

CHAPTER 70

UNIFORM FIRE CODE

Authority

N.J.S.A. 52:17B-139.12, and 52:27D-25d, 25k, 25gg, 25hh, 198 and 219.

Source and Effective Date

R.2010 d.214, effective September 15, 2010.
See: 41 N.J.R. 4369(a), 42 N.J.R. 2421(a).

Chapter Expiration Date

Chapter 70, Uniform Fire Code, expires on September 15, 2015.

Chapter Historical Note

Chapter 70, Congregate Housing Services Program, was adopted as R.1982 d.272, effective August 16, 1982. See: 14 N.J.R. 609(b), 14 N.J.R. 912(b). Pursuant to Executive Order No. 66(1978), Chapter 70, Congregate Housing Services Program, was readopted as R.1987 d.315, effective July 9, 1987. See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a). Pursuant to Executive Order No. 66(1978), Chapter 70, Congregate Housing Services Program, was readopted as R.1992 d.214, effective April 22, 1992. See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a). Pursuant to Executive Order No. 66(1978), Chapter 70, Congregate Housing Services Program, expired on April 22, 1997.

Chapter 70, Uniform Fire Code, was originally codified in Title 5 as Chapter 18, Uniform Fire Code. Chapter 18 was adopted as R.1985 d.66, effective February 19, 1985. See: 16 N.J.R. 3339(b), 17 N.J.R. 394(a).

Subchapter 4, Fire Safety Code, was adopted as R.1986 d.214, effective June 16, 1986. See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1990 d.72, effective January 4, 1990. See: 21 N.J.R. 3344(a), 22 N.J.R. 337(b).

Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992. See: 23 N.J.R. 3554(a), 24 N.J.R. 740(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1995 d.58, effective January 3, 1995. See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Pursuant to Reorganization Plan No. 002-1998, Chapter 18, Uniform Fire Code, was recodified as N.J.A.C. 5:70, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999). See: 30 N.J.R. 1466(a), 30 N.J.R. 3068(c).

Pursuant to Executive Order No. 66(1978), Chapter 70, Uniform Fire Code, was readopted as R.2000 d.30, effective December 22, 1999. See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Chapter 70, Uniform Fire Code, was readopted as R.2005 d.225, effective June 14, 2005. See: 36 N.J.R. 3652(a), 37 N.J.R. 2674(a).

Chapter 70, Uniform Fire Code, was readopted as R.2010 d.214, effective September 15, 2010. See: Source and Effective Date.

Cross References

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility and life-safety requirements, see N.J.A.C. 10:124-5.1 et seq.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 5:70-1.1 Title; division into subchapters
- 5:70-1.2 Authority
- 5:70-1.3 Intent and purpose
- 5:70-1.4 Applicability
- 5:70-1.5 Definitions
- 5:70-1.6 (Reserved)
- 5:70-1.7 Severability

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

- 5:70-2.1 Enforcement authority
- 5:70-2.2 Responsibility for compliance
- 5:70-2.3 Certificate of smoke detector and carbon monoxide alarm compliance
- 5:70-2.4 Scope and classification of life hazard uses
 - 5:70-2.4A Type Aa through Aj life hazard uses
 - 5:70-2.4B Ba through Bq life hazard uses
 - 5:70-2.4C Type Ca through Ci life hazard uses
 - 5:70-2.4D Type Da through Dc life hazard uses
- 5:70-2.5 Required inspections
- 5:70-2.6 Registration of buildings and uses
- 5:70-2.7 Permits required
- 5:70-2.8 (Reserved)
- 5:70-2.9 Fees: registration; certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC); permit; carnival registration certificate
- 5:70-2.10 Enforcement procedures
- 5:70-2.11 Service of notice and orders
- 5:70-2.12 Penalties
 - 5:70-2.12A Dedicated penalties
 - 5:70-2.13 Compensatory penalties
 - 5:70-2.14 Variances
 - 5:70-2.15 Injunctive relief
 - 5:70-2.16 Imminent hazards
 - 5:70-2.17 Evacuation of unsafe premises
 - 5:70-2.18 Punitive closing
 - 5:70-2.19 Appeals
 - 5:70-2.20 Identifying emblems for structures with truss construction
 - 5:70-2.21 (Reserved)
 - 5:70-2.22 Registration of carnivals
 - 5:70-2.23 Elevator key lock boxes

