

ii. A supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code.

(i) In all buildings of Use Group R-1 or portions thereof when separated in accordance with (l) below, not required by N.J.A.C. 5:70-4.17 to have a complete automatic fire suppression system, all storage and workshop rooms and rubbish, laundry and similar rooms shall be equipped with a suppression system or smoke detector system connected to an approved continuously staffed location in the building or supervised employing one of the methods identified in N.J.A.C. 5:70-4.9(c)1 through 3. Such systems shall be installed in accordance with the New Jersey Uniform Construction Code.

(j) All dormitories, as defined in this chapter at N.J.A.C. 5:70-1.5, or portions thereof when separated in accordance with (l) below, shall be equipped throughout with an automatic fire sprinkler system installed in accordance with the New Jersey Uniform Construction Code.

(k) Fire suppression systems required by this Code shall be supervised by one of the following methods as determined by the fire official:

1. Approved central station system in accordance with NFIPA 71;
2. Approved proprietary system in accordance with NFIPA 72D;
3. Approved remote station system of the jurisdiction in accordance with NFIPA 72C; or
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFIPA 72A;
5. The following are exceptions to (k) above:
 - i. Underground gate valves with roadway boxes;
 - ii. Halogenated extinguishing systems;
 - iii. Carbon dioxide extinguishing systems;
 - iv. Dry chemical extinguishing systems; and
 - v. Limited area sprinkler systems.

(l) In buildings containing mixed uses, one or more of which requires automatic suppression in accordance with this section, suppression will not be required throughout the building, provided that the uses requiring suppression are separated from those not requiring suppression by fire resistive construction having a minimum one hour rating. In Use Group H, the rating is to be increased to two hours.

Amended by R.1987 d.247, effective June 15, 1987.
See: 18 N.J.R. 1225(a), 19 N.J.R. 1078(a).

New (b) through (k) added with (h) reserved.
Correction to rule, see 19 N.J.R. 1190(a).
Amended by R.1987 d.373, effective September 21, 1987.
See: 19 N.J.R. 1023(a), 19 N.J.R. 1720(a).

(b): deleted condition concerning resident access to rooms above second story.

Amended by R.1989 d.556, effective November 6, 1989.

See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).

New (h) and (k) added.

Amended by R.1992 d.104, effective March 2, 1992.

See: 23 N.J.R. 3552(a), 24 N.J.R. 739(a).

Ventilating hood and duct added at (g), supervised system installation requirements added at (h).

Amended by R.1992 d.405, effective October 19, 1992.

See: 24 N.J.R. 1938(a), 24 N.J.R. 3723(b).

Exceptions to A-2 with load over 50 added at li and ii.

Amended by R.1993 d.197, effective May 3, 1993.

See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).

Added (a)2; deleted (c)9 and added new text.

Emergency amendment, R.2000 d.402, effective September 8, 2000 (to expire November 7, 2000).

See: 32 N.J.R. 3647(a).

Added (j); recodified former (j) and (k) as (k) and (l); and amended internal references throughout.

Adopted concurrent proposal, R.2000 d.486, effective November 6, 2000.

See: 32 N.J.R. 3647(a), 32 N.J.R. 4310(a).

Readopted provisions of R.2000 d.402 without change.

Administrative correction.

See: 35 N.J.R. 219(d).

Amended by R.2007 d.2, effective January 2, 2007.

See: 38 N.J.R. 3377(a), 39 N.J.R. 28(b).

Added (c)2.

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

In the introductory paragraph of (a), inserted "(nightclubs)", substituted "where any of the conditions in (a)1, 2 or 3 below exist:" for the period at the end, rewrote (a)1, and added (a)2 through (a)4.

Amended by R.2007 d.60, effective February 20, 2007.

See: 38 N.J.R. 3727(a), 39 N.J.R. 651(a).

In (i), inserted "or supervised employing one of the methods identified in N.J.A.C. 5:70-4.9(c)1 through 3".

Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 635) adopted, which concluded that, although the financial impact on the restaurant owner to bring the premises into compliance with N.J.A.C. 5:70-4.7(g) was unfortunate, the safety of the public was paramount; owner's contention that a 2000 violation notice and handwritten note showed the State in 2000 approved changes made then to be in compliance with the fire code was not persuasive since he was not the owner of the premises at the time, it was not clear who wrote the note, and there was no credible proof the State approved any improvements in lieu of those required by the regulation. *Div. of Fire Safety v. Heary, T/A Surfside Steak & Tacos*, OAL Dkt. No. CAF 6377-07, 2007 N.J. AGEN LEXIS 952, Final Decision (October 3, 2007).

