted, therefore, the proposal provides an option to shunt the signal to the equipment or, as currently permitted, shunt the power. Additionally, video displays that are an integral part of gaming machines are

exempt from the requirement. This has always been the case. This amendment would codify the policy of the Department and of the Division of Gaming Enforcement.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C.1:30-3.3(a)5.

Social Impact

The proposed amendments will make it possible for casino patrons to enjoy a greater variety of slot machines.

Economic Impact

The proposed amendments were requested by the casino industry as a means of maintaining its ability to compete with casinos in other jurisdictions and is expected to have a positive economic impact upon the casino industry.

Federal Standards Statement

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

Jobs Impact

The proposed amendments are not expected to result in the generation or loss of jobs.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments would only affect casino hotels. As each casino hotel has more than 100 full-time employees, they are not "small businesses" as defined under the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is not required.

Smart Growth Development Impact

This proposal is concerned with the allowable height and placement of gaming equipment and obstructions, and signal shunts when the fire alarm system is activated, in casino hotels. It would be not be likely to have any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

This proposal is concerned with the allowable height and placement of gaming equipment and obstructions, and signal shunts when the fire alarm system is activated, in casino hotels. It would not be likely to have an impact on the production of affordable housing.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

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

(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. (No change.)

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 [restricted so as to rotate only in one direction, operate in series, and be] self-centering. [;

4. A minimum clearance of eight inches, measured from the face of the gaming machine base at knee height, shall be provided between the gaming machine and the stool and a minimum clearance of 10 inches, measured from seat edge to seat edge, shall be provided between adjacent stools, in order to ensure discharge clearances; and

5. The minimum clear width of aisles with slot stools shall be 48 inches.]

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

1. – 4. (No change.)

5. Gaming equipment, change banks, monitor cabinets and other obstructions located on the gaming floor shall not exceed [65] **75** inches in height except as provided in this paragraph:

i. Equipment and obstructions located at or within [21] **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 [12] **14** feet in any direction around the column, including the column itself, may be of unrestricted height;

iii. (No change.)

iv. Slot machines and similar gaming equipment may be [75] **85** inches in height at any location on the casino floor provided **all of** the following conditions are met throughout the [entire] casino floor(s):

(1)[Machines taller than 65 inches shall be of a circle top or similar design so that the 75-inch height is not continuous and at least 40 percent of the vertical projected area between 65 inches and 75 inches is open;

(2)] 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 [67] **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;

(3) renumber as (2) (No change in text.)

[4)] **(3)** Prior to the installation of the [75] **85**-inch high machines, [the permit applicant and the Department shall perform a means of egress and exit

visibility survey. If] **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 discernibility of two exits.

6. – 7. (No change.)

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. (No change.)

(c) - (d) (No change.)