SUBCHAPTER 3. STATE FIRE PREVENTION CODE

- 5:70-3.1 Code adopted, scope and applicability
- 5:70-3.2 Modifications

SUBCHAPTER 4. FIRE SAFETY CODE

- 5:70-4.1 Code adopted; scope
- 5:70-4.2 Compliance with the State Fire Prevention Code and other fire safety regulations
- 5:70-4.3 Relationship to Uniform Construction Code
- 5:70-4.4 General provisions
- 5:70-4.5 Fire protection and dormitory suppression plans
- 5:70-4.6 Pre-existing violations
- 5:70-4.7 Fire suppression systems
- 5:70-4.8 Standpipe system

5:70-4.9	Automatic fire alarms
5:70-4.10	Manual fire alarms
5:70-4.11	Means of egress
5:70-4.12	Interior finish
5:70-4.13	Protection of interior stairways and other vertical openings
5:70-4.14	Information signs
5:70-4.15	Smoke barriers
5:70-4.16	Amusement buildings
5:70-4.17	High rise buildings
5:70-4.18	Boiler/furnace equipment rooms
5:70-4.19	Smoke detectors for one- and two-family dwellings; carbon monoxide detectors
5:70-4.20	Casino hotels

SUBCHAPTER 1. GENERAL PROVISIONS

5:70-1.1 Title; division into subchapters

(a) The regulations contained in this chapter shall be known as the "New Jersey Uniform Fire Code" and are referred to herein as the Code.

(b) The Code is divided into four subchapters:

1. N.J.A.C. 5:70-1, entitled "General Provisions";
2. N.J.A.C. 5:70-2, entitled "Administration and Enforcement";
3. N.J.A.C. 5:70-3, entitled "State Fire Prevention Code"; and
4. N.J.A.C. 5:70-4, entitled "State Fire Safety Code."

Amended by R.1985 d.611, effective December 2, 1985.

See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

(b)3 substituted "1984" for "latest".

Amended by R.1986 d.214, effective June 16, 1986.

See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

(b)4 deleted "(Reserved)" and added new text.

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

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

Text referencing BOCA deleted.

Amended by R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Rewrote (b).

5:70-1.2 Authority

This Code is promulgated by the Commissioner of the Department of Community Affairs pursuant to authority of the "Uniform Fire Safety Act" (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.).

5:70-1.3 Intent and purpose

(a) It is the intent of this Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(b) Where no specific standards or requirements are specified in this Code, or contained within other applicable laws (or adopted codes) or ordinances, compliance with the standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the fire official shall be deemed as prima facie evidence of compliance with the stated intent of this Code.

Amended by R.1985 d.611, effective December 2, 1985.

See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

Substituted "Prevention" for "Protection".

Amended by R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Case Notes

Property owner's duties, imposed by New Jersey's Uniform Fire Code, formerly N.J.A.C. 5:18-1.1 through 5:18-4.19, now recodified as N.J.A.C. 5:70-1.1 through 5:70-4.19, the implementing regulations of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 through 52:27D-213, which included the duty to obtain a permit prior to the voluntary installation of a fire safety system, and to arrange for inspection of the system by the municipal fire sub-code official after completion of installation and annually, are nondelegable to an independent contractor/installer. *Baboghlian v. Swift Elec. Supply*, 393 N.J. Super. 187, 922 A.2d 860, 2007 N.J. Super. LEXIS 158 (App.Div. 2007).

5:70-1.4 Applicability

(a) The provisions of this Code shall apply to new and existing buildings, uses and conditions, as hereinafter provided.

(b) The provisions contained in this Code shall not be construed as applying to the transportation of any article or substance shipped under the jurisdiction of and in compliance with the regulations prescribed by the military forces of the United States or the transportation of flammable or combustible liquids or hazardous materials or chemicals subject to the regulation and control of the New Jersey Department of Transportation or the United States Department of Transportation or other Federal Agency having jurisdiction.