New construction code requirement for automatic fire suppression system applies to automotive spray paint booth. *Sweeney's Auto Body Inc. v. Division of Fire Safety*, 96 N.J.A.R.2d (CAF) 37.

5:70-4.8 Standpipe system

(a) All buildings having floors used for human occupancy located more than six stories above grade shall be equipped with wet standpipes. Standpipes shall be located and installed in accordance with the New Jersey Uniform Construction Code except as follows:

1. Standpipes shall be capable of accepting a delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost remote standpipe outlet in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost remote standpipe outlet in all other buildings.

2. Hose and hose cabinets shall not be required.

5:70-4.9 Automatic fire alarms

(a) An automatic fire alarm system shall be installed as required below in accordance with the New Jersey Uniform Construction Code.

1. In all buildings of Use Group I:

i. Alarm systems in buildings of Use Group I must be supervised.

ii. In buildings of Use Group I-1, smoke detectors that are to be located closer than five feet to a kitchen or bathroom area shall be of photoelectric type only.

2. In all buildings of Use Group R-1 and in R-3 bed and breakfast homestays:

i. In dwelling units or guestrooms, battery-powered single station detectors may be installed, provided that the detectors are maintained in accordance with N.J.A.C. 5:70-3.2(a)5xii, F-515.2.1.

ii. In bed and breakfast homestays of Use Group R-3, the system shall not be required to be supervised or connected to an emergency power supply.

iii. All buildings of Use Group R-1, regardless of the number of units, shall have available at least one portable visual alarm type smoke detector for the deaf or hearing impaired for each 50 units or fraction thereof. The owner may require a refundable deposit for such portable smoke detector not to exceed the value of the smoke detector. Notification of the availability of such devices shall be provided to each occupant.

3. In all buildings of Use Group R-2 as follows:

i. All buildings of Use Group R-2, including multiple dwellings and rooming houses with six or more occupants, shall have approved smoke detection systems located in all interior common areas. Such systems shall be powered by an alternating current (AC) constantly active electric circuit that cannot be deactivated by the operation of any interconnected switching device and shall comply with NFPA 70-93 (National Electrical Code) requirements, except as otherwise provided in this section. Such systems shall be on circuitry that is connected into the building owner's electric meter.

(1) In multiple dwellings six stories or more in height and having 30 or more dwelling units, such systems:

(A) Shall be connected to a supervisory type listed control panel conforming to U.L. 864 requirements and NFPA 72-90 standards, except as otherwise provided in this section;

(B) Shall be powered by an approved emergency power source installed in conformance with NFPA 70-93 (National Electrical Code); and

(C) Shall have a control panel of the multi-zoned type that will visually indicate the floor or zone from which the alarm is activated, which panel shall be located in accordance with NFPA 72-90 standards or as directed by the local fire subcode official.

ii. A pre-signal alarm feature is not permitted.

iii. The separate zoning of floors in high rise buildings for selective floor evacuation is permitted at the discretion of the fire official.

iv. Alarms shall be located so as to be effectively heard above all other sounds, by all the occupants, in every occupied space within the building not separated by fire walls having a fire-resistance rating of at least two hours.

v. In dwelling units, approved battery-powered single station detectors may be installed, provided that the detectors are maintained in accordance with N.J.A.C. 5:70-3.2(a)5xii, F-515.2.1.

vi. Smoke detectors that are to be located closer than five feet to a kitchen or bathroom area shall be photoelectric type only.

vii. At the request of a tenant of a unit in which a person who is deaf or hearing-impaired resides, the owner shall provide and install a visual alarm type smoke detector for that unit or, in the case of a rooming or boarding house resident, for that resident's sleeping area.

