

CHAPTER 18

UNIFORM FIRE CODE

Authority

N.J.S.A. 52:27D-198, 201 and 219.

Source and Effective Date

R.1995 d.58, effective January 3, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Executive Order No. 66(1978) Expiration Date

Chapter 18, Uniform Fire Code, expires on January 3, 2000.

Chapter Historical Note

Chapter 18, which formerly contained rules concerning Rentals, was adopted by the New Jersey Housing Finance Agency on July 21, 1970, filed and became effective on July 21, 1970 as R.1970 d.86. See: 2 N.J.R. 47(b), 2 N.J.R. 71(a). The chapter was repealed effective May 30, 1980 as R.1980 d.234. New rules concerning rents were adopted by the Housing Finance Agency at N.J.A.C. 5:80-1. See: 12 N.J.R. 170(c), 12 N.J.R. 388(a). Chapter 18, Uniform Fire Code, was adopted by 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 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 Subchapter 3, State Fire Prevention Code, was repealed and an updated Subchapter 3, State Fire Prevention Code, was adopted as R.1992 d.105, effective March 2, 1992.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 was readopted as R.1995 d.58. See: Source and Effective Date. See, also, section annotations.

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 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.

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5:18-1.3 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).

SUBCHAPTER 1. GENERAL PROVISIONS

5:18-1.1 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. 5:18-1, entitled "General Provisions";
2. N.J.A.C. 5:18-2, entitled "Administration and Enforcement";
3. N.J.A.C. 5:18-3, entitled "State Fire Prevention Code"; and
4. N.J.A.C. 5:18-4, 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 text "is entitled "Fire ... as this subchapter."

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).

5:18-1.2 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.).

5:18-1.4 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.

(b) Premises that are incidental or auxiliary to the agricultural use of a farm property shall not be classified as life hazard uses.

(c) Each individual life hazard use shall be registered separately and treated as separate and distinct for the administrative purposes of this Code whether or not there are other life hazard uses at the same premises.

(d) Wherever used in N.J.A.C. 5:18-2.4A, 2.4B, 2.4C and 2.4D, the following words shall have the meanings indicated:

“Day care center” shall include any facility licensed by the Department of Human Services as a day care center, regardless of the ages of the persons in the care of the center.

“Day nursery” shall include any facility licensed by the Department of Human Services as a day nursery.

“Hardware store” shall mean a building or location of less than 12,000 square feet offering for sale a variety of merchandise including, but not restricted to, limited amounts of tools and associated equipment, garden supplies and paints, and also offering limited quantities of building materials including, but not limited to, plumbing, electrical and carpentry supplies. The establishment may also provide services such as glazing, sharpening and repairs.

“K-12 educational building” shall mean an educational building serving 50 or more students from kindergarten through grade 12 and also means and includes any educational building serving 50 or more students in some, but not all, of the grades from kindergarten to grade 12, inclusive.

“Motor vehicle” shall include all motor-powered means of transportation, including, without limitation, boats and airplanes.

Amended by R.1985 d.611, effective December 2, 1985.
See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

Added text (c)4 “and intermediate-care facilities.”
Amended by R.1987 d.508, effective December 7, 1987.
See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

(b)-(e) is now in section 2.4A.
Amended by R.1993 d.197, effective May 3, 1993.
See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).

References to life hazard uses added.
Amended by R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:18-2.4A Type Aa through Aj life hazard uses

(a) Type Aa life hazard uses are as follows:

1. Day nurseries with a maximum permitted occupancy of six or more but fewer than 50 persons;
2. Day care centers with a maximum permitted occupancy of six or more but fewer than 50 persons;
3. Camps where children of school age stay overnight with a maximum permitted occupancy of fewer than 50 persons.

(b) Type Ab life hazard uses are as follows:

1. Day nurseries with a maximum permitted occupancy of 50 or more but fewer than 100 persons;
2. Day care centers with a maximum permitted occupancy of 50 or more but fewer than 100 persons;
3. Camps where children of school age stay overnight with a maximum permitted occupancy of 50 or more but fewer than 100 persons.

(c) Type Ac life hazard uses are as follows:

1. Hotels or motels of two or three stories and under 25 rooms, with any interior exit-ways;
2. Rooming and boarding homes of one story;
3. Eating and/or drinking establishments with a maximum permitted occupancy of fewer than 50 persons in which alcoholic beverages may be consumed.
4. School dormitories of Use Group R-2 of one story;
5. Guest houses, as defined in N.J.A.C. 5:18-1.5, regardless of number of stories.

(d) Type Ad life hazard uses are as follows:

1. All buildings or structures used for the service of motor vehicles including marine motor craft;
2. All buildings or locations where flammable and/or combustible fuels are stored and dispensed to motor vehicles, including marine motor craft;
3. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities with a maximum permitted occupancy of fewer than 50 persons;
4. Buildings used for dry cleaning purposes using non-flammable cleaning solvents.
5. Camps where children of school age stay overnight with a maximum permitted occupancy of fewer than 50 persons with dining and/or assembly facilities.

(e) Type Ae life hazard uses are as follows:

1. Day nurseries with a maximum permitted occupancy of 100 persons or more;
2. Day care centers with a maximum permitted occupancy of 100 persons or more;
3. Camps where children of school age stay overnight with a maximum permitted occupancy of 100 persons or more;
4. Public and private K-12 educational buildings with a maximum permitted occupancy greater than 50 persons.

(f) Type Af life hazard uses are as follows:

1. All buildings or locations where flammable and/or combustible fuels are stored and dispensed to motor vehicles, and used for the service of motor vehicles including marine motor craft;

2. Hotels or motels of two or three stories and 25 or more but fewer than 50 rooms, with any interior exit-ways;

3. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities with a maximum permitted occupancy of 50 or more but fewer than 100 persons;

4. Rooming and boarding homes of two or three stories.

5. School dormitories of Use Group R-2 of two or three stories.

6. Camps where children of school age stay overnight with a maximum permitted occupancy of 50 or more but fewer than 100 persons with dining and/or assembly facilities.

(g) Type Ag life hazard uses are as follows:

1. Eating and/or drinking establishments with a maximum permitted occupancy of 50 or more but fewer than 100 persons in which alcoholic beverages may be consumed but which are primarily eating establishments;

2. Hotels or motels of two or three stories and 50 or more but fewer than 100 rooms, with any interior exit-ways;

3. Above ground aggregate storage of more than 660 gallons but less than 5,000 gallons of Class II or IIIA combustible liquids (except for heating purposes).

4. Camps where children of school age stay overnight with a maximum permitted occupancy of 100 or more but fewer than 200 persons with dining and/or assembly facilities.

(h) Type Ah life hazard uses are as follows:

1. Rooming and boarding homes of four or more stories;

2. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities with a maximum permitted occupancy of 100 persons or more.

3. School dormitories of Use Group R-2 of four or more stories.

(i) Type Ai life hazard uses are as follows:

1. Hotels or motels of two or three stories and 100 rooms or more, with any interior exit-ways;

2. Hardware stores and home improvement centers of 3,000 or more but less than 12,000 square feet of gross floor area.

(j) Type Aj life hazard uses are as follows:

1. (Reserved)

2. Above ground aggregate storage of 5,000 gallons or more, but less than 50,000 gallons, of Class II or IIIA combustible liquids, or above ground aggregate storage of more than 660 gallons but less than 10,000 gallons of Class I flammable liquids.

3. Camps where children of school age stay overnight with a maximum permitted occupancy of 200 or more persons with dining and/or assembly facilities.

New Rule, R.1987 d.508, effective December 7, 1987.

See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

Subsection (b)-(e) from old section 2.4.

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

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

Added 4. under (e); K-12 educational buildings.

Amended by R.1991 d.50, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Text at (j)1 deleted.

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 school dormitories and guest houses added.

Administrative Correction.

See: N.J.R. April 20, 1992.

Amended by R.1992 d.385, effective October 5, 1992.

See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).

Hardware store added at (i)2.

Amended by R.1995 d.57, effective March 6, 1995.

See: 26 N.J.R. 4254(a), 27 N.J.R. 878(a).

Case Notes

Church school could properly have imposed against it life hazard registration fee. *New Life Gospel Church v. State*, Dept. of Community Affairs, Div. of Housing Bureau of Fire Safety, 257 N.J.Super. 241, 608 A.2d 397 (A.D.1992) certification denied 133 N.J. 429, 627 A.2d 1136.

Payment of fire safety registration fee required. *Shoreway Garage v. Bureau of Fire Safety*, 92 N.J.A.R.2d (CAF) 60.

5:18-2.4B Type Ba through Bo life hazard uses

(a) Type Ba life hazard uses are as follows:

1. Welding or cutting operations on a regular basis not using flammable gases in buildings or structures under 10,000 square feet.

(b) Type Bb life hazard uses are as follows:

1. (Reserved)

2. Recreation centers, multipurpose rooms, lecture halls without fixed seating and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

3. Welding or cutting operations on a regular basis not using flammable gases in buildings or structures of 10,000 or more but less than 50,000 square feet.