1. The fire official shall have jurisdiction to order the correction of any dangerous condition created by any transportation conveyance.

2. The right of any local government to adopt ordinances governing the routing of vehicles transporting flammable or combustible liquids or hazardous materials or chemicals shall not be deemed to be limited by anything contained in this section.

(c) Nothing in this Code shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by any local government regulating the repair, removal, demolition, use, location, occupancy or maintenance of buildings and property as specifically provided herein. When any provision of this Code is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code of the jurisdiction existing on the effective date of this Code or hereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

Recodified from 5:18-2.15 and amended by R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Prior text at 5:18-2.18, Certificate of Fire Code Status, repealed.

5:70-2.19 Appeals

(a) The person aggrieved may appeal any enforcement action, including rulings, orders or notices, by submitting a written hearing request as set forth herein. Either the owner of the premises or of the use, or an authorized agent of the owner, may be a person aggrieved.

1. If from the act of a local enforcing agency, the request shall be made to the Construction Board of Appeals in the municipality where the building, structure or premises is located. If no such Board exists, then the request shall be made to the County Construction Board of Appeals in the county where the building, structure or premises is located. At the time made, a copy of the request shall be sent to the local enforcing agency. (See N.J.A.C. 5:23A)

2. If from the act of the Department the request shall be made to the Hearing Coordinator, Department of Community Affairs, PO Box 802, Trenton, New Jersey 08625-0802. The hearing shall be conducted by the Office of Administrative Law, with the Commissioner or his or her designee issuing the final decision.

3. All hearing requests shall be signed by a proper party and shall include:

- i. The date of the act which is the subject of the appeal;
- ii. The name and status of the person submitting the appeal;
- iii. The specific violations or other act claimed to be in error; and
- iv. A concise statement of the basis for the appeal.

(b) Hearing requests shall not be valid unless submitted within 15 days after service of a ruling, order or notice, except in cases of imminent hazards.

(c) In imminent hazard cases, except in emergent circumstances, and in punitive closure cases, the owner shall have a period of 24 hours to request a hearing before the order to close, vacate or remove shall be effective. In emergent circumstances, orders may be effective immediately. Hearing requests within the 24 hour period may be made orally to the person designated on the form served but shall be written in accordance with (a)3 above and served on the enforcing agency at the hearing. At the expiration of 24 hours, if the action required in the order has been taken, the owner shall have a period of 15 days to request a hearing.

1. If a request is made within 24 hours, a hearing shall be conducted and a final decision issued within 48 hours of receipt of the hearing request.

2. If the request is to a Construction Board of Appeals and no final decision is issued within two working days, thereafter, the owner may make written application for a hearing to the Department at the address specified in (a)2 above. The application shall clearly state that it is an imminent hazard appeal and shall identify the local enforcing agency and Construction Board of Appeals. In such case, a hearing shall be held and a final decision issued within three working days from receipt of the request.

3. If the hearing request is made in accordance with the 15 day provision, a hearing shall be held and a final decision issued within seven working days.

Amended by R.1987 d.247, effective June 15, 1987.

See: 18 N.J.R. 1225(a), 19 N.J.R. 1078(a).

Old text deleted and new text substituted.

Administrative correction to (a)2.

See: 21 N.J.R. 3085(a).

Amended by R.1993 d.628, effective December 6, 1993.

See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).

Recodified from 5:18-2.11 and amended by R.1995, d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Amended by R.2000 d.30, effective January 18, 2000.

See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

In (a)1, added N.J.A.C. reference.

5:70-2.20 Identifying emblems for structures with truss construction

(a) Identifying emblems shall be permanently affixed to the front of structures with truss construction.

1. The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by six inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem:

- i. "F" to signify a floor with truss construction;
- ii. "R" to signify a roof with truss construction; or
- iii. "F/R" to signify both a floor and roof with truss construction.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

(b) Detached one and two family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (a) above, unless otherwise provided by municipal ordinance.