4. With the approval of the fire protection subcode official, fixed temperature or combination rate-of-rise and fixed temperature heat detectors may be substituted for smoke detectors in those locations where frequent nuisance alarms would be likely to occur. Such building spaces include, but are not limited to, garages, crawl spaces, uninhabitable attics, heater and boiler rooms, laundry rooms, kitchens, restaurant service areas, and other rooms where the ambient temperatures are below 40 degrees Fahrenheit or are above 100 degrees Fahrenheit and/or have a relative humidity either below 20 percent or above 85 percent or where environmental conditions are likely to produce nuisance alarms.

5. Existing common area smoke detection systems that were installed in compliance with this subchapter or with the Regulations Governing Rooming and Boarding Houses or Regulations for the Maintenance of Hotels and Multiple Dwellings and maintained in accordance with N.J.A.C. 5:70-3, for which a construction permit was issued subject to plan review approval, shall be accepted as conforming to this section.

6. In any municipality that enacted an ordinance requiring the installation of smoke detectors in multiple dwellings prior to November 11, 1980, a building fully conforming to the requirements of such ordinance prior to November 12, 1980, shall be deemed to be in either full or

partial compliance with the requirements of this section if the fire official determines that the provisions of such ordinance provide reasonable life safety protection to the occupants and that replacement of equipment already installed in conformity with such ordinance would be an undue hardship for property owners.

i. A general determination pursuant to this subsection shall be made by the fire official upon review of the ordinance and separate exceptions shall not then be

are prohibited on all new and existing fire escapes used as a required means of egress.

5. All occupants shall have unobstructed access to all new and existing fire escapes without having to pass through a room subject to locking.

6. In all bed and breakfast homestays, every sleeping room shall be provided with an approved window having sill height of not more than 44 inches.

7. In dwelling units in basements or stories below grade in buildings of Use Group R-2 that are not equipped throughout with an automatic fire sprinkler system, there shall be at least two exits from each dwelling unit.

i. An approved window providing a clear opening of at least five square feet in area, a minimum net clear opening of 24 inches in height and 20 inches in width, and a sill height of not more than 44 inches above the finished floor, shall be acceptable as one of the required exits.

(b) In buildings having only one exit, the single exit condition shall be permitted to continue as follows:

1. In buildings of Use Group R-3;

2. In all buildings, in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet;

i. Exception to (b)2 above: In buildings of Use Group I and in rooming houses and child care centers, regardless of Use Group, two means of egress shall be required.

3. In buildings of Use Groups R-1 and R-2, from floors that are not more than 16 feet above exterior grade.

i. In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.

4. In buildings of Use Groups R-1 and R-2, not more than two stories in height, from floors that are not more than 16 feet above exterior grade, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet. The minimum fire resistance rating of the exit enclosure and of the opening protection shall be one hour.

i. In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.

5. In buildings of Use Group B or S-2, not more than two stories in height, which are not greater than 3000 square feet per floor, when the exit access travel distance

does not exceed 75 feet. The minimum fire resistance rating of the exit enclosure and of the opening protection shall be one hour.

6. Open parking structures where vehicles are mechanically parked.

(c) In multi-level dwelling units in buildings of Use Groups R-1 or R-2, an exit shall not be required from each level of the dwelling unit provided that the following conditions are met:

1. The building in which such dwelling units are contained is of type 1 or type 2 construction and the travel distance within the dwelling unit does not exceed 75 feet; or

2. The building in which such dwelling units are contained is not more than three stories in height and all third floor space is part of one or more dwelling units located in part on the second floor and no habitable room within any such dwelling unit shall have a travel distance that exceeds 50 feet from the outside of the habitable room entrance door to the inside of the entrance door to the dwelling unit.

(d) All rooms and spaces having an occupant load greater than 50 or in which the travel distance exceeds 75 feet shall have a minimum of two egress doorways.

1. The following are exceptions to (d) above:

i. Storage rooms having a maximum occupant load of 10;

ii. Classrooms having a maximum occupant load of 75 in buildings equipped throughout with an automatic fire suppression system;

iii. In buildings of Use Group I-2, any patient sleeping room or suite of rooms greater than 1,000 square feet shall have a minimum of two egress doorways.

(e) When buildings of Use Groups A-2 and A-3 have more than two individual rooms which can be used for separate functions and each room has an occupant load of more than 300, the required egress doors from such rooms shall lead directly outside or to an exit passageway.

1. Such passageways shall be completely enclosed by assemblies having a fire-resistance rating of not less than two hours.