4. Transfer from one container to another of liquefied petroleum gas or liquefied natural gas at any location, other than motor vehicle or marine motor craft service stations, not registered for storage and use.

5. Spraying or dipping operations, as regulated by N.J.A.C. 5:18-3.7(a), in all approved areas of less than 100 square feet, as defined in N.J.A.C. 5:18-3.7(c)1 or 3.7(d)1.

(c) Type Bc life hazard uses are as follows:

1. Recreation centers, multipurpose rooms, lecture halls without fixed seating and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 200 persons or more.

(d) Type Bd life hazard uses are as follows:

1. Motion picture theaters, or theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage areas behind a proscenium arch, with a maximum permitted occupancy of fewer than 100 persons;

2. The manufacture, processing or blending of less than 1,000 gallons of Class I flammable liquid, or less than 10,000 gallons of Class II or IIIA combustibles, in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

3. Welding or cutting operations on a regular basis not using flammable gases in buildings or structures of 50,000 square feet or more;

4. Storage of fireworks, explosives or blasting agents in a type 4 magazine;

i. Type 2 and 3 magazines are portable and intended only for the temporary storage of explosives and blasting agents, and as such, must be covered by a permit.

5. Eating and/or drinking establishments with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

6. (Reserved)

7. Spraying or dipping operations, as regulated by N.J.A.C. 5:18-3.7(a), in all approved areas of 100 or more but less than 250 square feet, as defined in N.J.A.C. 5:18-3.7(c)1 or 3.7(d)1.

(e) Type Be life hazard uses are as follows:

1. (Reserved)

(f) Type Bf life hazard uses are as follows:

1. Prisons and other facilities of six or more but fewer than 50 beds where residents, occupants, or inmates are kept under restraint;

2. Motion picture theaters, or theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

3. Retail stores and other mercantile uses of more than 12,000 square feet but less than 24,000 square feet in gross floor area;

4. Hotels or motels which exceed three stories, and have under 50 rooms, with any interior exit-ways;

5. Buildings with a maximum permitted occupancy of 100 or more but fewer than 200 persons in which persons assemble for entertainment or amusement not otherwise classified herein, such as, but not limited to, art galleries, exhibition halls and museums;

6. (Reserved)

7. Equipment, processes, and operations involving dust which, if mixed with air, becomes explosive, including, but not limited to, grain bleachers or elevators; flour, starch or feed mills; malt houses, wood flour manufacturing plants; or plants that pulverize aluminum, coal, cocoa, magnesium, spices, or sugar in all buildings or structures under 50,000 square feet;

8. Crop ripening or coloring processes in all buildings or structures under 50,000 square feet;

9. Lumber yards and/or woodworking plants in which more than 100,000 but less than 250,000 board feet of lumber is to be stored;

10. Tire recapping or rebuilding plants in buildings or structures under 50,000 square feet;

11. Manufacturing of articles of cellulose nitrate plastics including the use of cellulose nitrate plastics in the manufacture or assembly of other articles in all buildings or structures under 50,000 square feet;

12. The manufacture of matches in all buildings or structures under 50,000 square feet;

13. The manufacture of fireworks, explosives or blasting agents in all buildings or structures under 50,000 square feet;

14. The manufacture, processing or blending of more than 1,000 but less than 10,000 gallons of Class I flammable liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

15. Welding or cutting operations using flammable gases on a regular basis in buildings or structures under 10,000 square feet;

16. Storage of more than 2,500 but less than 5,000 cubic feet gross volume of combustible empty assembled packing cases, boxes, barrels, pallets, or similar containers;

17. Storage of more than 2,500 but less than 5,000 cubic feet gross volume of rubber tires, baled cotton, rubber, cork or other similarly combustible material;

18. Storage of matches with more than 25 but fewer than 50 cases in the aggregate;

19. Storage of fireworks, explosives or blasting agents in a type UG magazine;

i. Type 2 and 3 magazines are portable and intended only for the temporary storage of explosives and blasting agents, and as such, must be covered by a permit.

20. Above ground aggregate storage of more than 50,000 but less than 1,000,000 gallons of Class II or IIIA combustible liquids.

21. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 12,000 or more but less than 24,000 square feet in gross floor area.

22. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 12,000 or more, but less than 24,000 square feet in gross floor area.

23. Any installation of liquefied petroleum gas or liquefied natural gas utilizing storage containers of over 1,000 gallons individual water capacity or with an aggregate water capacity exceeding 2,000, but not more than 4,000, gallons.

(g) Type Bg life hazard uses are as follows:

1. Any high-rise structure of seven or more but fewer than 10 stories;

2. Prisons and other facilities of 50 or more but fewer than 100 beds where residents, occupants, or inmates are kept under restraint;

3. Free-standing institutional and similar facilities including, but not limited to, outpatient surgery facilities, renal dialysis facilities, abortion clinics, and birthing centers, in buildings of less than 10,000 square feet;

4. Motion picture theaters, and theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 200 or more persons;

5. Eating and/or drinking establishments with a maximum permitted occupancy of 200 or more but fewer than 300 persons;

6. Retail stores and other mercantile uses of 24,000 or more but less than 48,000 square feet in gross floor area;

7. Hotels or motels which exceed three stories, and which have 50 or more but fewer than 100 rooms, with any interior exit-ways;

8. Buildings with a maximum permitted occupancy of 200 persons or more in which persons assemble for entertainment or amusement not otherwise classified herein, such as, but not limited to, art galleries, exhibition halls and museums;

9. Transportation terminals with a maximum permitted occupancy of 100 or more persons;

10. Spraying or dipping operations, as regulated by N.J.A.C. 5:18-3.7(a), in all approved areas of 250 or more but less than 500 square feet, as defined in N.J.A.C. 5:18-3.7(c)1 or 3.7(d)1;

11. Equipment, processes, and operations involving dust which, if mixed with air, become explosive including, but not limited to, grain bleachers or elevators; flour, starch or feed mills; malt houses; wood flour manufacturing plants; or plants that pulverize aluminum, coal, cocoa, magnesium, spices, or sugar in all buildings or structures of 50,000 or more but less than 100,000 square feet;

12. Crop ripening or coloring processes in all buildings or structures of 50,000 or more but less than 100,000 square feet;

13. Lumber yards and/or woodworking plants in which 250,000 or more but less than 500,000 board feet of lumber is to be stored;

14. Tire recapping or rebuilding plants in buildings or structures of 50,000 or more but less than 100,000 square feet;

15. Organic coating manufacturing operations making one gallon or more of an organic coating in a working day;

16. Manufacturing of articles of cellulose nitrate plastics including the use of cellulose nitrate plastics in the manufacture or assembly of other articles in all buildings or structures of 50,000 or more but less than 100,000 square feet;

17. Processing, handling or use of 100 or more but less than 500 cubic feet of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and free burning fibers such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;

18. The manufacture of matches in all buildings or structures of 50,000 or more but less than 100,000 square feet;

19. The manufacture of fireworks, explosives or blasting agents in all buildings or structures of 50,000 or more but less than 100,000 square feet;

20. Welding or cutting operations using flammable gases on a regular basis in buildings or structures of 10,000 or more but less than 50,000 square feet;

21. Storage of 5,000 or more but less than 10,000 cubic feet gross volume of combustible empty assembled packing cases, boxes, barrels, pallets, or similar containers;

22. Storage of 5,000 or more but less than 10,000 cubic feet gross volume of rubber tires, baled cotton, rubber, cork or other similarly combustible material;

23. Storage of cellulose nitrate motion picture film or cellulose nitrate (pyroloxlin) plastics in quantities which exceed 25 pounds;

24. Storage of 100 or more but less than 500 cubic feet of loose combustible vegetable or animal fibers;

25. Storage of matches with 50 or more cases in the aggregate;

26. Storage of fireworks, explosives or blasting agents in a type 1 magazine;

NOTE: Type 2 and 3 magazines are portable and intended only for the temporary storage of explosives and blasting agents, and as such, must be covered by a permit.

27. Above ground storage of 10,000 or more but less than 100,000 gallons of Class I flammable liquids;

28. Buildings used for dry cleaning purposes, using flammable cleaning solvents;

29. (Reserved)

30. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 24,000 or more, but less than 50,000 square feet, in gross floor area;

31. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 24,000 or more, but less than 50,000, square feet in gross floor area.

(h) Type Bh life hazard uses are as follows:

1. Prisons and other facilities of 100 or more but fewer than 200 beds where residents, occupants, or inmates are kept under restraint;

2. Hotels or motels which exceed three stories, and which have 100 rooms or more, with any interior exit-ways;

3. The manufacture, processing or blending of more than 10,000 but less than 100,000 gallons of Class II and/or IIIA combustible liquids in any one working day.

Blending must be in a vessel, not in piping at or near the point of delivery;

4. Any installation of liquefied petroleum gas or liquefied natural gas utilizing storage containers of over 4,000 gallons aggregate water capacity.

(i) Type Bi life hazard uses are as follows:

1. Prisons and other facilities of 200 beds or more where residents, occupants, or inmates are kept under restraint;

2. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 50,000 or more, but less than 100,000 square feet in gross floor area;

3. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 50,000 or more, but less than 100,000 square feet in gross floor area.