(c) Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

New Rule, R.1992 d.5, effective January 6, 1992.
 See: 23 N.J.R. 2168(a), 24 N.J.R. 89(a).
 Recodified from 5:18-2.19 by R.1995 d.58, effective March 6, 1995.
 See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:70-2.21 (Reserved)

5:70-2.22 Registration of carnivals

(a) No carnival shall be operated at any time or at any location unless a carnival registration certificate has been issued by the Division.

(b) The owner of every carnival shall apply for a carnival registration certificate at least 30 days before the first intended operation. The application shall include the following:

1. Dates and locations of intended operation;
2. All uses requiring a permit under N.J.A.C. 5:70-2.7;
3. Complete plans for all mobile enclosed structures to be used for human occupancy;
4. Flame spread certifications, seating and usage diagrams for all tents;
5. Certificate of insurance;
6. Name, address and telephone number of the owner(s) of the carnival; and
7. Name of the person who will be with the carnival and will be responsible for securing all permits required by N.J.A.C. 5:70-2.7 and for the correction of any violations of this Code.

(c) Upon review and approval of the application, the Division will issue a carnival registration certificate to the owner. Additionally, copies shall be provided to all local enforcing agencies identified on the submitted schedule.

1. The certificate must be maintained by the responsible party identified pursuant to (b)7 above at all show locations and be available for inspection by the fire official.
2. Possession of a carnival registration certificate shall not relieve the owner of responsibility for obtaining permits as required by N.J.A.C. 5:70-2.7 or for otherwise complying with the requirements of this chapter.

(d) Any application for a carnival registration certificate shall be accompanied by the fee as set forth in N.J.A.C. 5:70-2.9.

(e) A carnival registration certificate issued by the Division shall be valid for a period of one year from the date that appears on the certificate.

1. Carnival registration certificates shall not be transferable.

2. A registration certificate shall be subject to revocation in the event that any change is made to the itinerary submitted on the original application and the Division is not provided with an amended itinerary at least 30 days prior to the event.

3. If the Division revokes a certificate previously issued, a new application package, as specified in (b) above, and a fee, as specified at N.J.A.C. 5:70-2.9(e), shall be submitted.

4. Any person who is required to obtain a registration certificate and who fails to do so shall be subject to a penalty, as specified at N.J.A.C. 5:70-2.12(b)8iii.

New Rule, R.1995 d.59, effective March 6, 1995.
 See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).
 Amended by R.1997 d.247, effective June 16, 1997.
 See: 29 N.J.R. 967(a), 29 N.J.R. 2653(b).
 Added (e).

5:70-2.23 Elevator key lock boxes

(a) A municipality, by ordinance, may require the installation of a key box in each building located in the municipality that has an elevator.

1. A building that has elevators with standardized fire service keys, in accordance with the Uniform Construction Code, N.J.A.C. 5:23, shall be exempt from the provisions of this section.

(b) An owner shall place a building's non-standardized fire service elevator keys in the required key box.

(c) Key boxes shall be installed at locations that are readily accessible to fire fighting officials.

(d) Firefighting officials with access to key box master keys pursuant to this section shall adopt written procedures for protecting the integrity and security of the system that allows access to elevator key boxes. Procedures shall include, but not be limited to:

1. A definition of authorized uses and users of the system;
2. Specific means of access to the system;
3. Protection against unauthorized or uncontrolled use of master keys or master key systems;
4. Secure storage systems for master keys;
5. The recording of individuals having access to the master key, including date, time and location of access; and
6. Protections and safeguards against unauthorized duplication of master keys or access systems.

New Rule, R.2006 d.29, effective January 17, 2006.
 See: 37 N.J.R. 3761(a), 38 N.J.R. 487(a).

1. Posts are to be a minimum of six inch diameter schedule 40 pipe and painted yellow;

2. Posts are to be buried a minimum of 48 inches deep and extend a minimum of 48 inches above grade and be filled with concrete;

3. Posts are to be set at four feet maximum centers;

4. Posts are to be encased in concrete of 24 inches diameter and 48 inches in depth for minimum standards; and

5. The crash protection shall be installed a minimum of 24 inches from the LP-gas container(s).

xxxvi. In Section 313.1, General, in Exception 1, "International Building Code" shall be deleted and "the building subcode of the Uniform Construction Code" shall be inserted. In Exception 2, ".4" shall be deleted leaving "Section 314".