2. Such passageways shall not be used for any other purpose and shall lead directly outside.

(f) The capacity of means of egress in each story shall be sufficient for the occupant load thereof.

1. The capacity per unit of egress width shall be computed in accordance with the Table 5:70-4.11(f)1 for the specified use groups.

Table 5:70-4.11(f)1
CAPACITY PER UNIT EGRESS WIDTH

Use group	Without fire suppression system		With fire suppression system	
	Stairways	Doors, Ramps and Corridors	Stairways	Doors, Ramps and Corridors
A	75	100	113	150
B	60	100	90	150
E	75	100	113	150
F	60	100	90	150
H	—	—	60	100
I-1	60	100	90	100
I-2	22	30	35	45
I-3	60	100	90	150
M	60	100	90	150
R	75	100	113	150
S	60	100	90	150

2. The unit of egress width for all approved types of means of egress parts and facilities shall be 22 inches with a credit of one half unit for each 12 inches width in addition to one or more 22 inch units. Fractions of a unit of width less than 12 inches shall not be credited.

3. The maximum permitted occupant load of a given space shall be determined by dividing the floor area for a given use by the occupant load factor in Table 5:70-4.11(f)3.

i. Except in Use Group A-2 (nightclubs), the occupant load may be equal to the total number of occupants for whom exit capacity is provided as determined by (f)1 above. The resulting total occupant load shall not exceed one occupant per five square feet of net floor area over the entire use.

Table 5:70-4.11(f)3
Floor Area Per Occupant

Use	Occupant Load Factor in square feet per occupant
Assembly	
Fixed seating	Note 1
Tables and chairs	15 net
Chairs only	7 net
Dance floors	7 net
Standing space	5 net
Waiting space (Note 2)	3 net
Bowling centers	
Lanes	5 persons
Other areas	per assembly above
Business	100 gross
Educational	
Fixed seating	Note 1
Classrooms	20 net
Shops and vocational areas	50 net
Industrial	100 gross
Inpatient treatment	240 gross
Outpatient	100 gross
Sleeping rooms	120 gross

Use	Occupant Load Factor in square feet per occupant
Library	
Reading room	50 net
Stack area	100 gross
Mercantile	
Grade floor or basement	30 gross
All other floors	60 gross
Storage, stock, shipping	300 gross
Parking garages	200 gross
Residential	200 gross
Storage areas, mechanical equipment room	300 gross

Note 1. The occupant load for that portion of an assembly area having fixed seats shall be determined by the number of fixed seats installed. Capacity of seats without dividing arms is one person per 18 inches. For booths, one seat equals 24 inches. One person is allowed for each fixed seat with dividing arms or fixed stand alone stool.

Note 2. Waiting space means that space in an assembly occupancy where persons are admitted to the building at times when seats are not available to them and are allowed to wait in a lobby or similar space until seats are available. Such use of the lobby or similar space shall not encroach upon the required clear width of exits.

(g) All buildings of Use Group A with an occupant load of 100 or more shall be provided with a main entrance capable of serving as the main exit with an egress capacity for at least one-half the total occupant load. The remaining exits shall be capable of providing two-thirds of the total required exit capacity.

1. For Use Group A-2 (nightclubs), the main exit and at least one remaining exit shall be placed a distance apart equal to one-half the length of the maximum overall diagonal distance of the area served in buildings not equipped throughout with an automatic fire sprinkler system and one-third the maximum overall diagonal distance of the area served in buildings or portions thereof that are equipped throughout with an automatic fire sprinkler system.

2. Use Group A-2 (nightclub) buildings or portions thereof with an occupant load of more than 300 shall have a main entrance capable of serving as the main exit with an egress capacity for at least two-thirds of the total occupant load. The remaining exits shall also be capable of providing two-thirds of the total required exit capacity.

(h) The length of a dead end corridor shall not exceed 35 feet.