(j) Type Bj life hazard uses are as follows:

1. Any high-rise structure of 10 or more but fewer than 20 stories;

2. Free-standing institutional and similar facilities including, but not limited to, outpatient surgery facilities, renal dialysis facilities, abortion clinics, and birthing centers, in buildings of 10,000 square feet or more;

3. (Reserved)

4. Retail stores and other mercantile uses of 48,000 square feet or more in gross floor area;

5. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a maximum permitted occupancy of fewer than 5,000 persons;

6. Spraying or dipping operations, as regulated by N.J.A.C. 5:18-3.7(a), in all approved areas of 500 square feet or more, as defined in N.J.A.C. 5:18-3.7(c)1 or 3.7(d)1;

7. Equipment, processes, and operations involving dust which, if mixed with air, become explosive including, but not limited to, grain bleachers or elevators; flour, starch or feed mills; malt houses; wood floor manufacturing plants; or plants that pulverize aluminum, coal, cocoa, magnesium, spices, or sugar in all buildings or structures of 100,000 square feet or more;

8. Crop ripening or coloring processes in all buildings or structures of 100,000 square feet or more;

9. Lumber yards and/or woodworking plants in which 500,000 board feet or more of lumber is to be stored;

10. Tire recapping or rebuilding plants in buildings or structures of 100,000 square feet or more;

11. Manufacturing of articles of cellulose nitrate plastics including the use of cellulose nitrate plastics in the

manufacture or assembly of other articles in all buildings or structures of 100,000 square feet or more;

12. Processing, handling or use of 500 or more but less than 2,500 cubic feet of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and free burning fibers such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;

13. The manufacture of matches in all buildings or structures of 100,000 square feet or more;

14. The manufacture of fireworks, explosives or blasting agents in all buildings or structures of 100,000 square feet or more;

15. The manufacture, processing or blending of more than 10,000 but less than 100,000 gallons of Class I flammable liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

16. Welding or cutting operations using flammable gases on a regular basis in buildings or structures of 50,000 square feet or more;

17. Storage of 10,000 cubic feet or more gross volume of combustible empty assembled packing cases, boxes, barrels, pallets, or similar containers;

18. Storage of 10,000 cubic feet or more gross volume of rubber tires, baled cotton, rubber, cork or other similarly combustible material;

19. Storage of 500 or more but less than 2,500 cubic feet of loose combustible vegetable or animal fibers;

20. Above ground aggregate storage of 1,000,000 or more but less than 5,000,000 gallons of Class II or IIIA combustible liquids, or above ground storage of 100,000 or more but less than 1,000,000 gallons of Class I flammable liquids;

21. Buildings with atrium spaces three or more stories in height in buildings which exceed 12,000 square feet in gross floor area.

(k) Type Bk life hazard uses are as follows:

1. Any high-rise structure of 20 or more but fewer than 30 stories;

2. Processing, handling or use of 2,500 cubic feet or more of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and fire burning fibers such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;

3. Storage of 2,500 cubic feet or more of loose combustible vegetable or animal fibers;

4. Above ground aggregate storage of 5,000,000 gallons or more of Class II and/or IIIA combustible liquids.

5. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 100,000 or more, but less than 150,000 square feet in gross floor area.

6. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 100,000 or more, but less than 150,000 square feet in gross floor area.

(l) Type Bl life hazard uses are as follows:

1. Any high-rise structure of 30 stories or more;

2. The manufacture, processing or blending of more than 100,000 but less than 1,000,000 gallons of Class II and/or IIIA combustible liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery.

3. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 150,000 or more, but less than 200,000 square feet in gross floor area.

4. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 150,000 or more, but less than 200,000 square feet in gross floor area.

(m) Type Bm life hazard uses are as follows:

1. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a maximum permitted occupancy of 5,000 or more but fewer than 10,000 persons;

2. The manufacture, processing or blending of more than 100,000 but less than 1,000,000 gallons of Class I flammable liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

3. Above ground aggregate storage of 1,000,000 gallons or more but less than 5,000,000 gallons of Class I flammable liquids.

4. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 200,000 or more square feet in gross floor area;

5. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 200,000 or more square feet in gross floor area.

(n) Type Bn life hazard uses are as follows:

1. The manufacture, processing or blending of 1,000,000 gallons or more of Class I, II and/or IIIA flammable or combustible liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

2. Above ground aggregate storage of 5,000,000 gallons or more of Class I flammable liquids.

(o) Type Bo life hazard uses are as follows:

1. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a maximum permitted occupancy of 10,000 or more persons;

2. Refining of flammable and combustible liquids.

New Rule, R.1987 d.508, effective December 7, 1987.

See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

Amended by R.1991 d.504, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Text at (b)4, 5, (d)5, 6, 7, (g)29, 30 added; (b)1, (e)1, (f)6, (j)3 deleted.

Amended by R.1992 d.385, effective October 5, 1992.

See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).

Added uses at (b)4, (d)7, (f)21, 22 and 23, (g)30, (h)4, (i)2 and 3, (k)5 and 6, (l)3 and 4, (m)4 and 5.

Case Notes

Life hazard use registration fee could properly be imposed on church school. *New Life Gospel Church v. State*, Dept. of Community Affairs, Div. of Housing Bureau of Fire Safety, 257 N.J.Super. 241, 608 A.2d 397 (A.D.1992), certification denied 133 N.J. 429, 627 A.2d 1136.

5:18-2.4C Type Ca through Ci life hazard uses

(a) Type Ca life hazard uses are as follows:

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch and having a maximum permitted occupancy of fewer than 100 persons;

2. (Reserved)

(b) Type Cb life hazard uses are as follows:

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch and having a maximum permitted occupancy of 100 or more but fewer than 200 persons.

(c) Type Cc life hazard uses are as follows:

1. (Reserved)

2. Institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have fewer than 100 beds.

3. Eating and/or drinking establishments with a maximum permitted occupancy of 300 or more but fewer than 500 persons.

(d) Type Cd life hazard uses are as follows:

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch and having a maximum permitted occupancy of 200 or more but fewer than 300 persons;

2. Institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have 100 or more but fewer than 200 beds.

(e) Type Ce life hazard uses are as follows:

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch with a maximum permitted occupancy of 300 or more persons;

2. (Reserved)

3. Institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have 200 beds or more;

4. (Reserved)

(f) Type Cf life hazard uses are as follows:

1. Places of amusement with a maximum permitted occupancy of fewer than 200 persons which are designed to disorient the occupant, reduce vision, present barriers or otherwise impede the free flow of traffic such as haunted houses, fun houses, tunnels of love and similar uses.

(g) Type Cg life hazard uses are as follows:

1. (Reserved)

2. Places of amusement with a maximum permitted occupancy of 200 or more persons which are designed to disorient the occupant, reduce vision, present barriers or otherwise impede the free flow of traffic such as haunted houses, fun houses, tunnels of love and similar uses.

3. Eating and/or drinking establishments with a maximum permitted occupancy of 500 or more but less than 750 persons.

(h) Type Ch life hazard uses are as follows:

1. Eating and/or drinking establishments with a maximum permitted occupancy of 750 or more but fewer than 1,000 persons.

(i) Type Ci life hazard uses are as follows:

1. Eating and/or drinking establishments with a maximum permitted occupancy of 1,000 or more persons.

New Rule, R.1987 d.508, effective December 7, 1987.

See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

Amended by R.1991 d.504, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Text at (c)3, (g)3, (h), (i) added; text at (a)2, (c)1, (e)2 and 4, (g)1 deleted.

5:18-2.4D Type Da through Dc life hazard uses

(a) Type Da life hazard uses are as follows:

1. Covered mall buildings with a mall portion of 12,000 or more but less than 50,000 square feet.

(b) Type Db life hazard uses are as follows:

1. Covered mall buildings with a mall portion of 50,000 or more but less than 100,000 square feet.

(c) Type Dc life hazard uses are as follows:

1. Covered mall buildings with a mall portion of 100,000 or more square feet.

Amended by R.1991 d.504, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Da revised, Db and Dc added.

5:18-2.5 Required inspections

(a) All life hazard uses shall be inspected for compliance with the provisions of this Code periodically but not any less often than specified herein:

1. Type Aa through Aj life hazard uses: once every 12 months, except day nurseries and daycare centers with a maximum permitted occupancy of 100 or more which shall be inspected once every six months.

2. Type Ba through Bo life hazard uses: once every 12 months.

3. Type Ca through Ci life hazard uses: once every three months.

4. Type Da through Dc life hazard uses: once every three months.

The periodic inspection of a covered mall may be limited to the common areas.

(b) Where a life hazard use is operated on a seasonal basis, the number of required annual inspections shall not be reduced. Inspections of type Ca through Ci and type Da through Dc life hazard uses which are in operation for only a portion of the year shall be conducted immediately prior to opening and closing and twice during operation of the use.

(c) Within 30 days following each annual and every other quarterly inspection of a life hazard use, the owner shall file an application for a certificate of inspection on forms provided by the local enforcing agency. Forms shall be provided either before or at the time of inspection. The form shall be returned to the local enforcing agency.