xxxvii. In Section 313.2, Group R occupancies, following the word "buildings," "and shall be separated from other occupancies in accordance with the Uniform Construction Code" shall be inserted.

xxxviii. In Section 315.1, General, "and NFPA 230" shall be inserted following the words "in accordance with this section" and the following text shall be deleted, "A permit shall be obtained in accordance with Section 105.6."

xxxix. In Section 315.2.1, Ceiling clearance, "in accordance with NFPA 25 with at least" shall be inserted before the words "a minimum."

xl. New Section 315.2.5 shall be added as follows: "315.2.5 The storage of combustible or flammable materials shall be confined to approved storage areas."

xli. In Section 315.3, Outside storage, "shall be compact and orderly" shall be inserted after the words "combustible materials". "10" shall be replaced by "15". "or building" shall be inserted following the words "property line."

xlii. New Section 316, Rooming and Boarding Houses and Residential Health Care Facilities, shall be inserted as follows:

"SECTION 316

ROOMING AND BOARDING HOUSES AND RESIDENTIAL HEALTH CARE FACILITIES

316.1 General: Every rooming and boarding house shall have rules prohibiting the activities listed in 316.1.1 and 316.1.2 below, which shall be accepted in writing by every resident as a condition of residency.

316.1.1 Cooking: The use of cooking and food warming and portable heat producing devices, other than microwave ovens, is prohibited in rooming units.

Exception: This prohibition shall not apply in rooming units containing complete kitchens.

316.1.2 Smoking: Smoking is prohibited in rooming units."

4. Chapter 4, Emergency Planning and Preparedness, shall be amended as follows:

i. New Section 401.3.4, Unplanned evacuation, shall be inserted as follows, "401.3.4 Unplanned evacuation. Evacuations made necessary by the unplanned activation of a fire alarm system or by any other emergency shall not be substituted for a required evacuation drill."

ii. New Section 404.1.1 shall be inserted as follows, "404.1.1 Group Overnight Stays. Fire safety and evacuation plans for Group Overnight Stays shall comply with section 408.14."

iii. In Section 404.2, Where required, the following text shall be inserted in number 8. "Therapeutic residences of" shall be inserted before "Group" and R-2, R-3 and" shall be inserted following "Group." The following text shall be inserted following 13: 14. Casinos, 15 Flammable Liquid Terminals, 16 Adult and child day care facilities, 17. Group Overnight Stays.

iv. New Section 404.5.1 shall be inserted as follows, "404.5.1 The fire safety and evacuation plans shall be distributed to the tenants and building service employees by the owner or agent. Tenants shall distribute to their employees applicable parts of the fire safety plan affecting the employees' actions in the event of a fire or other emergency.

v. In Section 405.1, General, "or when required by the fire code official" shall be deleted.

vi. In Section 405.5, Record keeping, after "evacuation drills," "and unplanned evacuations to" shall be inserted Following "evacuations," "and" shall be deleted.

vii. New Section 405.5.1, Casino Fire Command Center, shall be inserted as follows: "405.5.1 Casino Fire Command Center: The Casino Fire Command Center shall maintain a comprehensive log which shall include the information required in 405.5.1.1 and 405.5.1.2 below."

viii. New Section 405.1.1 shall be inserted as follows: "405.5.1.1 The name and signature of each employee on duty in the Fire Command Center along with the date and time of arrival and departure."

ix. New Section 405.5.1.2 shall be inserted as follows: "405.5.1.2 A description of each incident occurring within the casino or hotel, including the date, time, location and action taken. An incident shall include, but not be limited to, fire, alarm activation, trouble signal, fire protection equipment malfunction, and any unrecorded communication pertaining to fire or life safety which is made to or from the Fire Command Center."

x. Table 405.2, Fire and Evacuation Drill Frequency and Participation, shall be amended as follows:

Delete "Monthly" under Frequency column, row 3, and insert "Two drills per month"^{as}

Insert "Monthly to include" under Frequency column, row 4, and insert "All occupants"^{as} under Participation column

Delete Group R-4 under Group or Occupancy column, row 7, and insert "Therapeutic Residences"

Insert "Monthly to include" in the Frequency column, row 7, before "Quarterly on each shift"

Delete "Employee" in the Participation column row 7 and insert "All occupants"

Delete "Employee" in the Participation column row 8 and insert "All occupants"

Add new rows as follows: under Group or occupancy, add "Casino" in row 9, "Flammable Liquid Terminals" in row 10 and "Group overnight Stays" in row 11.