1. The following are exceptions to (h) above:

i. The maximum length of a dead end corridor shall be 50 feet in buildings equipped throughout with an automatic fire alarm system installed in accordance with the New Jersey Uniform Construction Code.

ii. The maximum length of a dead end corridor shall be 70 feet in buildings equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

(i) All means of egress shall be provided with artificial illumination as follows:

1. All means of egress in other than buildings of Use Group R-3 shall be equipped with artificial lighting facilities to provide the intensity of illumination herein prescribed continuously during the time that conditions of occupancy of the building require that the exits be available. Lighting shall also be provided to illuminate the exit discharge in all buildings other than Use Groups F, H and S. In buildings of Use Group R-2, means of egress lighting, except that lighting within a dwelling unit, shall be wired on a circuit independent of circuits within any dwelling unit. The disconnecting means and overcurrent protection device shall not be located within a dwelling unit or such that access must be obtained by going through a dwelling unit.

2. The intensity of light at floor level shall be not less than one foot candle.

3. In buildings of Use Groups A and E used for the exhibition of motion pictures or other projections by means of directed light, and in buildings or spaces of Use Group A-1 or A-2 (nightclubs) used for performances, illumination may be reduced during periods of projection or performance to not less than 0.2 foot candle.

i. The lighting of exits, aisles, auditoriums and other assembly spaces shall be controlled from a location inaccessible to unauthorized persons. Supplementary control shall also be provided in the motion picture projection room or lighting booth, if any.

ii. In assembly spaces, illumination shall be restored automatically to the level required by (i)2 above upon activation of the fire suppression or fire alarm system.

(j) Means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (National Electrical Code) to assure continued illumination for a duration of not less than one hour in case of primary power loss in all buildings, rooms, or spaces required to have more than one exit or exit access.

(k) In all buildings, rooms or spaces required to have more than one exit or exit access, all required means of egress shall be indicated with approved internally illuminated or self-luminous signs reading "Exit", visible from the exit access and, when necessary, supplemented by directional signs in the exit access indicating the direction and way of egress. All "Exit" signs shall be located at exit doors or exit access areas, so as to be readily visible.

1. Exceptions to (k) above:

i. Exit signs shall not be required in buildings of Use Groups I-1, R-2 and R-3 having a total occupant load, excluding staff, of 20 or less.

ii. Exit signs shall not be required when the second means of egress is a fire escape that is accessed directly from the individual sleeping rooms.

iii. Approved main exterior doors that are clearly identified as exits are not required to have "Exit" signs.

2. "Exit" signs shall have red or green letters at least six inches high and the minimum width of each stroke shall be three-quarter inch on a white background or in other approved distinguishable colors. If an arrow is provided as part of an "Exit" sign, the construction shall be such that the arrow direction cannot be readily changed. The word "Exit" shall be clearly discernible when the internally illuminated sign is not energized.

3. Each sign shall be illuminated by a source providing not less than five foot candles at the illuminated surface.

i. Exception to (k)3 above: Approved self-luminous signs which provide evenly illuminated letters shall have a minimum luminance of 0.06 foot lamberts.

4. All "Exit" signs shall be illuminated at all times when the building is occupied. To assure continued illumination for a duration of not less than one hour in case of primary power loss, the "Exit" signs shall be connected to an emergency electrical system.

i. Exception to (k)4 above: Approved self-luminous signs which provide continuous illumination independent of external power sources need not be connected to an emergency electrical system.

(l) Means of egress doors shall conform to the following:

1. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel;

2. In building of Use Groups R-1 and R-2 all doors opening onto a passageway at grade or exit stair shall be self-closing or automatic closing by listed closing devices.

3. All dwelling unit, guest room or rooming unit corridor doors in buildings of Use Groups R-1, R-2, and I-1 shall be at least 1 $\frac{3}{4}$ inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{4}$ inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$ inch door.

i. Existing doors meeting the requirements of Federal Housing and Urban Development Rehabilitation Guidelines No. 8 or of Section 5 of Appendix B of the BOCA Basic/National Existing Structures Code, 1984 Ed. for a rating of 15 minutes or better shall be accepted as meeting the provisions of this requirement.

(1) Modifications made to existing doors to achieve the required rating shall be conducted in accordance with the Uniform Fire Code.

ii. Existing doors in buildings provided with approved, complete automatic suppression shall be required only to provide a smoke barrier; shall not contain louvers; shall fit plumb and level; and be reasonably tight fitting.

iii. In group homes with a maximum of 15 occupants, and which are protected with an approved automatic detection system, closing devices may be omitted.

4. Buildings of Use Group I-3 having remote power unlocking capability on more than 10 doors shall be provided with an emergency power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour.