(d) Upon completion of a required inspection, the local enforcing agency shall issue a certificate of inspection. A certificate of inspection shall not be issued until all violations cited have been corrected. The certificate of inspection shall be posted by the owner of the use in a conspicuous location therein.

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

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

Added (b)i.

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

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

Old (c) deleted and new text substituted; (d) added.

Amended by R.1987 d.508, effective December 7, 1987.

See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

Added text to (a) "except day nurseries ... every six months".

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

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

Added new (e) and (f).

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

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

Rule amended at (a)3 and 4 to add new uses.

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

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

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

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

5:18-2.6 Registration of buildings and uses

(a) Whenever the Commissioner or any local enforcing agency shall have cause to believe that a building or use is a life hazard use, then the Commissioner or the agency shall submit a registration application to the owner. It shall be a violation of the Code for an owner to fail to complete and return such an application within 30 days.

1. Whenever the use of a building or any portion thereof is conducted on a seasonal basis, the Commissioner may require the owner of the building to comply with this registration requirement for any use conducted therein.

(b) The owner of a life hazard use shall file with the Commissioner, upon forms provided by the Commissioner, a registration application. Each registration application shall include at least the following information:

1. The name, address, and telephone number of the applicant;

2. Where the applicant is a corporation, the names and residential addresses of each officer, director and stockholder holding more than 10 percent of the stock. Stockholder information shall not be required for a publicly traded stock corporation;

3. Where the applicant is a corporation, the name, address, and telephone number of the agent for service of process. The address must be a physical location and shall not be a post office box;

4. A description of the use being applied for, including:

i. Geographical location, including street address, and tax lot and block numbers;

- ii. Height of building in which use is located;
- iii. Location of use in building;
- iv. Floor area of use;
- v. Capacity when the use is public assembly; and
- vi. Description of processes carried out or material stored when it is processed or storage which causes the use to be subject to registration.

5. Where the owner of the use and the owner of the building in which it is located are not the same then the application shall include the same information for the owner of the building as is herein required for the owner of the use.

(c) Upon receipt of the application, and the required registration fee, the Commissioner shall forthwith issue to the owner of the life hazard use a certificate of registration, which shall be posted by the owner of the use in a conspicuous location therein but only upon subsequent receipt of a certificate of inspection. The certificate of registration shall be in such form as may be prescribed by the Commissioner.

(d) Where more than one life hazard use exists at a given building or premises or where one or more life hazard uses occur within a high rise building or other life hazard use such as a night club within a hotel, then each such life hazard use shall be separate and distinct and shall be registered separately.

(e) When applying for registration, the owner of each life hazard use shall appoint an agent for the purpose of receiving service of process and orders or notices issued by the Commissioner or a local enforcing agency pursuant to the Act and designate the street address of the location at which such agent may be served. Each agent shall be either a resident of this State or a person who maintains a bona fide office in this State or shall be a corporation licensed to do business in this State.

(f) If the ownership of a life hazard use is transferred, whether by sale, assignment, gift, intestate succession, testate devolution, reorganization, receivership, foreclosure or execution process, the new owner shall file with the Commissioner, within 30 days of the transfer, an application for a certificate of registration, and appoint an agent for the service of process, pursuant to this section.

(g) If an owner of a life hazard use has not fulfilled the requirements of this Section, the Commissioner shall notify the owner in writing that he is in violation of this Section and shall order that registration be accomplished within 30 days. The notice and order shall include an accurate restatement of the subsection with which the owner has not complied.

1. If the owner has not complied with the order of the Commissioner within 30 days of the date on which it was mailed, the Commissioner shall order him to pay \$500.00

for each registration. Pursuant to N.J.S.A. 52:27D-201, the Commissioner may issue a certificate to the clerk of the Superior Court stating that the owner is indebted for the payment of the penalty and the clerk shall immediately enter upon his record of docketed judgments the name of the owner and of the Department, a designation of the statute under which the penalty is imposed, the amount of the penalty certified and the date the certification was made. The making of the entry shall have the same effect as the entry of the docketed judgment in the office of the clerk but without prejudice to the owner's right of appeal.

(h) The owner of each life hazard use in the State shall pay to the Department an annual fee in the amount specified in this subchapter. The owner shall pay the annual fee within 30 days of the bill date. If the owner fails to do so, the Department may, pursuant to N.J.S.A. 52:27D-201, issue a certificate to the clerk of the Superior Court stating that the owner is indebted to the Department for the payment of the annual fee and the clerk shall immediately enter upon his record of docketed judgments the name of the owner and of the Department, a designation of the statute under which the fee is assessed, the amount of the fee certified and the date the certification was made. The making of the entry shall have the same effect as the entry of a docketed judgment in the office of the clerk, but without prejudice to the owner's right of appeal. The owner shall also be subject to a penalty in accordance with N.J.A.C. 5:18-2.12(b)8ii.

1. Upon application by a local enforcing agency and approval by the Division, the certificate obtained pursuant to this subsection shall be assigned to the local enforcing agency in which the life hazard use is located. The local enforcing agency shall pursue collection and forward any fees collected to the Division in accordance with N.J.A.C. 5:18A-2.6(a)4.

Amended by R.1987 d.508, effective December 7, 1987.

See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

Added (a)1 and deleted text from (d) "However where more . . ."
Administrative Correction to (i).

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

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

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

Text at (h)1 deleted; text at (i)1 added.

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

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

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

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

5:18-2.7 Permits required

(a) Permits shall be required and obtained from the local enforcing agency for the activities specified in this section, except where they are an integral part of a process by reason of which a use is required to be registered and regulated as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the fire official.

1. Type 4 permits shall not be required when the storage or activity is incidental or auxiliary to the agricultural use of a farm property.

2. In a public or private K-12 educational building registered as a life hazard use, no permit shall be required for activities which are consistent with the designed and intended use of the building or part thereof.

3. Type 1 permit:

i. Bonfires;

ii. The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;

iii. Tents and temporary tensioned membrane structures without appurtenances, such as platforms and special electrical equipment, which exceed 900 square feet or 30 feet in any dimension (excluding canopies), whether single or made up of multiple smaller units when used for purposes which would constitute a life hazard use if found in a building;

iv. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days, and when not covered by a Type 2 permit;

v. The use of any open flame or flame-producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation;

vi. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the fire official and is registered as a type B life hazard use;

vii. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;

viii. Helistops; or

ix. The occasional use in any building of a multipurpose room, with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purposes.

x. The storage or handling of class I flammable liquids in closed containers of aggregate amounts of more than 10 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.

xi. The storage or handling of class II or IIIA combustible liquids in closed containers of aggregate amounts of more than 25 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.

xii. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:18-4.7(g) and is not defined as a life hazard use in accordance with N.J.A.C. 5:18-2.4.

xiii. The use as a place of public assembly, for a total of not more than 15 days in a calendar year, of a building classified as a commercial farm building under the Uniform Construction Code.

4. Type 2 permit:

i. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;

ii. Fumigation or thermal insecticide fogging;

iii. Carnivals and circuses employing mobile enclosed structures used for human occupancy;

iv. The use of a covered mall in any of the following manners:

(1) Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall;

(2) Temporarily using the mall as a place of assembly;

(3) Using open flame or flame devices;

(4) Displaying liquid or gas fueled powered equipment; or

(5) Using liquified petroleum gas, liquified natural gas, and compressed flammable gas in containers exceeding five pound capacity.

5. Type 3 permit:

i. Industrial processing ovens or furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400 degrees Fahrenheit which are heated with oil or gas fuel or which contain flammable vapors from the product being processed;

ii. Wrecking yards, junk yards, outdoor used tire storage, waste material handling plants, and outside storage of forest products not otherwise classified; or

iii. The storage or discharging of fireworks.

6. Type 4 permit:

i. Storage or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas;

ii. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of nonflammable, non-toxic cryogenic liquids;

iii. The storage, handling, and processing of flammable, combustible, and unstable liquids in closed containers and portable tanks in aggregate amounts of more than 660 gallons;

iv. To store or handle (except medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices):

- (1) More than 55 gallons of corrosive liquids;
- (2) More than 500 pounds of oxidizing materials;
- (3) More than 10 pounds of organic peroxides;
- (4) More than 500 pounds of nitromethane;
- (5) More than 1,000 pounds of ammonium nitrate;
- (6) More than one microcurie of radium not contained in a sealed source;
- (7) More than one millicurie of radium or other radiation material in a sealed source or sources;
- (8) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required; or
- (9) More than 10 pounds of flammable solids.

v. The melting, casting, heat treating, machining or grinding of more than 10 pounds of magnesium per working day; or

vi. Heliports.

7. Type 5 permit:

i. Airports.

(b) Application for a permit required by this Code shall be made to the fire official in such form and detail as the fire official shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the fire official for evaluation of the application.

(c) Before a permit is issued, the fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as necessary to assure that the use and activity for which application is made complies with the provisions of this Code.

(d) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of this Code. Such permissions shall not be construed as authority to violate, cancel or set aside any of the provisions of this Code.