Under Frequency, add "Twice per year" in row 9, "Twice per year in row 10, and "At the start of each night's activities in row 11.

Under participation, add "Employees" in row 9, "Employees" in row 10 and "All occupants" in row 11.

The table should appear as follows:

TABLE 405.2
FIRE AND EVACUATION DRILL
FREQUENCY AND PARTICIPATION

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B ^c	Annually	Employees
Group E	Two drills per month ^a	All occupants
Group I	Monthly to include Quarterly on each shift	All occupants ^e Employees ^b
Group R-1	Quarterly on each shift	Employees
Group R-2 ^d	Four annually	All occupants
Therapeutic Residences	Monthly to include Quarterly on each shift	All occupants ^b
High-rise Buildings	Annually	All occupants
Casinos	Twice per year	Employees
Flammable Liquid Terminals	Twice per year	Employees
Group Overnight Stay	At the start of each nights activities	All occupants

a. The frequency shall be allowed to be modified in accordance with Section 408.3.2.

b. Fire and evacuation drills in residential care assisted living facilities shall include complete evacuation of the premises in accordance with Section 408.10.5. Where occupants receive habilitation or rehabilitation training, fire prevention and fire safety practices shall be included as part of the training program.

c. Group B buildings having an occupant load of 500 or more persons or more than 100 persons above or below the lowest level of exit discharge.

d. Applicable to Group R-2 college and university buildings in accordance with Section 408.3.

e. Applicable to Group I day care centers in accordance with Section 408.3.

xi. In Section 407.1, General, after "under," "Section 2701.5" shall be deleted and "N.J.A.C. 5:70-2.7 or LHU registration under N.J.A.C. 5:70.2.4" shall be inserted.

xii. The title of Section 408.3 shall be amended to insert ", Group I day care centers" after "Group E occupancies." In addition, in the first sentence of the same section, "and Group I" shall be inserted after "Group E."

xiii. In Section 408.3.1, First emergency evacuation drill, insert "two" before "emergency evacuation drill" and insert "s" in "drill" to make it plural. In addition, in the first sentence, "for Group E and Group I" shall be inserted after "classes." Finally, a second sentence shall be inserted as follows: "The first drill for Group R-2 shall be conducted within 10 days of the start of each semester."

xiv. In Section 408.3.3, Time of day, "and one shall be held during daylight hours" shall be inserted after "sunrise."

xv. In Section 408.7.2, Staffing, "In Use conditions 3, 4 and 5 as defined in Chapter 2" shall be deleted. In the Exception, after the word "with," delete "Section 408.4 of the International Building Code" and insert "the building subcode of the Uniform Construction Code."

xvi. In Section 408.9, Group R-2 occupancies, after "occupancies," insert "located in high rise buildings."

xvii. In Section 408.10, Group R-4 occupancies, following "408.10," delete "Group R-4 occupancies. Group R-4 occupancies" and insert "Therapeutic residences. Therapeutic residences"

xviii. New Section 408.10.3.1, Admission, shall be inserted as follows: "408.10.3.1 Admission. Within 24 hours of admission, each new occupant shall participate in a fire drill to ensure compliance with this chapter."

xix. New Section 408.10.3.2, Self Evacuation, shall be inserted as follows: "408.10.3.2 Self-Evacuation.