5. All required exit doors equipped with latching devices in buildings or portions thereof of Use Group A with an occupant load greater than 100 shall be equipped with approved panic hardware by November 6, 1990.

(m) Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are judged to be in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide and subject to the maximum designed occupancy load shall have handrails on both sides. Where there are no handrails or where the existing handrails must be replaced in order to correct a hazardous condition, the handrails shall be designed and installed in accordance with the provisions of the New Jersey Uniform Construction Code.

(n) Every open portion of a stair, landing, or balcony which is more than 30 inches above the floor or grade below and not provided with guards or those in which the existing guards are judged to be in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. Where there are no guards or where the existing guards must be replaced in order to correct a hazardous condition, the guards shall be designed and installed in accordance with the New Jersey Uniform Construction Code.

(o) In all buildings of Use Group R-1 and R-2 all transoms shall be either glazed with ¼" wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air, shall be sealed with materials consistent with the corridor construction.

Amended by R.1987 d.247, effective June 15, 1987.
See: 18 N.J.R. 1225(a), 19 N.J.R. 1078(a).
Substantially amended.

Amended by R.1989 d.556, effective November 6, 1989.
See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).

Changes made at (a)1 and (f)2, 3, and new 5.
Amended by R.1992 d.104, effective March 2, 1992.
See: 23 N.J.R. 3552(a), 24 N.J.R. 739(a).

Text on transoms added at (o).
Amended by R.1993 d.197, effective May 3, 1993.
See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).

Added (a)3, Table (f)3 and (g); occupant load specified at (f)3.
Amended by R.1995 d.59, effective March 6, 1995.
See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).

Amended by R.2000 d.30, effective January 18, 2000.
See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

In (b)4, inserted "not" following "that are" in the first sentence.
Amended by R.2002 d.372, effective November 18, 2002.
See: 34 N.J.R. 2636(a), 34 N.J.R. 3958(a).

In (f), rewrote 3i.
Administrative correction.
See: 35 N.J.R. 222(a).

Amended by R.2007 d.51, effective February 5, 2007.
See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

In (f)3i, substituted "Except in Use Group A-2 (nightclubs), the" for "The"; added (g)1 and (g)2; in (i)3, inserted "and in buildings or spaces of Use Group A-1 or A-2 (nightclubs) used for performances," deleted "of aisles" following "illumination" and "such" following "during", substituted "periods" for "period" and inserted "or performance"; in (i)3i, substituted "aisles, auditoriums and other assembly spaces" for "aisles and auditoriums" and inserted "or lighting booth, if any"; and added (i)3ii.

Amended by R.2007 d.60, effective February 20, 2007.
See: 38 N.J.R. 3727(a), 39 N.J.R. 651(a).

In (a)3, substituted "June 2001" for "March 1985"; and in (a)4, inserted "Use Group A,".

Amended by R.2012 d.090 effective May 7, 2012.
See: 43 N.J.R. 2698(a), 44 N.J.R. 1337(a).

Added (a)2i; and rewrote (a)3i.

Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 241) adopted, which concluded that respondent's property was Use Group R-2 and therefore not exempt from the alternate-means-of-egress requirements of N.J.A.C. 5:70-4.11; Use Group R-2 includes "all multiple family dwellings having more than two dwelling units," whereas Use Group R-3 is limited to "detached one- and two-family dwelling units." Respondent's property consisted of three dwelling units in one house, which fit within the plain language of the definition of Use Group R-2 in N.J.A.C. 5:70-1.5. Bureau of Housing Inspection v. Tider, OAL Dkt. No. CAF 03540-05, 2007 N.J. AGEN LEXIS 340, Final Decision (May 22, 2007).

Owner of three-unit building would be required to bring her property into compliance with fire safety regulations. Iadipaoli v. Bureau of Housing Inspection, 96 N.J.A.R.2d (CAF) 115.

Unabated fire-safety and other violations warranted imposition of \$6,750 in penalties against landlord. 804 Ocean v. Community Affairs, 95 N.J.A.R.2d (CAF) 17.

5:70-4.12 Interior finish

(a) The interior finish of walls and ceilings shall have a flame spread rating not greater than the class prescribed by Table 5:70-4.12(a).

1. The following are exceptions to (a) above:

i. The use of vinyl or paper wall coverings not exceeding 1/28th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section.