(e) Plans approved by the fire official are approved with the intent they comply in all respects to this Code. Any omission or error on the plans does not relieve the applicant of complying with all applicable requirements of this Code.

(f) The fire official may revoke a permit or approval issued under the provisions of this Code if upon inspection any violation of the Code exists, or if conditions of a permit

have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

(g) A permit shall remain in effect until revoked, or for one year unless a shorter period of time is otherwise specified. Permits shall not be transferable and any change in use, operation or tenancy shall require a new permit.

1. Exceptions:

i. A type 1 permit for welding or cutting shall be effective throughout the local enforcing agency's jurisdiction and shall be issued on an annual basis;

ii. A type 1 permit for use of a commercial farm building as a place of public assembly shall be issued for each event.

(h) Any permit issued shall become invalid if the authorized work or activity is not commenced within six months after issuance of the permit, or if the authorized work or activity is suspended or abandoned for a period of six months after the time of commencement.

(i) A permit shall not be issued until the designated fees have been paid.

1. There shall be no fee for a permit required by this subchapter if a municipality has by ordinance established a periodic inspection and fee schedule for a use substantially similar to the permit requirement.

(j) No permit(s) shall be issued for a carnival, as defined in N.J.A.C. 5:18-1.5, if the carnival has not been registered in accordance with N.J.A.C. 5:18-2.21.

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

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

Substantially amended.

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

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

Deleted the word "fireworks" from (b)2vii.

See correction notice in July 20, 1987 Register.

Administrative Correction to (e).

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

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

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

Added new 2 under (b) and renumbered existing 2-6 as 3-7.

Amended by R.1990 d.325, effective July 2, 1990.

See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).

Text at (b)2iii amended to decrease tent area to 900 square feet; text at (b)3iii deleted.

Amended by R.1991 d.504, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Text deleted at (b)5ii and 6v.

Amended by R.1992 d.385, effective October 5, 1992.

See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).

Text added at (b)3x and xi, 5ii, 6iii; deleted at 6v.

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

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

Permit required for cooking operations using a fire suppression system, if not already registered; fee for fire official allowed, if not already provided for.

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.1995 d.59, effective March 6, 1995.

See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).
 Administrative correction.
 See: 27 N.J.R. 2886(b).
 Amended by R.1996 d.164, effective April 1, 1996.
 See: 27 N.J.R. 2654(a), 28 N.J.R. 1833(a).
 Added (a)3xiii and (g)lii.

5:18-2.8 (Reserved)**Case Notes**

Life hazard use registration fee could properly be imposed on church school. *New Life Gospel Church v. State*, Dept. of Community Affairs, Div. of Housing Bureau of Fire Safety, 257 N.J.Super. 241, 608 A.2d 397 (A.D.1992), certification denied 133 N.J. 429, 627 A.2d 1136.

5:18-2.9 Fees: registration; certificate of smoke detector compliance; permit; carnival registration certificate

(a) The annual registration fee for life hazard uses shall be as follows:

1. Type Aa—\$70.00 per year;
2. Type Ab—\$103.00 per year;
3. Type Ac—\$110.00 per year;
4. Type Ad—\$123.00 per year;
5. Type Ae—\$138.00 per year;
6. Type Af—\$166.00 per year;
7. Type Ag—\$208.00 per year;
8. Type Ah—\$248.00 per year;
9. Type Ai—\$331.00 per year;
10. Type Aj—\$414.00 per year;
11. Type Ba—\$110.00 per year;
12. Type Bb—\$208.00 per year;
13. Type Bc—\$331.00 per year;
14. Type Bd—\$414.00 per year;
15. Type Be—\$484.00 per year;
16. Type Bf—\$622.00 per year;
17. Type Bg—\$662.00 per year;
18. Type Bh—\$828.00 per year;
19. Type Bi—\$997.00 per year;
20. Type Bj—\$1,036.00 per year;
21. Type Bk—\$1,242.00 per year;
22. Type Bl—\$1,450.00 per year;
23. Type Bm—\$1,656.00 per year;
24. Type Bn—\$2,070.00 per year;
25. Type Bo—\$2,484.00 per year;
26. Type Ca—\$828.00 per year;

27. Type Cb—\$994.00 per year;
28. Type Cc—\$1,076.00 per year;
29. Type Cd—\$1,159.00 per year;
30. Type Ce—\$1,325.00 per year;
31. Type Cf—\$1,450.00 per year;
32. Type Cg—\$1,656.00 per year;
33. Type Ch—\$2,080.00 per year;
34. Type Ci—\$2,500.00 per year;
35. Type Da—\$1,650.00 per year;
36. Type Db—\$2,500.00 per year;
37. Type Dc—\$3,250.00 per year.

(b) Where more than one life hazard use exists under one ownership at a given location, the highest life hazard use shall be registered at full fee and subsequent life hazard uses at one-half the scheduled fee; provided, however, that no public or private K-12 educational building shall pay more than one \$138.00 life hazard use registration fee, regardless of the number or type of life hazard uses contained within the building.

1. Each life hazard use that is separately owned shall be registered at full fee.

(c) The application fee for a permit shall be as follows:

1. Type 1—\$35.00;
2. Type 2—\$138.00;
3. Type 3—\$276.00;
4. Type 4—\$414.00;

i. Exception: There shall be no fee for Type 4 permits for storage or activity at a premises registered as a life hazard use in accordance with this subchapter.

5. Type 5—\$1,380.00.

(d) The application fee for a certificate of smoke detector compliance, as required by N.J.A.C. 5:18-2.3, shall be \$20.00.

(e) The application fee for a carnival registration certificate shall be as follows:

1. For 10 or fewer locations: \$50.00;
2. For 11 to 25 locations: \$75.00;
3. For 26 or more locations: \$100.00.

(f) A municipality having a local enforcing agency may establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed \$75.00.

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

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

Deleted "not in excess of fees in Schedule (b) above".

Amended by R.1987 d.508, effective December 7, 1987.

See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

Added (a)5 through (a)33.

Emergency amendment, R.1989 d.404, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2126(a), 21 N.J.R. 2402(a).

Increased life hazard use registration fees and permit fees by approximately 15 percent.

Fee increases in (a) and (c).

Adopted concurrent proposal, R.1989 d.513, effective September 1, 1989.

See: 21 N.J.R. 2126(a), 21 N.J.R. 2402(a), 21 N.J.R. 3084(a).

Provisions of emergency amendment, R.1989 d.404 readopted without change.

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

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

Established limit of no more than one \$115.00 fee for K-12 educational building, at (b).

Amended by R.1991 d.504, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Fees increased.

Amended by R.1991 d.530, effective November 4, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2453(a), 23 N.J.R. 3325(a).

Added (a)33.

Amended by R.1992 d.11, effective January 6, 1992.

See: 23 N.J.R. 3064(a), 24 N.J.R. 88(a).

Application fee added at (d).

Amended by R.1992 d.385, effective October 5, 1992.

See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).

Exception to Type 4 permit requirements added at (c)4i.

Recodified from 5:18-2.8 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.1995 d.59, effective March 6, 1995.

See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).

Amended by R.1996 d.164, effective April 1, 1996.

See: 27 N.J.R. 2654(a), 28 N.J.R. 1833(a).

In (f) added the proviso.

5:18-2.10 Enforcement procedures

(a) Whenever the fire official or the fire inspector observes a violation of a provision of this Code or locally adopted amendments the fire official shall prepare and serve on the owner a written notice of violation identifying the condition which is in violation, including the location, the appropriate Code section, and specifying time limits for the required repairs or improvements to be made. The notice shall contain or be accompanied by a written statement of the owner's right to appeal as set forth in N.J.A.C. 5:18-2.19.

(b) Time periods allowed for abatement of violations of this Code shall be as follows:

1. For any violation of N.J.A.C. 5:18-3, the fire official shall allow a minimum of 15 days.

i. The fire official may specify a time period of not less than three days where there is a dangerous condition that is liable to cause or contribute to the spread of fire or endanger the occupants.

2. For any violation of N.J.A.C. 5:18-4, the fire official shall allow a minimum of 30 days for abatement or the submission of a request for an extension, in accordance with (d) below.

(c) These time limits shall not apply to violations constituting an imminent hazard in accordance with N.J.A.C. 5:18-2.16 or to the revocation of permits in accordance with N.J.A.C. 5:18-2.7(f).

(d) The fire official may grant extensions of time whenever he shall determine that despite diligent effort compliance cannot be accomplished within the time specified in the notice.

1. No extension shall be granted unless it is requested in writing by the owner. A request for extension shall set forth the work which has been accomplished, the work that remains, the reason why an extension is necessary and the date by which the work will be completed.

2. An application for an extension shall be deemed to be an admission that the notice of violation is factually and procedurally correct and that the violations do or did exist.

i. An owner who inquires concerning an extension shall be informed of the provisions of (d)2 above.

ii. If the local enforcing agency provides forms for an application for extension, the provisions of (d)2 above shall be prominently printed on them.

(e) If the notice of violation is not complied with within the time specified by the fire official, the fire official shall institute the appropriate enforcement proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.