The point of transfer of LP-gas from one container to another shall be separated from exposures as specified in NFPA 58.”

x. New Section 3806.4, Labeling, shall be inserted as follows: “3806.4 Labeling. Prior to filling any cylinder 4 to 40 pounds LP-Gas capacity, except fork lift cylinders, the operator of the fill plant or distribution plant shall affix a label to the collar of the cylinder that includes the following warning printed in English and in Spanish: ‘Flammable Gas – Never Use or Store Indoors/Gas Inflammable-Nunca Se Use o Guarde Adentro.’”

xi. New Section 3807.5, Container markings, shall be inserted as follows: “3807.5 Container markings. Containers of 100 pounds or more water capacity shall be legibly marked with a warning followed by the name of the gas contained. The warning label shall read ‘Flammable Gas’ followed by the name of the gas, such as ‘Propane’ or ‘Butane.’”

xii. New Section 3807.6, Storage area signs, shall be inserted as follows: “3807.6 Storage area signs. Storage areas having containers exceeding 100 pounds product water capacity shall be posted with adequate ‘No smoking’ and ‘Flammable Gas’ signs legibly marked. The ‘Flammable Gas’ sign shall be marked ‘Flammable Gas’ and the name of the gas to indicate the contents such as ‘Flammable Gas-Propane’ or ‘Flammable Gas-Butane.’”

xiii. New Section 3807.7, Marker plates, shall be inserted as follows: “3807.7 Marker plates. All LP-Gas installations exceeding 250 gallons individual or aggregate water capacity shall be provided with a marker plate or sign indicating who should be called in the event of an emergency involving the LP-Gas installation. The marker or sign shall include the following:

1. The name of the gas supplier, plant installer, owner, or operator who will respond to the emergency; and
2. The telephone number of that person.”

xiv. New Section 3807.8, Notification response, shall be inserted as follows: “3807.8 Notification Response. The LP-Gas supplier, plant installer, owner or operator indicated on the marker plate or sign required in Section 3807.7 above shall respond when notified to all LP-Gas emergencies occurring at the installation and shall maintain a 24-hour phone service.”

xv. New Section 3807.9, Fire or explosion, shall be inserted as follows: “3807.9 Fire or explosion. Whenever there is a fire or explosion or accident involving serious injury or loss of life as a result of an incident involving an LP-Gas installation, the responsible party as identified per Section 3807.7 above shall promptly notify the fire official of its occurrence.”

xvi. In Section 3809.6, Storage on roofs, “which are not connected for use” shall be deleted.

xvii. In Section 3809.11.2, Construction, “the International Building Code” shall be deleted and “the building subcode of the Uniform Construction Code” shall be inserted.

39. Chapter 39, Organic Peroxides, shall be amended as follows:

i. Section 3901.2, Permits, shall be deleted in its entirety.

ii. In Section 3904.1.2, Distance from detached storage buildings to exposures, “the International Building Code” shall be deleted and “the building subcode of the Uniform Construction Code” shall be inserted.

40. Chapter 40, Oxidizers, shall be amended as follows:

i. Section 4001.2, Permits, shall be deleted in its entirety.

ii. In Section 4004.1.2, Distance from detached storage buildings to exposures, “the International Building Code” shall be deleted and “the building subcode of the Uniform Construction Code” shall be inserted.

41. Chapter 41, Pyrophoric Materials, shall be amended as follows:

i. Section 4101.2, Permits, shall be deleted in its entirety.

ii. In Section 4104.1.4, Separation from incompatible materials, “the International Building Code” shall be deleted and “the building subcode of the Uniform Construction Code” shall be inserted.

iii. In Section 4106.1.1, Building construction, “the International Building Code” shall be deleted and “the building subcode of the Uniform Construction Code” shall be inserted.

42. Chapter 42, Pyroxylin (Cellulose Nitrate) Plastics, shall be amended as follows:

i. Section 4201.2, Permits, shall be deleted in its entirety.

43. Chapter 43, Unstable (Reactive) Materials, shall be amended as follows:

i. Section 4301.2, Permits, shall be deleted in its entirety.

ii. In Section 4304.1, Indoor storage, in the second paragraph, “the International Building Code” shall be deleted and “the building subcode of the Uniform Construction Code” shall be inserted.

44. Chapter 44, Water-Reactive Solids and Liquids, shall be amended as follows:

i. Section 4401.2, Permits, shall be deleted in its entirety.