(f) If the fire official determines that the Code cannot be adequately or safely enforced without police support, he or she shall request the police to provide assistance. If no assistance is forthcoming, he or she shall pursue formal action to address the situation and shall not use physical force.

(g) Any person, firm or corporation violating any of the provisions of the Code or failing to comply with any order issued pursuant to any section thereof, shall be subject to the penalties provided in N.J.A.C. 5:18-2.12. The imposition of penalties shall not prevent the fire official from instituting appropriate action to restrain, correct or abate a violation; or to prevent illegal occupancy of a building,

structure or premises; or to stop an illegal act, business or use in or about any premises.

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

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

Text at (a)1-10 deleted; reference to N.J.A.C. 5:18-3 added.

Amended by R.1993 d.195, effective May 3, 1993.

See: 25 N.J.R. 397(a), 25 N.J.R. 1872(a).

Old (d)1 deleted; new (d)1 and 2 added; authorized representative to follow required procedures.

Recodified from 5:18-2.9 and amended by R.1995 d.58, effective March 6, 1995.

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

Administrative correction.

See: 27 N.J.R. 2886(b).

Case Notes

Failure to present sufficient evidence that building was in compliance with sub-codes in force at the time of its construction. No. 1 Chinese Kitchen v. Fire Safety Bureau, 94 N.J.A.R.2d (CAF) 91.

5:18-2.11 Service of notice and orders

(a) Notice, rules, decisions and orders issued and served pursuant to the Act shall be effective if served by any one of the methods set forth below:

1. By personal delivery; or
2. By leaving the document at the addressee's office or dwelling unit with a person 14 years of age or older; or
3. By certified mail return receipt requested to the person's last known address; however, if the document is returned as "refused" or "unclaimed" with no indication of a change of address, service may be made by ordinary mail to the same address; or
4. If on an owner, by serving the document on the Secretary of State, who shall be deemed the owner's agent for service of process; if:
 - i. A certified mailing was returned; and
 - ii. A copy of the document is posted in a conspicuous location on the premises, which location shall include the walls in a front vestibule, common foyer or hallway near the inside main front entrance.

(b) The date of personal service or the third day after mailing shall be considered the date of service.

(c) A copy of any notice or order served upon the owner of a State-leased or owned property shall be sent to the Director of Property and Facilities Management, Department of Treasury.

Recodified from 5:18-2.10 and amended by R.1995 d.58, effective March 6, 1995.

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

5:18-2.12 Penalties

(a) The Commissioner or a local enforcing agency may assess, levy and collect penalties to ensure compliance with the Code. No penalty shall be imposed except upon issuance of a written order requiring abatement and the allowance of a reasonable specified period in which to comply, unless clear notice of the violation otherwise exists.

(b) The maximum penalty for any act or omission in violation of the act or code but not enumerated in this subsection is \$5,000 per violation per day. Except as specified below, a violation of N.J.A.C. 5:18-3 or 4 shall subject a violator to a maximum penalty of \$500.00 per violation, per day. Specific violations shall subject violators to penalties as follows:

1. Imminent hazard—punitive closure:
 - i. Failure to obey an imminent hazard order—a maximum of \$5,000 per day for each day that the failure continues.
 - ii. Failure to obey an order to close for fixed period of time issued pursuant to N.J.A.C. 5:18-2.17—a maximum of \$5,000 per day for each day that the failure continues.
2. Egress:
 - i. Blocking, locking, or obstructing required exits in a place of public assembly or education—a maximum of \$5,000 per occurrence;
 - ii. Blocking, locking, or obstructing required exits in any other place—a maximum of \$2,500 per occurrence.
3. Occupancy:
 - i. Exceeding the maximum permitted occupancy in a place of public assembly or education;
 - (1) For the first offense—a maximum of \$2,500;
 - (2) For a subsequent offense—a maximum of \$5,000;
 - ii. Exceeding the maximum permitted occupancy in any other place;
 - (1) For the first offense—a maximum of \$500.00;
 - (2) For a subsequent offense—a maximum of \$2,500.
4. Fire protection equipment:
 - i. Failure to install a required suppression or detection device after having been given written notice of the requirement to do so:
 - (1) In a place of public assembly or education—a maximum of \$2,500 per violation per day;
 - (2) In any other place—a maximum of \$1,000 per violation per day.

1. Passenger traffic may be permitted during the time fuel transfer operations are in progress, provided the following provisions are strictly enforced by the owner of the aircraft or an authorized employee.

i. A person shall not smoke or produce any open flame in the cabin of the aircraft or on the outside thereof within 50 feet. A qualified employee of the aircraft owner shall be responsible for seeing that passengers are not allowed to smoke when remaining aboard the aircraft, nor while crossing the ramp from the gate to the aircraft or vice versa.

ii. Passengers shall not be permitted to linger about the aircraft but shall proceed directly between the loading gate and the aircraft.

iii. Passenger loading stands shall be left in loading position until all fuel transfer operations are completed.

iv. Fuel transfer operations shall not be performed on the main exit side of any aircraft containing passengers except when the owner of the aircraft or a capable and qualified employee of the owner shall remain inside to direct and assist the escape of such passengers through regular and emergency exits in the event of fire. A passenger shall not board or exit the aircraft on the same side as the refueling operation.

2. Exits from applicable facilities shall be maintained in compliance with N.J.A.C. 5:18-3.5 except that all landing areas located on buildings shall have at least two independent exits.

(e) The following apply to portable fire extinguishers:

1. Portable fire extinguishers suitable for flammable liquid and electrical type fires shall be provided as specified by the fire official.

2. Every vehicle for towing aircraft shall be equipped with at least one fire extinguisher having a minimum 20-B:C rating.

3. Every welding apparatus shall be equipped with at least one fire extinguisher having a minimum rating of 2-A:10-B:C.

4. Every aircraft refueler shall be equipped with a minimum of two extinguishers having a 20-B:C rating. A fire extinguisher shall be readily accessible from either side of the vehicle.

5. Every aircraft service area shall be provided with at least two fire extinguishers as specified in NFPA 407 listed in Appendix 3-A, incorporated herein by reference.

6. The use of any fire extinguishing equipment under any circumstances shall be reported to the airport manager and the fire official immediately after use.

5:18-3.7 Application of flammable finishes

(a) The following are general provisions applicable to this section:

1. The locations or areas where the following activities are intended to be conducted or are done shall comply with the provisions of this section.

i. The application of flammable or combustible paint, varnish, lacquer, stain or other flammable or combustible liquid applied as a spray by whatever means, in continuous or intermittent process; and

ii. Dip tank operations in which articles or materials are passed through contents of tanks, vats or containers of flammable or combustible liquids, including coating, finishing, treating and similar processes.

2. This section does not cover the outdoor spray application of buildings, tanks or other similar structures, nor does it cover small portable spraying apparatus not used repeatedly in the same location; provided, however, that the herein described fundamental safeguards pertaining to cleanliness, care of flammable liquids, dangerous vapor-air mixtures and sources of ignition shall be applicable.

(b) Fire safety requirements are as follows:

1. The layout, arrangement and construction of buildings and structures in which spraying or dipping operations are done shall comply with the applicable requirements of the building code in effect at the time of first occupancy for the appropriate use group classification, and shall be provided with fire protection and fire extinguishing equipment as required by N.J.A.C. 5:18-4 and that code. Buildings and structures and their service equipment shall be maintained in proper operating condition as required by this code and NFPA 33 and 34 listed in Appendix 3-A, incorporated herein by reference, where provisions of this section do not specifically cover conditions and operations.

2. Smoking and open flames shall be prohibited in any spray finishing area and in the vicinity of dip tanks. Signs with lettering of approved size shall be conspicuously posted in such areas and shall read "No Smoking By Order of the Fire Official."

3. Electrical wiring and equipment shall conform to the provisions of N.J.A.C. 5:18-3.3(m) and shall be installed as specified in NFPA 70 listed in Appendix 3-A, incorporated herein by reference.

(c) The following apply to spray finishing:

1. Any area in which quantities of flammable vapors or combustible residues, dusts or deposits are present due to the operation of spraying processes shall be considered a spraying area. The fire official may define the limits of the spraying area in any specific case. A spraying area shall include:

- i. The interior of spray booths;
 - ii. The interior of ducts exhausting from spraying processes; and
 - iii. Any area in the direct path of spray or any area containing dangerous quantities of air-suspended combustible residue, dust, deposits, spray or vapor as a result of spraying operations.
2. Spray-finishing operations shall not be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for that purpose, protected with an approved fire suppression system and separated vertically and horizontally from other areas as required by the Uniform Construction Code or N.J.A.C. 5:18-4.
3. Spray booths shall be maintained according to (c)3i through vii below.
- i. The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise maintained to prevent pocketing of residues and facilitate cleaning and washing without injury.
 - ii. The floor construction of spray areas, if combustible, shall be covered by approved noncombustible material. All spraying areas shall be kept free from the accumulation of deposits of combustible residues. Combustible coverings (thin paper, plastic, and so forth) and strippable coatings may be used to facilitate cleaning operations in spraying areas. If residue accumulates to excess in booths, ducts or duct discharge points or other spraying areas, then all spraying operations shall be discontinued until conditions are corrected.
 - iii. If installed, baffle plates shall be of noncombustible material, readily removable or accessible on both sides for cleaning and designed to promote an even flow of air through the booth and to prevent the deposit of overspray before it enters the exhaust duct. Such baffle plates shall not be located in exhaust ducts.
 - iv. Each spray booth having a frontal area larger than nine square feet shall have a metal deflector or curtain not less than 4½ inches deep installed at the upper outer edge of the booth, over the opening.
 - v. Each spray booth shall be separated from other operations by at least three feet or by such partition or wall as the fire official may require to reduce the hazard from adjoining operations.
 - vi. Spray booths shall be so installed that all portions are readily accessible for cleaning. A clear space of not less than three feet on all sides shall be kept free from storage or combustible construction. This does not preclude the installation of a spray booth against a partition or wall having a one hour fire resistance rating providing the booth can be maintained and cleaned.
 - vii. When spraying areas are illuminated through glass panels or other transparent materials, only fixed lighting units shall be used as a source of illumination. Panels shall effectively isolate the spraying area from the area in which the lighting unit is located and shall be of noncombustible material of such a nature or so protected that breakage will be unlikely. Panels shall be so arranged that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.
4. Overspray dry filters or filter rolls, if installed in conventional dry-type spray booths, shall conform to the provisions of (c)4i through v below.
- i. All discarded filter pads and filter rolls shall be immediately removed to a safe, well-detached location or placed in a water filled metal container and disposed of at the close of the day's operation unless maintained completely immersed in water.
 - ii. The location of filters in a spray booth shall be so as to not reduce the effective booth enclosure of the objects being sprayed.
 - iii. Clean filters or filter rolls shall be noncombustible or of an approved type.
 - iv. Filters or filter rolls shall not be used when applying a spray material known to be highly susceptible to spontaneous heating and ignition.
 - v. Filters and filter rolls shall not alternately be used for different types of coating materials where the combination of materials may be conducive to spontaneous ignition.
5. There shall be no open flame, spark-producing equipment or exposed surfaces exceeding the ignition temperature of the material being sprayed in the areas specified in (c)5i and ii below, except as specifically permitted in (c)11 and (e) below. Further, there shall be no equipment or processes that may produce sparks or particles of hot metal located above or adjacent to the areas in (c)5i and ii below, unless means are provided to prevent the sparks or particles of hot metal from entering these areas.
- i. A spraying area as defined in (c)1 above; and
 - ii. An area adjacent to a spraying area which would require electrical equipment conforming to the provisions of NFPA 70 listed in Appendix 3-A for Division 2 locations, incorporated here by reference, unless separated therefrom by a partition extending at least to the boundary of the Division 2 location.
6. Room heating appliances, steam pipes or hot surfaces shall not be located in a spraying area where deposits of combustible residues may readily accumulate.

7. A ventilation system shall be operated and maintained for all spray booths and spray areas in accordance with the BOCA Mechanical Code listed in Appendix 3-A, incorporated herein by reference.

8. The storage and handling of flammable liquids shall be in accordance with N.J.A.C. 5:18-3.28 and shall also conform to the provisions of this paragraph.

i. Where the quantity of liquid in five gallon and smaller containers, other than original sealed containers, exceeds a total of 10 gallons, it shall be stored in a storage cabinet or an interior storage room conforming to N.J.A.C. 5:18-3.28.

ii. Original closed containers, approved portable tanks, approved safety cans or a properly arranged system of piping shall be used for bringing flammable liquids into spray finishing areas. Open or glass containers shall not be used.

iii. Containers supplying spray nozzles shall be of a closed type or provided with metal covers kept closed. Containers not resting on floors shall be on noncombustible supports or suspended by wire cables. Containers supplying spray nozzles by gravity flow shall not exceed 10 gallons capacity.

iv. All containers or piping to which is attached a hose or flexible connection shall be provided with a shutoff valve at the connection. Such valves shall be kept shut when spraying operations are not being conducted, except when a circulating system is used and it is provided with an automatically operated anti-runaway control.

v. Heaters shall not be located in spray booths or other locations subject to the accumulation of deposits of combustible residue.

vi. If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, means shall be provided to prevent the discharge pressure from exceeding the operating pressure of the system. Any discharge shall be to a safe location.

vii. Whenever flammable liquids are transferred from one container to another, both containers shall be bonded or effectively grounded. Piping systems for flammable liquid shall be permanently grounded.

9. All spraying areas shall be provided with portable fire extinguishers suitable for flammable liquid fires as specified for extra hazardous occupancies in NFPA 10 listed in Appendix 3-A and incorporated herein by reference.

10. All spraying areas shall be kept free from the accumulation of deposits of combustible residues. Combustible coverings (thin paper, plastic, and so forth) and strippable coatings may be used to facilitate cleaning operations in spraying areas. If residue accumulates to excess in booths, duct or duct discharge points or other

spraying areas, then all spraying operations shall be discontinued until conditions are corrected.

i. Scrapers, spuds or other such tools used for cleaning purposes shall be of nonsparking material.

ii. Residue scraping and debris contaminated with residue shall be immediately removed from the premises and properly disposed of.

iii. Solvents for cleaning operations shall have flash points above 100 degrees Fahrenheit except that for cleaning spray nozzles and auxiliary equipment, solvents having flash points not less than those normally used in spray operations may be used. Cleaning operations using flammable or combustible solvents shall be conducted inside spray booths with ventilating equipment operating during the cleaning procedure.

iv. Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second.

v. Approved metal waste cans equipped with self-closing lids shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste shall be deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily and at the end of each shift.

11. In addition to conforming to the requirements of this section, drying apparatus shall comply with the applicable provisions of N.J.A.C. 5:18-3.14.

i. Spray booths, rooms or other enclosures used for spraying operations shall not alternately be used for the purpose of drying by any arrangement which will cause a material increase in the surface temperature of the spray booth, room or enclosure.

ii. Except as specifically provided in (c)11iii below, drying or baking units utilizing a heating system having open flames or which may produce sparks shall not be installed in a spraying area as defined in (c)1 above, but may be installed adjacent thereto when equipped with an interlocked ventilating system arranged to:

(1) Thoroughly ventilate the drying space before heating system can be started;

(2) Maintain a safe atmosphere at any source of ignition; and

(3) Automatically shut down the heating system in the event of failure of the ventilating system.

iii. Automobile refinishing booths or enclosures, installed and maintained in conformity with this section, may alternately be used for drying with portable infra-

red drying apparatus when conforming to all of the following requirements:

(1) The procedure shall be restricted to low-volume, occasional spray application;

(2) The interior of spray enclosures shall be kept free of over-spray deposits; and

(3) During spray operations, the drying apparatus and electrical connections and wiring thereto shall not be located within spray enclosure nor in any other location where spray residue may be deposited thereon.

(4) Spraying apparatus, drying apparatus, and ventilating system of spray enclosure shall be equipped with suitable interlocks so arranged that:

(A) Spraying apparatus cannot be operated while drying apparatus is inside spray enclosure;

(B) Spray enclosure will be purged of spray vapors for a period of not less than three minutes before drying apparatus can be energized; and

(C) Ventilating system will maintain a safe atmosphere within the enclosure during the drying process and drying apparatus will automatically shut off in the event of failure of the ventilating system.

(5) All electrical wiring and equipment of drying apparatus shall conform to the provisions of N.J.A.C. 5:18-3.3(m). Only equipment of a type approved for Class I, Division 2, hazardous locations shall be located within 18 inches of floor level. All metallic parts of drying apparatus shall be properly electrically bonded and grounded.

(d) The following apply to dip tanks:

1. The provisions of this subsection shall apply to any tank, vat or container of flammable or combustible liquid in which articles or materials are immersed for the purpose of coating, finishing, treating or similar processes, which are known as dip tanks, and to any area containing dangerous quantities of flammable vapors in the vicinity of dip tanks, their drain boards or associated drying, conveying or other equipment, during operation or shut-down periods, which shall be known as vapor areas. The fire official may determine the extent of the vapor area, taking into consideration the characteristics of the liquid, the degree of sustained ventilation and the nature of the operations.

2. Dip tank operations shall not be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved automatic fire suppression system and separated vertically and horizontally from other areas as required by the Uniform Construction Code.

3. A ventilation system shall be operated and maintained in all areas in accordance with this code and the BOCA mechanical code listed in Appendix 3-A.

4. Dip tanks, including drain boards if provided, shall be constructed of substantial noncombustible material and their supports shall be of heavy metal, reinforced concrete or masonry and shall comply with the following provisions of (d)4i through iii below.

i. Dip tanks of over 150 gallons in capacity or 10 square feet in liquid surface area shall be equipped with a properly trapped overflow pipe leading to a safe location outside the building. The bottom of the overflow connection shall not be less than six inches below the top of the tank.

ii. Dip tanks over 500 gallons in liquid capacity shall be equipped with bottom drains automatically and manually arranged to quickly drain tank in event of fire unless the viscosity of the liquid at normal atmospheric temperature makes this impractical. Manual operation shall be from a safely accessible location. Where gravity flow is not practicable, automatic pumps shall be provided.

iii. All bottom drains shall be trapped and shall discharge to a closed properly vented salvage tank or to a safe outside location.