45. Chapter 45, Referenced Standards, shall be amended as follows:

i. Under the subheading "AASHTO," the reference to "HB-17 2002 Specification for Highway Bridges, 17th Edition 2002" shall be deleted.

ii. The reference standard, "AFSI," shall be deleted in its entirety.

iii. Under the subheading "API," the reference to "Publication 2023 (2001) Guide for Safe Storage and Handling of Heated Petroleum Derived Asphalt Products and Crude Oil Residue" shall be deleted.

iv. Under the subheading "NFPA," a new "Reference in code section number" "3404.2.9.5.1" shall be added to "Standard reference number 30-03."

v. Under the subheading "NFPA," a new "Standard reference number" "51B-03 Fire Prevention During Welding, Cutting and Hot Work" shall be added between 51A-01 and 52-02. "Reference in code section number" "2603.1" shall be added.

vi. Under the subheading "NFPA," a new "Standard reference number" "68-02 Venting of Deflagrations" shall be added between 61-02 and 69-02. "Reference in code section number" Table 1304.2 shall be added.

vii. Under the subheading "NFPA," a new "Standard reference number" "27-07 Static Electricity" shall be added between 72-02 and 80-99. "Reference in code section number" "2703.9.5" shall be added.

viii. Under the subheading "NFPA," a new "Standard reference number" "92A-06 Smoke Controlled Systems" shall be added between 86-03 and 92B-05. "Reference in code section number" "Table 901.6.1" shall be added.

ix. Under the subheading "NFPA," a new "Standard reference number" "96-04 Ventilation Control and Fire Protection of Commercial Cooking Operations" shall be added.

x. Under the subheading "NFPA," a new "Standard reference number" "204-02 Smoke and Heat Vents" shall be added between 160-01 and 211-03. "Reference in code section number" "Table 901.6.1" shall be added.

xi. Under the subheading "NFPA," "Reference in code section number" "301.1.1 and 1901.1" shall be added to "Standard reference number 230-03".

xii. Under the subheading "NFPA," a new "Standard reference number" "720-05 Carbon Monoxide Warning

Equipment" shall be added between 704-01 and 750-03. "Reference in code section number" "Table 906.6.1, 901.6.3" shall be added.

46. The Appendices shall be amended as follows:

i. Appendix A. Board of Appeals; Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations and Distribution; and Appendix D, Fire Apparatus Access Roads, shall be deleted in their entirety.

Amended by R.1998 d.588, effective December 21, 1998 (operative January 2, 1999).

See: 30 N.J.R. 3127(a), 30 N.J.R. 4349(b).

In (a)3, inserted a new xi, and recodified former xi through xxxi as xii through xxxii.

Amended by R.1999 d.59, effective March 1, 1999.

See: 30 N.J.R. 3994(a), 31 N.J.R. 676(a).

Rewrote (a).

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

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

In (a)7., added new i, iii, viii and ix; recodified existing i as ii, existing ii through v as iv through vii and existing vi through viii as x through xii.

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 with changes, effective December 4, 2000.

Amended by R.2001 d.134, effective May 7, 2001.

See: 32 N.J.R. 4163(a), 33 N.J.R. 1402(a).

Rewrote the section.

Amended by R.2002 d.372, effective November 18, 2002.

See: 34 N.J.R. 2636(a), 34 N.J.R. 3958(a).

Rewrote the section.

Administrative correction.

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

Administrative correction.

See: 35 N.J.R. 221(a).

Amended by R.2003 d.30, effective January 21, 2003.

See: 34 N.J.R. 2639(a), 35 N.J.R. 403(a).

In (a)7, substituted "six" for "50" in vi, added a new vii and recodified the existing vii and viii as viii and ix, added a new x through xii and recodified existing ix through xv as xiii through xix.

Repeal and New Rule, R.2008 d.236, effective August 18, 2008.

See: 39 N.J.R. 3805(a), 39 N.J.R. 4893(a), 40 N.J.R. 4760(a).

Section was "Modifications".

Administrative correction.

See: 41 N.J.R. 739(a).

SUBCHAPTER 4. FIRE SAFETY CODE

5:70-4.1 Code adopted; scope

(a) Pursuant to authority of the Uniform Fire Safety Act (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.), the Commissioner hereby adopts this subchapter as the State Fire Safety Code.