5. Dip tanks utilizing a conveyor system shall be so arranged that, in the event of fire, the conveyor system shall automatically cease motion and required bottom drains shall open.

6. There shall be no open flames, spark producing devices or heated surfaces having a temperature sufficient to ignite vapors in any vapor area.

i. Electrical wiring and equipment in any vapor area shall be explosion-proof type approved for use in such hazardous locations. Such area shall be considered as Class I, Division 1, hazardous locations as specified in NFPA 70 listed in Appendix 3-A.

ii. Unless specifically approved for locations containing both deposits of readily ignitable residues and explosive vapors, there shall not be electrical equipment in the vicinity of dip tanks or associated drain boards or drying operations which are subject to splashing or dripping of dip tank liquids, except wiring in rigid conduit or in threaded boxes or fittings not containing taps, splices or terminal connections, and except as specifically permitted in (e) below relating to electrostatic apparatus.

iii. In any floor space outside a vapor area, but within 20 feet therefrom, and not separated by tight partitions, open flames or spark producing devices shall be prohibited, except drying and baking apparatus may be installed adjacent to vapor areas when conforming to (c)1ii above. Such area shall be considered a Class I, Division 2, hazardous location as specified in NFPA 70 listed in Appendix 3-A.

7. Areas in the vicinity of dip tanks shall be maintained as clear combustible stock as practical and shall be kept entirely free of combustible debris.

i. When waste or rags are used in connection with dipping operations, approved metal waste cans equipped with self-closing lids shall be provided and all impregnated rags or waste deposited therein immediately after use. The contents of waste cans shall be disposed of at least once daily and at the end of each shift.

8. Areas in the vicinity of dip tanks shall be provided with portable fire extinguishers suitable for flammable liquid fires as specified for extra hazardous occupancies in NFPA 10 listed in Appendix 3-A, incorporated herein by reference.

9. Covers arranged to close automatically in the event of fire shall be actuated by approved automatic devices and shall also be arranged for manual actuation and operation.

i. Covers shall be of substantial noncombustible material or of tin-clad type with enclosing metal applied with locked joints.

ii. Chains or wire rope shall be used for cover support or operating mechanism where the burning of a cord would interfere with the action of a device.

iii. Covers shall be kept closed when tanks are not in use.

10. Hardening and tempering tanks shall conform to (d)4 and 7 above, as well as (d)10i through iv below.

i. Tanks shall be located as far as practicable from furnaces and shall not be located on or near combustible construction.

ii. Tanks shall be provided with a noncombustible hood and vent or other equally effective means, terminating outside of the building to serve as a vent in case of fire. All such vent ducts shall be treated as flues and proper clearances shall be maintained from combustible materials.

iii. Tanks shall be equipped with a high temperature limit switch arranged to sound an alarm when the temperature of the quenching medium reaches 50 degrees Fahrenheit below the flash point.

iv. Air under pressure shall not be used to fill or to agitate oil in tanks.

11. Flow coat operations shall conform to the requirements for dip tanks, considering the area of the sump and any areas on which paint flows as the area of a dip tank.

i. Paint shall be supplied by direct low pressure pumping arranged to automatically shut down by means of approved heat actuated devices in case of fire, or by a gravity tank not exceeding 10 gallons in capacity.

12. The processes of roll coating, spreading and impregnating, in which fabrics, paper or other materials are passed directly through a tank or trough containing flammable liquids, or over the surface of a roller that revolves partially submerged in a flammable liquid, shall conform to the requirements of this subsection and to the applicable provisions of this section.

i. Adequate arrangements shall be made to prevent sparks from static electricity by electrically bonding and grounding all metallic rotating and other parts of machinery and equipment and by the installation of static collectors or maintaining a conductive atmosphere such as a high-relative humidity.

(e) The following apply to electrostatic apparatus:

1. Approved electrostatic equipment shall be used in connection with paint spraying operations.

2. Transformers, power packs, control apparatus and all other electrical portions of the equipment, with the exception of high voltage grids and electrostatic atomizing heads and their connections, shall be located outside of the spraying or vapor areas as defined in (c) and (d) above or shall conform to the requirements of (c)5 and (d)6 above.

3. A space of at least twice the sparking distance shall be maintained between goods painted and fixed electrodes, electrostatic atomizing heads or conductors. A suitable sign stating the sparking distance shall be conspicuously posted near the assembly.

4. Electrostatic apparatus shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

i. Stoppage of ventilating fans or failure of ventilating equipment from any cause;

ii. Stoppage of the conveyor carrying goods past the high voltage grid;

iii. Occurrence of a ground or of an imminent ground at any point of the high voltage system; or

iv. Reduction of clearance below that specified in (e)3 above.

(A) Hand electrostatic equipment shall be interlocked with the ventilation system for the spraying area so that the equipment cannot be operated unless the ventilating system is in operation.

5. Adequate booths, fencing, railings or guards shall be so placed about the equipment that it is either by their location or character or both that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing and guards shall be of conducting material, adequately grounded, and shall be at least five feet from processing equipment.

6. Signs shall be posted designating the process zone as dangerous with respect to fire and accident.

7. All insulators shall be kept clean and dry. Drip plates and screens subject to paint deposits shall be removable and shall be taken to a safe place for cleaning.

8. The spraying area shall be adequately ventilated so as to insure a safe condition from a fire and health standpoint.

(f) The following apply to automobile undercoating:

1. Automobile undercoating spray operations, conducted in areas having adequate natural or mechanical ventilation, may be exempt from the provisions of (c) above as approved by the fire official when using undercoating materials that are not more hazardous than fuel oil or undercoating materials using only solvents having a flash point in excess of 100 degrees Fahrenheit.

2. Undercoating spray operations not conforming to (f)1 above shall be subject to all applicable provisions of this section.

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.
Administrative correction.
See: 27 N.J.R. 2886(b).

5:18-3.8 Bowling establishments

(a) The equipment, processes and operation of bowling alleys and establishments shall comply with the applicable requirements of this Code and the provisions of this section.

(b) Fire safety requirements are as follows:

1. The layout, arrangement and construction of buildings and structures used for bowling alleys or establishments shall comply with the applicable requirements of the building code in effect at the time of first occupancy for the appropriate use group classification, and shall be provided with fire protection and fire extinguishment equipment as required by that code. Buildings and structures and their service equipment shall be maintained in proper operating condition as required by this Code.

2. A metal waste can with self-closing cover shall be provided for all waste materials and rags, and the contents shall be disposed of daily.

(c) In the operation and maintenance of bowling establishments, the following conditions shall be observed.

1. Resurfacing operations shall not be carried on while the establishment is open for business. The fire official shall be notified when the bowling lanes are to be resurfaced. Mechanical ventilation shall be provided to adequately remove flammable vapors. Heating, ventilating or cooling systems employing recirculation of air shall not be operated during resurfacing operations or within one hour following the application of flammable finishes. All electric motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flame shall be prohibited during the application of flammable finishes and for one hour thereafter.

2. Pin refinishing involving the application of flammable finishes shall be done only in a special room meeting the requirements of the building code in effect at the time of first occupancy or N.J.A.C. 5:18-4. Smoking shall be prohibited at all times in refinishing rooms.

3. All power tools in the room shall be effectively grounded. A substantial metal box or other receptacle approved by the fire official shall be provided for catching dust of lathes and sanding or buffing machines thrown off during operation. The contents shall be removed daily and disposed of safely.

4. Storage of flammable or combustible liquids in such rooms shall not exceed a combined aggregate of 60 gallons in original metal containers, or five gallons individual capacity in approved safety containers in accordance with N.J.A.C. 5:18-3.28, where provisions of this section do not specifically cover conditions and operations.

5:18-3.9 Dry cleaning plants

(a) The following general provisions apply to dry cleaning plants:

1. The equipment, processes and operation of dry cleaning plants shall comply with the construction requirements of the building code in effect at the time of first occupancy and the maintenance provisions of NFPA 32 listed in Appendix 3-A, incorporated herein by reference, where the provisions of this section do not specifically cover conditions and operations.

2. Dry cleaning systems shall be classified as follows:

i. High hazard: All such establishments shall be classified as high hazard which employ gasoline or other solvents having a flash point below 100 degrees Fahrenheit per ASTM D56 listed in Appendix 3-A, incorporated herein by reference, in quantities of more than three gallons, or more than 60 gallons of combustible solvents with a flash point between 100 and 140 degrees Fahrenheit.

ii. Moderate hazard: All such establishments employing less than three gallons of volatile flammables with a flash point of less than 100 degrees Fahrenheit or less than 60 gallons of solvent with a flash point between 100 and 140 degrees Fahrenheit shall be classified as moderate hazard.

iii. Low hazard: All such establishments using solvents of other than flammable liquids or solvents with a flash point more than 140 degrees Fahrenheit in cleaning and dyeing operations shall be classified as low hazard.

(b) Fire safety requirements are as follows: