

(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.

ii. Disabling or decreasing the effectiveness of any fire suppression or alarm device or system.

(1) In a place of public assembly or education—a maximum of \$5,000 per occurrence;

(2) In any other place—a maximum of \$1,000 per occurrence.

5. Failure to comply with a lawful action:

i. A negligent or inadvertent failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency—a maximum of \$2,000 per occurrence.

ii. A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency—a maximum of \$5,000 per occurrence.

6. Obstruction:

i. Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Commissioner or any member of a local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of this Code—a maximum of \$2,500 per occurrence.

7. Permits:



i. Failure to obtain a required permit prior to commencing the operation, process or activity for which a permit was required—a maximum of double the amount of the applicable permit fee.

ii. Failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity—a maximum of \$5,000 per day during which the operation, process, or activity continues.

8. Registration:

i. Failure to file a registration application after having been ordered to do so—an amount equal to double the applicable registration fee, but not less than \$200.00 or more than \$1,000 for each registration.

ii. Failure to pay the required annual registration fee when due—an amount equal to the unpaid fee. Payment of the fee after imposition of the penalty shall not absolve the owner from responsibility for the penalty nor shall payment of the penalty be deemed to absolve the owner from the obligation to pay the fee.

9. False statements:

i. Preparing, uttering or rendering any false statement, pertaining to reports, documents, plans or specifications permitted or required under the provisions of this code—a maximum of \$5,000.

ii. Submission of a materially false application for a permit or registration—a maximum of \$1,000 per occurrence.

10. Special hazards:

i. For any violation of N.J.A.C. 5:18-3 or 4 of this Code which is not specifically enumerated above but which, under the circumstances, presents a specific hazard to life—a maximum of \$5,000 per violation per day. The violation notice must set forth the basis for determining the basis for a special hazard.

(c) Each day during which the violation remains unabated after the date or time specified in the order or notice for its correction or termination shall constitute an additional and separate violation.

(d) The filing of a timely appeal shall stay the action until a decision is made by the construction board of appeals or the Commissioner, as the case may be.

(e) A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which correction can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

(f) If a penalty order has not been satisfied by the 30th day after its issuance, the Commissioner or local enforcing

agency may institute a civil penalty action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or municipal court.

1. A person who fails to pay immediately a money judgment rendered against him may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.

2. All moneys that are recovered as a result of the assessment of penalties shall be paid into the designated trust account and shall be appropriated to support the local enforcing agency's operation.

(g) The Commissioner or fire official may offer to reduce any penalty provided that such reduction is in the best interest of fire safety and will assure compliance. No penalty reduction can be made final while the violation that led to its assessment remains in existence.

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

(b)1 added.

Amended by R.1993 d.195, effective May 3, 1993.  
See: 25 N.J.R. 397(a), 25 N.J.R. 1872(a).

Added new subsection (f); recodified old (f) to (g) and added (g)2.  
Amended by R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Case Notes

Assessment of penalty against landlord for fire code violations was justified; reduction of penalty contingent. *Davis v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 29.

Apartment owners were dilatory in obtaining permits and approvals for apartment's smoke detection system; penalty. *In the Matter of 904 Atlantic Avenue*, 94 N.J.A.R.2d (CAF) 18.

**5:18-2.12A Dedicated and compensatory penalties**

(a) When an owner has been given notice of the existence of a violation and has not abated the violation, that owner shall, in addition to being liable to the penalty provided for by N.J.A.C. 5:18-2.12, be liable to a dedicated penalty assessed pursuant to this subsection.

1. Whenever any penalty is assessed pursuant to N.J.A.C. 5:18-2.12, then a dedicated penalty in like amount shall be assessed pursuant to this section.

2. The amount of any dedicated penalty assessed pursuant to this subsection shall be in accordance with the standards set forth in N.J.A.C. 5:18-2.12(b), except that a dedicated penalty of up to \$50,000 for each violation may be assessed where there is a serious injury or loss of human life directly or indirectly resulting from any unabated violation.

3. Dedicated penalties assessed pursuant to the requirements of this subsection shall be assessed only once and shall not be assessed each day, as may be done in the case of penalties assessed pursuant to N.J.A.C. 5:18-2.12.

(b) All monies collected pursuant to this section shall be placed in a special municipal trust fund to be applied to the

cost to the municipality of firefighter training and/or new firefighting equipment.

1. In the case where a fire district is the local enforcing agency, the funds shall be placed in the general treasury of the district subject to separate accounting and annual certification to the Department from the district chief financial officer.

2. In any case in which the enforcing agency is the Department, a county fire marshal, or an intermunicipal agency, all revenue from dedicated and compensatory penalties shall be paid into the fund maintained, in accordance with this section, by the municipality or fire district in which the building, structure or premises at which the violation occurred is located.

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

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

Rule retitled "Dedicated and compensatory penalties"; added (a)1-3 and (c)1; penalty upper limited specified as \$150,000.

Recodified from 5:18-2.17 and amended by R.1995 d.58, effective March 6, 1995.

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

#### 5:18-2.13 Fire department costs

(a) An owner who has been given notice of a violation shall be responsible for a penalty not exceeding \$150,000 or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater. To create an obligation, the violation need not have been the initial cause of the fire; it is sufficient if the violation's existence has increased the intensity of the fire or the difficulty of its extinguishment. This penalty is independent of any penalty issued in accordance with N.J.A.C. 5:18-2.12 for failure to abate the violation. Suppression costs may be imposed for a fire which occurs during the period allowed for abatement.

(b) The suppression costs shall include, but not be limited to, costs of labor, equipment and material incurred by municipalities, fire districts or fire departments involved in suppressing the fire, as well as any other actual expenses, including attorney fees, incurred for the collection of the penalty. If a compensatory penalty in excess of \$150,000 is sought, the cost of suppression shall be certified to the fire official of the area in which the fire occurred by the chiefs of the suppression units involved.

(c) The fire official shall serve notice on the owner and order payment. The notice shall state the violations justifying imposition of the penalty. If payment is not received within 30 days, the fire official shall pursue collection in the manner specified herein for penalties. The monies collected shall be paid to the municipalities or districts and appropriated in accordance with N.J.A.C. 5:18-2.12A(b).

New Rule, R.1995 d.58, effective March 6, 1995.

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

#### 5:18-2.14 Variances

(a) Upon the application of a property owner or lessee with the consent of the owner, the fire official may grant a variance from the requirements of a regulation or standard adopted pursuant to the Act; provided, however, that no variance shall be granted unless it is determined that strict compliance would result in practical difficulty and that the variance, if granted, would not unreasonably jeopardize the safety of the occupants or intended occupants, fire fighters or the public generally.

1. In any facility subject to regulation by any State agency, no variance shall be granted except after consultation with that State agency.

2. Financial hardship alone shall not be grounds for a variance.

(b) An application for a variance shall be made in writing, shall be filed with the fire official and shall set forth the following information:

1. The requirements of the regulation from which a variance is sought;

2. The manner in which strict compliance with the regulation would result in practical difficulty;

3. The nature and extent of the practical difficulty; and

4. Feasible alternatives which would adequately protect the occupants or intended occupants, fire fighters and the public generally.

(c) Within 30 days after receiving an application for a variance, the fire official shall grant or deny the application in writing, stating the reasons for his action.

1. An application which is not granted within 30 days shall be deemed to have been denied.

2. A denial of an application for a variance may be appealed in the same manner as any other ruling of the fire official.

(d) Copies of all variance applications and records of the action taken on them shall be maintained as permanent public records by the fire official.

1. A fire official shall promptly provide the Division with copies of all decisions granting or denying variances after they have been rendered.

(e) Variations to requirements found in the Uniform Construction Code may only be granted by the Construction Official in accordance with the Uniform Construction Code.

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

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

(e) added.

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

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

3. Ovens and furnaces shall be so located as to be readily accessible for inspection and maintenance and with adequate clearances to permit the proper functioning of explosion vents. Roofs and floors of ovens and furnaces shall be sufficiently insulated and ventilated to keep temperatures at combustible ceilings and floors below 160 degrees Fahrenheit.

4. Ovens and furnaces shall be constructed of non-combustible materials throughout except where the maximum oven temperature is not over 160 degrees Fahrenheit. The amount of insulation used in oven panel construction shall be enough to prevent the outside surface temperature from exceeding 160 degrees Fahrenheit or adequate guards shall be provided to protect personnel. The metal frames of ovens or furnaces shall be electrically grounded.

5. Ovens and furnaces which may contain flammable air-gas mixtures shall be equipped with relief vents for freely relieving internal explosion pressures and all explosion-venting panels or doors shall be arranged so that when open, the full vent opening will be an effective relief area.

6. All duct work shall be constructed of noncombustible material. Ducts shall be made tight throughout and shall have no openings other than those required for the proper operation and maintenance of the system. Ducts passing through combustible walls, floors, or roofs shall have adequate insulation and clearances to prevent surface temperatures from exceeding 160 degrees Fahrenheit. Exhaust ducts shall not discharge near doors, windows or other air intakes in a manner that will permit re-entry of vapors into the building.

(d) Ventilation requirements are as follows:

1. Ovens and furnaces in which flammable or toxic vapors are liberated or through which products of combustion are circulated shall be ventilated by the introduction of a supply of fresh air and proper exhaust to the outdoors. Discharge pipes shall not terminate within 10 feet measured horizontally of any door, window or wood frame walls of any building.

2. Ventilation shall be arranged to provide vigorous and well distributed air circulation within the oven or furnace to insure that the flammable vapor concentration will be safely below the lower explosive limit at all times. Unless the oven or furnace is operated in accordance with specific approval specifying particular solvents and rate of ventilation, the rate of ventilation shall not be less than 10,000 cubic feet of fresh air per gallon of solvent evaporated in continuous process ovens or furnaces, and not less than 380 cubic feet per minute per gallon of flammable solvent evaporated in batch process ovens or furnaces.

3. Exhaust duct openings shall be located in the area of greatest concentration of vapors.

4. All exhaust shall be by mechanical means using power driven fans.

5. Safety controls shall be sufficient in number and substantially constructed and arranged to maintain the required conditions of safety and prevent the development of fire and explosion hazards.

i. Ventilation controls, suitably interlocked, shall be provided which will insure the required prevention and ventilation of the system.

ii. Fuel safety controls, suitably interlocked and arranged to minimize the possibility of dangerous accumulations of explosive air-fuel mixtures in the heating system, shall be provided.

iii. Excess temperature controls shall be provided to maintain a safe operating temperature within the oven or furnace.

iv. Conveyor interlocks shall be provided in conveyor ovens or furnaces having a flammable vapor hazard, so that the conveyor cannot move unless ventilating fans are operating and discharging the required amount of air.

#### 5:18-3.15 Places of assembly and education

(a) General provisions concerning places of assembly and education are as follows:

1. The decoration, operation or use of places of assembly and education shall comply with the applicable requirements of this Code and the provisions of this section.

2. A place of assembly shall be a room or space accommodating individuals for religious, recreational, political, social or amusement purposes or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and entrance.

3. Each place of assembly or education, including each separate room or space used for purposes of assembly or education, shall be posted with an approved legible sign in contrasting colors conspicuously located near the main exit from the room or space stating the number of occupants permitted within such space. The number of occupants permitted shall be determined by the Fire Safety Code, N.J.A.C. 5:18-4.11(f). Assembly rooms or spaces which have multiple use capability shall be posted for all such uses. The owner shall be responsible for installing and maintaining such signs.

i. An owner shall not permit overcrowding or admittance of any person beyond the established posted occupant load of any place of assembly or education. The fire official, upon finding overcrowding conditions or obstruction in aisles, passageways or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the performance, presentation, spectacle or entertainment to be stopped

until such a condition or obstruction is corrected and the addition of any further occupants prohibited until the posted occupant load is reestablished.

(b) Fire safety requirements are as follows:

1. The layout, arrangement and construction of buildings and structures in which rooms or places of assembly or education are located 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. Buildings and structures and their service equipment shall be maintained in safe condition.

2. Employees or attendants of places of assembly and education shall be instructed in the proper use of portable fire extinguishers and other manual fire suppression equipment if provided.

3. A fire safety and evacuation plan shall be prepared as set forth in N.J.A.C. 5:18-3.3(p). All employees shall be trained in the duties they are to perform under the plan.

(c) The following apply to decorative material:

1. Decorative materials shall include all such materials as curtains, draperies, streamers, fabrics, cotton batting, straw, hay, vines, leaves, stalks, trees and moss used for decorative effect, including surface coverings applied over interior finish materials for acoustical or decorative purposes. All such decorative materials shall be noncombustible or they shall be flame resistant complying with the requirement of NFPA 701 listed in Appendix 3-A, incorporated herein by reference. The term decorative materials shall not include ordinary window shades or interior finish materials, such as wainscoting, paneling or wallpaper which are regulated by the Uniform Construction Code.

i. A finished floor covering shall be exempt from the requirements of this paragraph, provided, however, that in any case where the fire official finds a floor surface to be of unusual hazard, the floor surface shall be considered a part of the interior finish for the purposes of this code.

ii. No burlap, fish netting, or other similar type material shall be suspended from the ceiling of any building, unless approved by the fire official.

2. The fire official shall subject decorative materials, where required to be flame resistant, to a field test in accordance with Chapter 6 of NFPA 701 listed in Appendix 3-A.

i. Treatments used to accomplish this flameproofing shall be renewed as often as may be necessary to maintain the flameproof effect. The fire official may require a certificate to be supplied by the firm or person providing the flameproofing and such certificate shall indicate the date of treatment, the name of the chemical used, and nature of the process. The certificate shall be filed with the fire official.

ii. Pyroxylin coated fabric used as a decorative material in accordance with (c)1 above or as a surface covering on fixed furnishings shall be limited in amount to the following: such fabrics containing 1.4 ounces or more of cellulose nitrate per square yard shall not be used in excess of a total amount equivalent to one square foot of fabric surface to 15 cubic feet of room volume. Each square foot of such fabric which contains 1.7 ounces or more of cellulose nitrate per square yard shall be counted as two square feet in making this computation.

(d) In places of assembly or education, a motion picture screen or screen masking shall not be used which will ignite and allow flame to spread over the surface when exposed to the field test described in (c)2 above.

(e) The following apply to means of egress:

1. The operator or the person in charge of operation or use of any place of assembly or education shall check egress facilities before such building is occupied for any use, to determine compliance with the provisions of this section. If such inspection reveals that any element of the required means of egress is obstructed, inaccessible, locked, fastened or otherwise unsuited for immediate use, admittance to the building shall not be permitted until necessary corrective action has been completed.

i. As may be required by the fire official, not more than 10 minutes prior to the scheduled commencement of any activity, event, performance, show, meeting, function, or other occasion for which persons will gather at a place of assembly or education with a capacity of 50 or more people, the owner or his authorized agent shall orally notify all attendees concerning the location of the exits to be used in case of fire or other emergency, and shall also notify all attendees of smoking regulations.

ii. In theaters, motion picture theaters, auditoriums and other similar places of public assembly where there are noncontinuous programs, an audible or visual announcement shall be made immediately prior to the start of each program to notify occupants of the location of the exits to be used in case of a fire or other emergency.

2. During the period of occupancy, an egress door shall not be locked, bolted or otherwise fastened or obstructed by any means, so that the door cannot be opened from the inside by the use of the ordinary door latch or knob or by pressure on the door or on a panic release device except as provided in N.J.A.C. 5:18-3.5(c).

3. In each room where chairs, or tables and chairs, are used, the arrangement shall be such as to provide for ready access by aisles to each egress door. Aisles leading directly to an egress door shall have not less than 44 inches clear width. When serving an occupant load of 50 or less, such required clear width shall be 36 inches. Aisles shall not be obstructed by chairs, tables or other objects.

4. A part of a stairway, whether interior or exterior, or of a hallway, corridor, vestibule, balcony or bridge leading to a stairway or exit shall not be used in any way that will obstruct or restrict its use as a means of egress or that will present a hazardous condition.

5. A plan showing the occupant load, seating diagram and location of exits and of aisles leading thereto shall be submitted for approval to the fire official and an approved copy shall be kept on the premises. Temporary deviation from the specifics of the approved seating diagram shall be permitted provided the occupant load is not increased and the intent of this section is maintained.

i. The employees or attendants of places of public assembly and education shall be trained and drilled in the duties they are to perform in case of fire, panic or other emergency.

6. The signs and lighting of means of egress required for places of assembly or education shall be maintained in proper operating condition as required by N.J.A.C. 5:18-3.5(e).

(f) The following apply to projection rooms:

1. Every projection room shall be of permanent construction consistent with the requirements of the building code in effect at the time of first occupancy.

2. Temporary projection rooms shall be permitted for incidental amusement and educational purposes by the fire official when in accordance with N.J.A.C. 5:18-3.

3. Each projection room shall be provided with rewind and film storage facilities. A maximum of four containers for flammable liquids not greater than 16 ounce capacity and of a nonbreakable type may be permitted in each projection room.

Amended by R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

### 5:18-3.16 Service stations, garages and fuel dispensing operations

(a) General provisions concerning service stations, garages and fuel dispensing operations are as follows:

1. The provisions of this section shall apply to all service stations and all other locations where flammable and combustible fuels are stored and dispensed to motor vehicles, and all buildings and structures used for the storage or servicing of motor vehicles. The maintenance

provisions of NFPA 30A listed in Appendix 3-A, incorporated herein by reference, shall apply where the provisions of this section do not specifically cover conditions and operations.

2. The layout, arrangement and construction of buildings and structures shall comply with the applicable requirements of the building code in effect at the time of first occupancy and shall be provided with fire protection and fire extinguishing equipment as required.

3. All service stations, garages, buildings, storage areas and premises shall be operated and maintained in a safe condition at all times and shall conform to all applicable provisions of this Code.

(b) Flammable and combustible liquids used or intended to be used as fuel for motor vehicles shall be stored in underground or approved aboveground tanks on the premises in conformance with N.J.A.C. 5:18-3.28.

1. Flammable and combustible fuel may be stored in approved containers inside a building provided the total amount does not exceed 120 gallons.

(c) Fuel dispensing requirements are as follows:

1. Motor vehicle fuels shall be transferred from underground storage tanks to vehicle tanks by means of approved dispensing units located at least 15 feet from a property line. A pump or other mechanical equipment for dispensing Class I flammable liquids shall not be installed inside a building or less than 10 feet from the outside of the building unless it has been specifically approved by the construction official. The transfer of such liquids shall not be made into an open container.

2. Special type dispensers, such as coin or card operated devices, for self-service operations shall be installed and operated in accordance with the Uniform Construction Code.

3. These provisions shall not prevent the use of portable or semi-portable tanks and dispensing devices to refuel vehicles or motorized equipment on property not generally accessible to the general public provided specific approval is obtained from the fire official.

(d) The following apply to fuel pumps and dispensers:

1. Dispensers shall be designed to prevent leakage or accidental discharge and shall be provided with remote master control devices to shut off all pumps in the event of an emergency. Such devices shall be adequately identified as pump shutoff controls.

2. All dispensers shall be protected from vehicle damage by mounting them on a concrete platform at least 6 inches in height extending a minimum of 12 inches beyond the dispenser in any direction.

i. When the protective devices required above are diminished in effectiveness by repaving or other circum-

stances, additional safeguards shall be provided such as pipe bollards or guard rails.

3. All dispenser hoses shall be equipped with automatic self-closing type nozzles.

4. Each service station open to the public shall have an attendant on duty familiar with the location of pump controls and operation of safety equipment.

5. An approved, rigidly anchored emergency shutoff valve designed to close automatically in the event of a fire or severe impact shall be properly installed in the liquid supply line at the base of each dispenser supplied by a remote pump. The valve shall be so installed that the shear groove is flush with or within  $\frac{3}{4}$  inch of the top of the concrete dispenser island, and that there is ample clearance provided around the valve body and operating parts. In cases of overhead-type dispensers, the valve shall be installed at the liquid supply line inlet of each dispenser. If installed, a vapor return line inside the dispenser housing shall have a shear section or approved flexible connector so that the liquid supply line emergency shutoff valve will function properly. All emergency shutoff valves shall further be installed and maintained in accordance with the manufacturer's instructions, shall be tested at the time of initial installation and shall be tested at least yearly thereafter by manually tripping the hold-open linkage.

(e) Fire safety requirements are as follows:

1. Motors of vehicles receiving fuel shall be shut off during the fueling operation. Smoking shall not be permitted in areas where motor vehicles are fueled or serviced.

2. All heating and ventilating appliances and equipment shall comply with the provisions of the building code in effect at the time of first occupancy. Other devices generating a glow, spark or flame capable of igniting flammable vapors shall not be installed or used within 18 inches of the floor of a building without proper ventilation.

3. Floor drains to oil or gasoline separators or traps discharging to the sewer shall be installed in accordance with the Uniform Construction Code. Contents of oil separators or traps of floor drainage systems shall be collected at sufficiently frequent intervals and removed from the premises to prevent oil from being carried into the sewers. Self-closing metal cans shall be used for all oily waste or waste oils.

4. A Class I flammable liquid shall not be used in any building for washing parts or removing grease or dirt.

5. Service station buildings shall not contain basements or rooms partially below grade. Pits in service areas shall comply with the requirements of the Uniform Construction Code.

6. Fire extinguishers shall be provided in all service stations of a size, type and location approved by the fire official, and shall be maintained in accordance with NFPA 10 listed in Appendix 3-A, incorporated herein by reference, where the provisions of this section do not specifically cover conditions and operations.

7. Warning signs shall be visibly posted in every fuel dispensing area. The signs shall indicate: Smoking is prohibited; and, Engine must be shut off during refueling; and additional signage as required by N.J.A.C. 5:18-3.28(b)2iii.

8. Operating instructions shall be visibly posted on every pump at a private unattended fuel dispensing area.

(f) Marine service stations shall be installed and operated in conformance with NFPA 30A and 303 listed in Appendix 3-A, incorporated herein by reference.

(g) The following apply to gaseous motor fuels:

1. Motor fuel service stations which store, handle and dispense gaseous motor fuels in addition to or instead of flammable and combustible liquid motor fuels shall comply with the provisions of this section.

2. The storage, handling and dispensing of LP gas as a motor fuel shall comply with the requirements of N.J.A.C. 5:18-3.30 and NFPA 58 listed in Appendix 3-A, incorporated herein by reference.

3. The compressing, storage, handling and dispensing of natural gas as a motor fuel shall comply with the applicable provisions of NFPA 54 listed in Appendix 3-A, incorporated herein by reference.

4. The use of liquefied petroleum gas (LP gas) and compressed natural gas (CNG) for self-service operations in service stations open to the public shall be prohibited.

Amended by R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

### **5:18-3.17 Tents and air-supported and other temporary structures**

(a) General provisions concerning tents and air-supported and other temporary structures are as follows:

1. The provisions of this section shall apply to air-supported, air-inflated, membrane-covered cable and membrane-covered frame structures, collectively known as membrane structures, erected for a period of less than 90 days.

i. Membrane structures erected for more than 90 days shall comply with the building code in effect at the time of first occupancy.

ii. This section shall not apply to membrane structures that do not require a permit under N.J.A.C. 5:18-2.7(b)3iii.

iv. Detonators shall not be stored in the same magazine with other explosives, except as follows: detonators that will not mass detonate may be stored with electric squibs, safety fuses, igniters and igniter cords in a Type 1 or Type 2 magazine; and detonators may be stored with delay devices, electric squibs, safety fuses, igniter cords and igniters in a Type 1 or Type 2 magazine. Detonators are defined as any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating-cord delay connectors, and non-electric instantaneous or delay blasting caps.

v. Except with respect to fiberboard or other non-metal containers, containers of explosive materials shall not be unpacked or repacked inside a magazine or within 50 feet of a magazine. Containers of explosive materials shall be securely closed while being stored.

vi. Magazines shall not be used for the storage of any metal tools or of any commodity except explosives, but this restriction shall not apply to the storage of blasting agents, blasting supplies and oxidizers used in compound blasting agents.

16. When an explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosive, then the person in possession of such explosive shall immediately report the fact to the fire official and upon his authorization shall proceed to destroy such explosives and clean floors stained with nitroglycerin in accordance with the instructions of the manufacturer. Only experienced persons shall do the work of destroying explosives.

17. Sign requirements are as follows:

i. On the premises where a Type 1 magazine, a Type 2 outdoor magazine or a Type 4 outdoor magazine is located, the holder of a "permit to store" explosives shall post a conspicuous sign reading "EXPLOSIVES—KEEP OFF" in letters at least three inches in height on a contrasting background, and so located that a bullet passing through the face of the signs will not strike the magazine.

ii. Type 2 and Type 4 indoor magazines shall be labeled "EXPLOSIVES—KEEP FIRE AWAY".

iii. All Type 3 magazines shall bear the word "EXPLOSIVES" in letters at least three inches in height and legible on a contrasting background.

iv. The provisions of (d)17 above shall not apply when it is deemed by the fire official that a warning sign would have counter-productive results.

(e) The following apply to the storage of blasting agents and supplies:

1. Blasting agents or oxidizers, when stored in conjunction with explosives, shall be stored in the manner set forth in (d) above for explosives. The quantity of blasting agents or oxidizers shall be included when computing the total quantity of explosives for determining distance requirements.

2. Buildings used for storage of blasting agents separate from explosives shall be located away from inhabited buildings, passenger railways and public highways in accordance with Table 3.26(d).

3. The interior of buildings used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, nitrates other than ammonium nitrate or similar materials shall not be stored in any building containing blasting agents unless separated therefrom by construction having a fire resistance rating of not less than one hour. The provisions of this paragraph shall not prohibit the storage of blasting agents together with non-explosive blasting supplies.

4. Semi-trailers or full trailers may be used for temporarily storing blasting agents, provided they are located away from inhabited buildings, passenger railways and public highways, in accordance with Table 3.26(d). Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked except during the time of placement or removal of blasting agents.

5. Piles of oxidizers and buildings containing oxidizers shall be adequately separated from readily combustible fuels.

6. Caked oxidizer, either in bags or in bulk, shall not be loosened by blasting.

(f) The following apply to the handling of explosives:

1. Buildings or other facilities used for mixing blasting agents shall be located away from inhabited buildings, passenger railways and public highways in accordance with Table 3.26(d).

2. Not more than one day's production of blasting agents or the limit determined by Table 3.26(d), whichever is less, shall be permitted in or near the building or other facility used for mixed blasting agents. Larger quantities shall be stored in separate buildings or magazines.

3. Compounding and mixing of recognized formulations of blasting agents shall be conducted in accordance with nationally recognized good practice.

4. Smoking or open flames shall not be permitted within 100 feet of any building or facility used for the mixing of blasting agents.

i. Tools used for opening packages of explosives shall be constructed of non-sparking materials.

5. Empty oxidizer bags shall be disposed of daily by burning in a safe manner in the open at a safe distance from buildings or combustible materials.

i. Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and any person shall not be nearer than 100 feet after the burning has started. Explosives shall not be abandoned.

(g) Blasting requirements are as follows:

1. Blasting operations shall be conducted during daylight hours except when authorized at other times by the fire official.

2. The handling and firing of explosives shall be performed by the person possessing a permit issued by the N.J. Department of Labor pursuant to N.J.A.C. 12:190 to use explosives or by employees under that person's direct supervision who are at least 18 years old.

i. A person shall not handle explosives while under the influence of intoxicants or narcotics.

ii. A person shall not smoke or carry matches while handling explosives or while in the vicinity thereof.

iii. An open flame light shall not be used in the vicinity of explosives.

iv. A permit to blast does not confer any right or privilege to conduct business or perform any operation including storage or handling of explosives which is contrary to or in conflict with provisions of any law of the State of New Jersey or any Federal law.

3. At the site of blasting operations, a distance of at least 150 feet shall be maintained between magazines and the blast area when the quantity of explosives temporarily kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less. When site restrictions are such that the distance specified herein cannot be met, then the magazine shall be moved from the site the required distance when the blasting is actually to be performed.

4. Whenever blasting is being conducted within 50 feet of gas, electric, water, fire, alarm, telephone, telegraph or steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice. In an emergency this time limit may be waived by a fire official.

5. Before a blast is fired, the person in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and a loud warning signal has been sounded.

6. Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radio or radar transmitters, lightning, adjacent power lines, dust storms or other sources of extraneous electricity. These precautions shall include:

i. The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electrical storm;

ii. The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operations; and

iii. The blaster shall comply with the Safety Guide for the Prevention of Radio Frequency Radiation Hazards, IME No. 20-1981 (ANSI C-95-4), incorporated herein by reference.

7. When blasting is done in congested areas or in close proximity to a building, structure, railroad, highway or any other installation that may be damaged, the blast shall be covered before firing, with a mat constructed so that it is capable of preventing rock from being thrown into the air.

Administrative correction, effective May 18, 1992.  
See: 24 N.J.R. 1875(a).

### 5:18-3.27 Fireworks

(a) General provisions concerning fireworks are as follows:

1. The display, sale or discharge of fireworks shall comply with the requirements of this section.

2. Application for permits for display or discharge shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The sale, possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

3. For the purpose of this section and as used in this Code, the following words and terms shall have the meaning indicated.

"Dangerous fireworks" means and includes the following:

(1) Toy torpedoes containing more than five grains of explosive composition;

(2) Paper caps containing more than .25 grain of explosive composition;

(3) Firecrackers or salutes exceeding five inches in length or  $\frac{3}{4}$  inch in diameter;

(4) Cannons, canes, pistols, or other devices designed for use otherwise than with paper caps;

(5) Any fireworks containing a compound or mixture of yellow or white phosphorous or mercury;

(6) Any fireworks that contain a detonator or blasting cap;

(7) Fireworks compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167 degrees Fahrenheit;

(8) Fireworks that can be exploded en masse by a blasting cap placed in one of the units or by impact of a rifle bullet or otherwise;

(9) Fireworks, such as sparklers or fuses, containing a match tip, or head, or similar igniting point or surface, unless each individual tip, head or igniting point or surface is thoroughly covered and securely protected from accidental contact or friction with any other surface; and

(10) Fireworks containing an ammonium salt and a chlorate.

"Fireworks" include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

"Fireworks factory building" means any building or other structure in which the manufacture of fireworks, other than sparklers, is carried on.

"Fireworks plant" means and includes all lands, with buildings thereon, used in connection with the manufacturing or processing of fireworks, as well as storehouses located thereon for the storage of finished fireworks.

"Highway" means any public street, public alley, public road, or navigable stream.

"Navigable streams" means streams susceptible of being used, in their ordinary condition, as highways of commerce, over which trade or travel are or may be conducted in the customary modes, but shall not include streams that are not capable of navigation by barges, tugboats and other large vessels.

"Railroad" means any steam, electric or other railroad which carries passengers for hire, but shall not include sidings or spur tracks installed primarily for the use of the fireworks plant.

(b) Sale and discharge requirements are as follows:

1. It shall be a violation of this Code for any person to store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks, except as provided for by the fire official when granting a permit for supervised displays of fireworks by the jurisdiction, fair association, amuse-

ment park, or other organization. Every such display shall be handled by a competent operator approved by the fire official. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the fire official, will not be a hazard to property or endanger any person. In matters not specifically covered by this subsection, the provisions of NFPA 1123 and 1124 listed in Appendix 3-A, incorporated herein by reference, shall be deemed to provide adequate protection.

2. The governing body of any municipality may, upon application in writing accompanied by proof of proper insurance coverage, grant a permit for the public display of fireworks by municipalities, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals, approved by the governing body of such municipality to whom the application is made. The governing body is authorized to grant such permission by resolution. After such permission shall have been granted, and a permit shall have been issued by the fire official, pursuant to N.J.A.C. 5:18-2.7(b)5, the possession and use of fireworks for such display shall be lawful for that purpose only.

i. All applications for permits shall set forth the date, the hour, the place of making such display, and the place for storing of fireworks prior to the display. The application shall also contain the names of the person, persons, firm, partnership, corporation, association, or group of individuals making the display, and the name of the person or persons in charge of the igniting, firing, setting-off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the fire official of the jurisdiction.

ii. The governing body of the municipality shall require insurance in a sum of not less than \$500,000 conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid permitted, and arising from any acts of the permit holder, his agents, employees, or subcontractors. Such surety shall run to the municipality in which the permit is granted, and shall be for the use and benefit of any person, persons, or the owner or owners of any property so damaged, who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns.

3. Exceptions: Nothing in this section shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped directly out-of-State, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletic or sports, or for use by military organizations. Such wholesalers, deal-

ers and jobbers shall store their supplies of fireworks in accordance with N.J.A.C. 5:18-3.26(d).

4. The fire official shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for display or sale, stored or held in violation of this section.

5. The use of what are technically known as fireworks showers, or of any composition containing potassium and sulphur, in theaters or public halls shall be subject to prior approval by the fire official and the following conditions shall apply:

i. Fireworks shall be discharged at a height no greater than four feet above the stage floor.

ii. Fireworks shall be discharged and operated in accordance with manufacturers directions and specifications.

iii. The owner/operator shall provide a full demonstration to the fire official prior to final operation.

iv. Fireworks shall be discharged so as not to endanger the public by escape of any hot particles from the stage area.

v. A fire watch, with proper extinguishing equipment as approved by the fire official, shall be maintained during the operation at both sides of the stage area.

6. It shall be unlawful to manufacture, sell, transport or use dangerous fireworks within the State.

(c) Manufacturing requirements are as follows:

1. No factory building shall be situated nearer than 200 feet from any inhabited building or to any highway or to any railroad, nor nearer than 50 feet from any building used for the storage of explosives or fireworks, nor nearer than 25 feet to any other factory building. This subsection shall not apply to factory buildings existing on March 25, 1930, in fireworks plants then in operation.

2. No building in a fireworks plant used for the storage of finished fireworks, other than those containing only sparklers, shall be situated nearer than 300 feet from any building not used in connection with the manufacture of fireworks, nor from any highway, railroad or navigable stream, nor within 300 feet of the property line of the fireworks plant. This subsection shall not apply to such storehouses existing on March 25, 1930.

3. All fireworks plants shall be enclosed on all sides by substantial fences and all openings to such enclosures shall be fitted with suitable gates, which, when not locked, shall be in charge of a competent watchman who shall have charge of the fireworks plant when it is not in operation.

4. Fireworks plants and all buildings situated within fireworks plant enclosures shall be equipped with suitable fire protection, commensurate with the hazard involved, to protect life and property from direct burning and exposure. Such fire protection shall be installed as directed by the fire official.

5. No stoves, exposed flame or electrical heating devices shall be used in any part of any fireworks plant, except in the boiler room or machine shop. No fireworks or chemicals are to be stored in those rooms. All parts of the buildings in fireworks plants shall be kept clean, orderly, and free from accumulations of dust or rubbish.

6. Fireworks in the finished state shall not be stored in buildings where fireworks are in process of manufacture.

7. No fireworks may be manufactured except such as shall be approved for transportation by the regulations of U.S. Department of Transportation.

8. Each outside package of fireworks shall bear upon the outside thereof the words "Fireworks—Handle Carefully—Keep Fire Away" in letters not less than  $\frac{7}{16}$  inch in height, and in addition shall show the name of the fireworks manufacturer.

9. No employee or other person shall enter or attempt to enter any fireworks plant with matches or other flame-producing devices, nor with liquor or narcotics in his or her possession or control, nor when under the influence of liquor or narcotics, nor partake of intoxicants or narcotics while in the plant.

10. No person shall smoke nor carry matches, a lighted cigar, cigarette, or pipe within any room or enclosed place or upon any part of a fireworks plant.

11. All fireworks plants shall be properly posted with "Warning" and "No Smoking" signs.

12. It shall be the duty of the superintendent, foreman or other person in charge of any fireworks plant to provide safety containers for matches at all main entrances of the plant, where all matches in the possession of all persons shall be deposited before entering the plant enclosure.

13. On receipt of an application to operate a fireworks plant, the fire official shall cause an inspection to be made of the premises described in the application for the purpose of determining whether they conform to the provisions of this chapter, and applicable sections of the Uniform Construction Code and N.J.A.C. 5:18-4.

14. A record of the certificates of registration issued and revoked shall be kept on file in the office of the Commissioner, and a notice sent to the fire official of each community in which a fireworks plant is located.

15. The owner or operator of any fireworks plant, within 60 days after demand therefor in writing by the Commissioner of Community Affairs, shall file and keep on file with the Department of Insurance of the State, an indemnity bond payable to the State of New Jersey in such sums as may be determined by the Commissioner and set forth in such demand, not in excess of \$1,000,000 nor less than \$500,000, with surety or sureties satisfactory to the Department of Community Affairs conditioned for the payment of all final judgments that may be rendered against such owner or operator for damages caused to persons and property by reason of any explosion at such fireworks plant of the product or component part or parts thereof there manufactured, processed or handled.

### 5:18-3.28 Flammable and combustible liquids

(a) General provisions concerning flammable and combustible liquids are as follows:

1. This section shall apply to the transportation, storage, handling and processing of flammable and combustible liquids as defined in N.J.A.C. 5:18-3.2. The provisions of NFPA 30 listed in Appendix 3-A, incorporated herein by reference, shall apply where the provisions of this section do not specifically cover conditions and operations.

2. A permit shall be obtained from the fire official in accordance with N.J.A.C. 5:18-2.7 for any of the following:

i. Storage, handling or use of Class I liquids in excess of five gallons in a dwelling or other place of human habitation, or in excess of 10 gallons in any other building or other occupancy, or in excess of 60 gallons outside of any building, except that no permit shall be required for:

(1) The storage or use of flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant; or

(2) For the storage or use of paints, oils, varnishes or similar mixtures when such liquids are stored for painting or maintenance, or similar purposes upon the premises, and which are not stored for a period exceeding 30 days.

ii. Storage, handling or use of Class II combustible liquids or Class III combustible liquids in excess of 25 gallons in a building, or in excess of 60 gallons outside of a building, except for fuel oil used in connection with oil burning equipment in single family residential buildings.

(b) Fire safety requirements are as follows:

1. The layout, arrangement and construction of buildings and structures in which flammable liquids are used or stored 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 that code. Buildings and structures and their service equipment shall be maintained in a safe condition as required by this Code.

2. Containers, tanks, equipment and apparatus and all piping, fittings and appliances used or intended to be used for the storage, handling, use or movement of flammable or combustible liquids shall be constructed and tested in accordance with NFPA 30 listed in Appendix 3-A and approved by the fire official.

i. All cans, containers or vessels which contain flammable liquids or flammable liquid compounds or mixtures and are offered for sale shall be provided with a warning label painted or printed on the container, stating said liquid is flammable and should be kept away from heat or open flame. All portable cans, containers or vessels which are empty and offered for sale and which are intended for the conveyance or storage of flammable liquids or flammable liquid compounds or mixtures shall be conspicuously marked with the name of the product which they are intended to contain.

ii. Portable containers intended to hold 10 gallons or less and to be used for gasoline or other flammable liquid shall be red in color. The name of the flammable liquid shall be prominently displayed on the container in bold letters of a contrasting color. The containers shall be of metal or approved plastic with a spring-loaded or screw cap. Containers for kerosene shall be blue.

iii. Wherever flammable liquids or kerosene are dispensed into or offered for sale in containers, there shall be a prominent sign located in a conspicuous location indicating the required color and construction of this container for each product sold. The sign shall not be less than 12 inches in the least dimension.

3. The fire official may prohibit the sale or use of any heating, lighting or cooking appliance using a flammable or combustible liquid when said appliance presents a hazard.

4. It shall be unlawful for any person to sell or offer for sale any Class I flammable liquid for the purposes of domestic cleaning.

5. All flammable or combustible liquids shall be dispensed in accordance with the following requirements:

i. Flammable liquids shall not be dispensed by gravity from tanks, drums, barrels or similar containers. Approved pumps, taking suction from the top of the container, shall be used. An exception may be granted when the viscosity of the liquid makes such a restriction impractical. Combustible liquids may be drawn from tanks, drums or barrels by gravity through an approved self-closing valve or faucet which is affixed directly on

the container or a rigid closed piping system attached thereto. The provisions of this subparagraph shall not prohibit the temporary use of movable tanks in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public. Such installations shall only be made with the approval of the fire official.

ii. Flammable or combustible liquids shall not be dispensed by a device that operates through pressure within a storage tank, drum or container, unless the tank, drum or container has been approved as a pressure vessel for the intended use. Air or oxygen shall not be used to pressurize the approved vessel.

iii. Flammable or combustible liquids shall not be dispensed into a portable or stationary tank, drum or container which does not meet the requirements of this code.

iv. Fuel pumps and fuel dispensers shall be installed in accordance with N.J.A.C. 5:18-3.16.

6. A person shall not permit or cause to be permitted the discharge of flammable or combustible liquids, or any waste liquid containing petroleum or its products, into or upon any street, pavement, highway, drainage canal ditch, storm or sanitary drain or flood control channel, lake or waterway, or upon the ground. All waste petroleum products shall be stored in accordance with the requirements of this subchapter.

7. Class I flammable liquid shall not be used within a building for washing parts or removing grease or dirt unless it is used in a closed machine approved for such purpose or in a separately ventilated room constructed in accordance with the building code in effect at the time of first occupancy.

8. In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightening, smoking, cutting or welding, hot surfaces, frictional heat, sparks (static, electrical, and mechanical), spontaneous ignition, chemical and physical-chemical reactions and radiant heat. The fire official may prohibit the use of devices or order the suspension of an operation when proper precautionary measures are not taken.

9. Flammable and combustible liquid spills and leaks shall be promptly reported to the fire official.

(c) Bulk processing or industrial plants, refineries or other plants and distilleries and all buildings, tanks and equipment used for the storage, processing, distillation, refining or blending of flammable or combustible liquids shall be located, constructed and used in accordance with the building code in effect at the time of first occupancy and NFPA 30 listed in Appendix 3-A and any other applicable law or ordinance of the jurisdiction.

(d) Aboveground tank storage requirements are as follows:

1. Aboveground storage tanks for the storage of combustible or flammable liquid shall be maintained in a safe operating condition as required by this Code.

2. Existing aboveground tank installations that have been previously approved may be continued, provided the installation does not constitute a hazard. The fire official shall periodically inspect the installation for safety, and if he or she determines the installation or operation is no longer conducted or maintained in a safe manner, he or she shall have authority to require unsafe tanks to be removed from service.

(e) Underground tank storage requirements are as follows:

1. Periodic tests of underground storage systems may be required by the fire official to determine that leakage has not occurred.

(f) The following apply to containers and portable tanks:

1. This subsection shall apply to the storage and dispensing of flammable or combustible liquids into or from containers or portable tanks not exceeding 660 gallons individual capacity.

2. Exceptions: The requirements of this subsection shall not apply to the following:

i. Flammable liquids in the fuel tanks of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant; and

ii. Flammable or combustible paints, oils, varnishes, or similar mixtures when such liquids are stored from painting or maintenance or similar purposes, upon the premises and which are not stored for a period exceeding 30 days.

3. Containers and portable tanks for flammable and combustible liquids shall conform to (b)2 and (b)2i above and Table 3.28(f) below.

i. Exceptions: The requirements of (f)3 above shall not apply to the following: medicines, beverages, food-stuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices. Class 1A and 1B flammable liquids may be stored in glass containers of not more than one gallon capacity if the required liquid purity (such as ACS analytical reagent grade or higher) would be affected by storage in metal containers or if the liquid would cause excessive corrosion of the metal container.

4. Inside storage and handling rooms shall be enclosed with assemblies having a fire resistance rating of not less than two hours when quantities of more than 100 gallons are involved or such storage shall be in a separate exterior storage building constructed in accordance with the building code in effect at the time of first occupancy.

(b) All buildings for which requirements are established in this subchapter shall be in compliance with such applicable requirements of this subchapter, unless a date for compliance is set forth in this subchapter.

1. Use Group R-3 structures used exclusively for dwelling purposes shall not be subject to any requirements of this subchapter other than N.J.A.C. 5:18-4.19.

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

(c), (d), and (e) added. Correction to rule, see July 6, 1987 Register at 19 N.J.R. 1190(a).

Amended by R.1987 d.388, effective October 5, 1987.  
See: 19 N.J.R. 1263(a), 19 N.J.R. 1792(a).

Deleted text in (d)1 "which are classified ... Uniform Construction Code" and substituted "used exclusively for ... three dwelling units".  
Amended by R.1989 d.556, effective November 6, 1989.

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

At (b) cross referenced definitions; at (c)7 established date of applicability and deleted 12 and renumbered 13-15 as 12-14 and referenced dates for compliance in (d).

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 (b) and (c) deleted; text at (d) recodified to (b).

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).

#### 5:18-4.2 Compliance with the State Fire Prevention Code and other fire safety regulations

(a) The requirements established by this subchapter are in addition to, and not in lieu of, requirements established by the State Fire Prevention Code (N.J.A.C. 5:18-3).

(b) All buildings which are specifically listed as under the scope of this subchapter as denoted in N.J.A.C. 5:18-4.1 and which are subject to requirements previously established including, without limitation, any requirement of the State Fire Prevention Code (N.J.A.C. 5:18-3.1 et seq.), shall be in compliance with those requirements as of the effective date of this subchapter and shall remain in compliance throughout the life of the structure.

(c) All buildings which are not specifically listed as under the scope of this subchapter as denoted in N.J.A.C. 5:18-4.1 shall continue to be subject to the provisions of applicable existing fire safety requirements as promulgated by the State or local agency having jurisdiction and shall remain in compliance with those requirements throughout the life of the structure.

(d) Existing fire suppression and detection systems that were installed in accordance with the Uniform Construction Code, the Uniform Fire Code or which met the intent of the applicable NFPA standards at the time of installation shall be accepted as meeting the requirements of this Code, except as otherwise specifically provided in this Code.

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

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

#### 5:18-4.3 Relationship to Uniform Construction Code

(a) A building in full compliance with the subcodes adopted pursuant to the Uniform Construction Code Act and regulations in force at the time of its construction and possessing a valid certificate of occupancy shall not be required to conform to the more restrictive requirements established by this subchapter.

1. Exception: The requirements of N.J.A.C. 5:18-4.19 shall apply to all Use Group R-3 structures other than newly-constructed buildings at the time of initial occupancy, regardless of their state of compliance with the Uniform Construction Code or any other code.

(b) A building in full compliance with the current fire safety requirements of the Uniform Construction Code, as determined by the construction official with the concurrence of the fire subcode official and in consultation with the fire official, shall not be required to conform to more restrictive requirements established by this subchapter.

1. A determination as to whether a Uniform Construction Code requirement involves fire safety shall, in a disputed case, be determined by the Division of Codes and Standards after consultation with the Division of Fire Safety, the construction official and the fire official and, if necessary, with the concurrence of the Assistant Commissioner, Department of Community Affairs, responsible for overseeing the Divisions of Fire Safety and Codes and Standards.

2. For purposes of this subsection, "current fire safety requirements" means requirements set forth in the New Jersey Uniform Construction Code in effect at the time of adoption of the requirement as part of this subchapter.

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

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

Added "in consultation with" to (b).

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

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

Exception for R-3 structures 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).

#### 5:18-4.4 General provisions

(a) The applicability of provisions of this subchapter to existing buildings or structures, identified or classified by the Federal, State or local government authority as historic buildings, shall be determined by the local construction code enforcing agency in consultation with the fire official, as outlined in Section 513.0 of the Building Officials and Code Administrators, Inc. (BOCA) Basic/National Building Code, 1984 edition.

(b) A variation previously granted to a provision of an existing code, which provision contains requirements substantially the same as the comparable provision of this

subchapter, shall remain valid, subject to the following conditions:

1. To be accepted the variation must have been:
  - i. Granted in writing;
  - ii. Granted through a formal process or procedure; and
  - iii. Granted upon a finding that equivalent life safety was provided.

(c) Nothing in this Code shall be construed as preventing any State agency from exceeding provisions of this Code in making improvements to buildings under their jurisdiction, ownership or control when such changes are mandated by or through Federal law or Federal regulations as a condition of funding such agency. Such action shall not reduce the requirements of these regulations.

(d) The provisions of N.J.A.C. 5:18-4.1 through 4.3 shall not prevent the fire official from making a finding of imminent hazard pursuant to N.J.A.C. 5:18-2.16 or the construction official from making a finding of unsafe building pursuant to the Uniform Construction Code and requiring correction of such hazard or unsafe condition in accordance with those regulations.

Repeal and New Rule, R.1995 d.58, effective March 6, 1995.

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

Formerly "Relation to State Fire Prevention Code".

#### 5:18-4.5 Comprehensive facility fire protection plans

(a) A comprehensive facility fire protection plan may be submitted for facilities located within the jurisdiction of more than one local enforcing agency which are under single facilities management, ownership and operational control.

1. The plan shall be submitted to the Division for approval and shall include an original and one copy plus a copy for each local enforcing agency in which the subject facilities are located. The plan shall include the following:

- i. All buildings which are part of the facilities at every location included in the plan and for each building, the use group and an evaluation of the fire protection, including all requirements established in this subchapter;
- ii. A timetable for compliance with the requirements of this subchapter; and
- iii. A written application for a variance submitted in accordance with N.J.A.C. 5:18-2.14 for any proposed deviations from this subchapter.

2. The Division shall consult with each local enforcing agency in which facilities included on the plan are located before taking any final action.

3. Within 60 days after receiving the plan, the Division shall approve or disapprove it in writing. If the plan is disapproved, then the written statement shall include the reason(s) for the disapproval.

i. A plan which is not approved within 60 days shall be deemed to have been disapproved unless the 60 day period is extended by mutual agreement of the Division and the applicant;

ii. A disapproval may be appealed as provided in N.J.A.C. 5:18-2.19;

iii. No owner shall be required to retrofit a facility pending approval or disapproval of the plans by the Division.

4. The original approved plan shall be maintained on file by the Division. One copy of the approved plan shall be returned to the applicant and one copy shall be supplied to each local enforcing agency in which facilities included on the plan are located.

5. Any deviation from the plan as approved must be submitted to the Division for approval in accordance with the procedure established herein for the submission and approval of plans.

6. Inspections for compliance with the plans as approved shall be conducted by the local enforcing agency in which facilities are located.

Repeal and New Rule, R.1995 d.58, effective March 6, 1995.

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

Formerly "Modifications".

#### 5:18-4.6 Pre-existing violations

No violation committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred, prior to the repeal or revision of any regulation or any part thereof by the enactment of this subchapter, shall be discharged, released or affected by the repeal or revision of the regulation or part thereof under which such offense, liability, penalty or forfeiture was incurred, and indictments, prosecutions and actions for such offenses, liabilities, penalties or forfeitures committed or incurred, prior to the effective date of this subchapter, shall be commenced or continued and be proceeded with in all respects as if the regulation or part thereof had not been repealed or revised.

#### 5:18-4.7 Fire suppression systems

(a) All buildings of Use Group A-2 or portions thereof when separated in accordance with (k) below with a permitted occupant load of 50 or more shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

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

i. Buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

ii. Buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade.

(b) All buildings of Use Group I-1 or portions thereof when separated in accordance with (k) below greater than two stories in height above grade or having an occupant load greater than 20 excluding staff shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

(c) All buildings of Use Group I-2 or portions thereof when separated in accordance with (k) below shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

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

i. Buildings of Type 1 or Type 2A construction of any height or of Type 2B construction not over one story in height as defined in the Uniform Construction Code.

ii. Day nurseries serving children below 2½ years of age, provided that all the children under 2½ years of age are cared for on the first floor in a room(s) having direct access to approved exits discharging directly to the exterior.

(d) All buildings of Use Group I-3 or portions thereof when separated in accordance with (k) below with an occupant load of six or more shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code or shall be in compliance with all applicable provisions of Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFPA 101, 1985 edition.

1. Exception to (d) above: All buildings of Use Group I-3 not required to be equipped throughout with suppression by these provisions shall be equipped with suppression in all padded cells, boiler rooms, storage and workshop rooms 24 square feet and larger, mechanical equipment and similar rooms.

(e) All buildings of Use Group H or portions thereof when separated in accordance with (k) below shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. All spraying operations as defined by N.J.A.C. 5:18-3.7(a) shall be equipped throughout with an auto-

matic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

2. Dipping operations as defined by N.J.A.C. 5:18-3.7(d)1 and as outlined in (e)2i through iii below shall be equipped with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

i. Dip tanks of over 150 gallons capacity or 10 square feet liquid surface area;

ii. Dip tanks containing a liquid with a flash point below 110 degrees F., when used in such manner that the liquid temperature may equal or be greater than its flash point from artificial or natural causes when having both a capacity of more than 10 gallons and a liquid surface area of more than four square feet; and

iii. Hardening and tempering tanks of over 500 gallons capacity or 25 square feet liquid surface area.

(f) All ballrooms, exhibit areas and accessory spaces of Use Group A-3 which exceed 12,000 square feet and are located in buildings of Use Groups R-1 and R-2, shall be equipped with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

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

i. Such assembly uses may be subdivided into fire areas not exceeding 12,000 square feet using permanent two-hour fire separation walls with 1½ hour opening protectives. Such walls shall be continuous from the floor to the deck above except that the wall may terminate at the ceiling if the ceiling is part of a fire-resistance rated floor/ceiling or roof/ceiling assembly.

ii. A-3 uses which are completely separated both horizontally and vertically from R-1 and R-2 uses by fire separation walls and floor/ceiling assemblies having a fire-resistance rating of not less than two hours with approved opening protectives having a fire-resistance rating of not less than 1½ hours. Walls shall be continuous from the floor to the deck above except that the walls shall be permitted to terminate at the ceiling if the ceiling is part of a fire-resistance rated assembly.

(g) All cooking operations that produce grease laden vapors shall be equipped with a ventilating hood, duct, and automatic fire suppression system designed and installed in accordance with the New Jersey Uniform Construction Code.

1. This subsection shall not apply to buildings in Use Groups R-2 or R-3.

2. Exception to (g) above: Ventilating hoods, ducts, and suppression shall not be required for completely enclosed ovens, steam tables, or auxiliary equipment that does not produce grease laden vapors.

(h) In all buildings, any windowless basement or story located below the seventh story shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. Stories or basements shall not be considered windowless when there is provided on at least one side of such story or basement fire fighter access through openings, such as windows, doors or access panels, that are located entirely above the adjoining grade level.

2. Such openings shall be at least:

i. 32 inches by 48 inches in size, spaced not more than 100 feet apart in each story or basement; or

ii. 22 inches by 42 inches in size, spaced not more than 30 feet apart in each story or basement.

3. All openings for fire fighter access shall conform to all the following:

i. Openings shall be unobstructed to allow fire fighting and rescue operations from the exterior; and

ii. Openings in stories at or above grade shall have a sill height of not more than 36 inches as measured from the finished floor level. Openings in basements shall have no sill height restrictions; and

iii. Openings shall be readily identifiable and openable from the outside or shall be glazed with plain flat glass.

4. When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be considered windowless unless openings as specified above are provided on at least two sides of the exterior walls of the story.

5. If any portion of a basement is located more than 75 feet from openings as specified above, the basement shall be considered windowless.

6. Windowless basements not exceeding 3,000 square feet in area shall be exempt from this automatic suppression requirement, provided a supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code.

7. In windowless basements greater than 3,000 square feet, but not exceeding 10,000 square feet in area, the required suppression system need not be connected to a water supply other than an existing domestic supply if the following conditions are met:

i. The suppression system shall be provided with a fire department connection, which shall be marked with a sign reading "Basement Area Sprinkler Water Supply"; and

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

(i) In all buildings of Use Group R-1 or portions thereof when separated in accordance with (k) below, not required by N.J.A.C. 5:18-4.17 to have a complete automatic fire suppression system, all storage and workshop rooms and rubbish, laundry and similar rooms shall be equipped with a suppression system or smoke detector system connected to an approved continuously staffed location in the building. Such systems shall be installed in accordance with the New Jersey Uniform Construction Code.

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

1. Approved central station system in accordance with NFIPA 71;

2. Approved proprietary system in accordance with NFIPA 72D;

3. Approved remote station system of the jurisdiction in accordance with NFIPA 72C; or

4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFIPA 72A;

5. The following are exceptions to (j) above:

i. Underground gate valves with roadway boxes;

ii. Halogenated extinguishing systems;

iii. Carbon dioxide extinguishing systems;

iv. Dry chemical extinguishing systems; and

v. Limited area sprinkler systems.

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

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

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

New (b) through (k) added with (h) reserved.

Correction to rule, see 19 N.J.R. 1190(a).

Amended by R.1987 d.373, effective September 21, 1987.

See: 19 N.J.R. 1023(a), 19 N.J.R. 1720(a).

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

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

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

New (h) and (k) added.

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

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

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

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

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

Exceptions to A-2 with load over 50 added at 1i and ii.

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

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

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

**5:18-4.8 Standpipe system**

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

1. Standpipes shall be capable of accepting a delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost remote standpipe outlet in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost remote standpipe outlet in all other buildings.
2. Hose and hose cabinets shall not be required.

**5:18-4.9 Automatic fire alarms**

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

1. In all buildings of Use Group I;
  - i. Alarm systems in buildings of Use Group I must be supervised.
2. In all buildings of Use Group R-1 and R-2 and in R-3 bed and breakfast homestays;
  - i. In any municipality that enacted an ordinance requiring the installation of smoke detectors in hotels or multiple dwellings prior to November 12, 1980, a building fully conforming to the requirements of such ordinance prior to November 12, 1980 shall be deemed to be in either full or partial compliance with the requirements of this section if the fire official determines that the provisions of such ordinance provide reasonable life safety protection to the occupants and that replacement of equipment already installed in conformity with such ordinance would be an undue hardship for property owners.
    - (1) A general determination pursuant to this subsection shall be made by the fire official upon review of the ordinance and separate exceptions shall not then be required for individual properties covered by such general determination.
    - (2) If a general determination is made that full compliance with the ordinance is an acceptable substitute for partial compliance with the requirements of this section, the fire official shall specify all respects in which a building fully complying with the ordinance must be made to comply with this section.
  - ii. In dwelling units or guestrooms, battery-powered single station detectors may be installed, provided that the detectors are maintained in accordance with N.J.A.C. 5:18-3.4(g)2.

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

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

3. In all buildings used as child day-care centers, regardless of Use Group.

4. In all buildings of Use Group E up to and including the 12th grade, the system shall consist of:

- i. An approved system of automatic smoke detectors; or
- ii. An approved automatic fire suppression system equipped with automatic fire alarm devices; or
- iii. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:

- (1) Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces; and

- (2) Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures.

- (3) Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.

- iv. Existing fire detection systems, installed and maintained in accordance with the manufacturer's recommendations, and meeting the intent of current standards for automatic fire alarms, shall be acceptable, provided:

- (1) The existing system is tested, in accordance with the provisions of N.J.A.C. 5:18-3.4(c)6, by an approved service agency competent in the manufactured system, in the presence of the fire official or his designated representative. The fire official may accept a written report of test results in lieu of witnessing the test.

- (2) Where a portion of an existing system is not serviceable and cannot be repaired, the existing system shall be replaced in accordance with the provisions of this Code.

- (b) An automatic fire alarm system shall not be required in buildings, other than boarding homes of Use Group I-1, equipped throughout with an automatic fire suppression system, a manual fire alarm system and single station smoke

detectors located in the immediate vicinity of sleeping areas in accordance with NFIPA 72E or 74 as applicable.

(c) Automatic fire alarm systems required to be supervised by this Code shall employ one of the following methods as determined by the fire official:

1. Approved central station system in accordance with NFIPA 71;
2. Approved proprietary system in accordance with NFIPA 72D;
3. Approved remote station system of the jurisdiction in accordance with NFIPA 72C;
4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFIPA 72A.

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

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

(a)2 through (a)4 added.

Amended by R.1987 d.373, effective September 21, 1987.

See: 19 N.J.R. 1023(a), 19 N.J.R. 1720(a).

Deleted day nursery exception at (a)1i(1); added (a)2vi.

Administrative correction to (a)2iv(12).

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).

Exception established at (b).

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

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

Citation corrected at (a)4iv(1).

Amended by R.1995 d.59, effective March 6, 1995.

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

#### Case Notes

Failure to install a smoke detector violated Uniform Fire Code. Bureau of Housing Inspection, Dept. of Community Affairs v. Taylor, 92 N.J.A.R.2d (CAF) 63.

#### 5:18-4.10 Manual fire alarms

(a) A manual fire alarm system, designed and installed in accordance with the Uniform Construction Code, shall be required:

1. In all buildings more than three stories in height having an occupant load of 25 or more;
2. In all buildings of Use Group E up to and including the 12th grade; and
3. In all buildings required to have an automatic fire alarm system in accordance with N.J.A.C. 5:18-4.9, except hotels and multiple dwellings having an occupant load of less than 25 and having less than 10 dwelling units.

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

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

#### 5:18-4.11 Means of egress

(a) Every story utilized for human occupancy having an occupant load of 500 or less shall be provided with a minimum of two exits, except as provided in (b) below. Every story having an occupant load of 501 to 1,000 shall have a minimum of three exits. Every story having an occupant load of more than 1,000 shall have a minimum of four exits.

1. Each mezzanine with an occupant load of more than 50 and in which the travel distance to an exit exceeds 75 feet shall have access to at least two independent means of egress by November 6, 1990.

2. When more than one exit is required, an existing fire escape shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions.

3. Any new fire escapes shall be constructed and installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3, dated March 1985.

i. Access to a fire escape shall be through a door, except that window access shall be permitted from single dwelling units or guestrooms in Use Groups R-1, R-2 and I-1 or when serving spaces having a maximum occupant load of 10 in other use groups.

4. In all buildings of Use Group E, up to and including the 12th grade, buildings of Use Group I, rooming houses and child care centers, ladders of any type are prohibited on all new and existing fire escapes used as a required means of egress.

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

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

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

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

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

1. In buildings of Use Group R-3;

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

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

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

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

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

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

5. In buildings of Use Group B or S-2, not more than two stories in height, which are not greater than 3000 square feet per floor, when the exit access travel distance does not exceed 75 feet. The minimum fire resistance rating of the exit enclosure and of the opening protection shall be one hour.

6. Open parking structures where vehicles are mechanically parked.

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

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

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

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

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

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

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

iii. In buildings of Use Group I-2, any patient sleeping room or suite of rooms greater than 1,000

square feet shall have a minimum of two egress doorways.

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

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

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

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

1. The capacity per unit of egress width shall be computed in accordance with the Table 5:18-4.11(f)1 for the specified use groups.

Table 5:18-4.11(f)1

CAPACITY PER UNIT EGRESS WIDTH

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

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

3. The maximum permitted occupant load of a given space shall be determined by dividing the floor area for a given use by the occupant load factor in Table 5:18-4.11(f)3.

i. With the exception of Use Group A occupancies, the occupant load may be increased to the total number of occupants for which exit capacity is provided as determined by (f)1 above provided the resulting total occupant load shall not exceed one occupant per five square feet of net floor area over the entire use.

Table 5:18-4.11(f)3  
Floor Area Per Occupant

Use	Occupant Load Factor in square feet per occupant
Assembly	
Fixed seating	Note 1
Tables and chairs	15 net
Chairs only	7 net
Dance floors	7 net
Standing space	5 net
Waiting space (Note 2)	3 net
Bowling centers	
Lanes	5 persons
Other areas	per assembly above
Business	100 gross
Educational	
Fixed seating	Note 1
Classrooms	20 net
Shops and vocational areas	50 net
Industrial	100 gross
Institutional	
Inpatient treatment	240 gross
Outpatient	100 gross
Sleeping rooms	120 gross
Library	
Reading room	50 net
Stack area	100 gross
Mercantile	
Grade floor or basement	30 gross
All other floors	60 gross
Storage, stock, shipping	300 gross
Parking garages	200 gross
Residential	200 gross
Storage areas, mechanical equipment room	300 gross

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

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

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

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

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

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

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

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

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

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

3. In buildings of Use Groups A and E used for the exhibition of motion pictures or other projections by means of directed light, the illumination of aisles may be reduced during such period of projection to not less than 0.2 foot candle.

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

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

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

1. Exceptions to (k) above:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) In all buildings of Use Group R-1 and R-2 all transoms shall be either glazed with  $\frac{1}{4}$ " wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air, shall be sealed with materials consistent with the corridor construction.

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

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

Substantially amended.

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

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

Changes made at (a)1 and (l)2, 3, and new 5.

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

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

Text on transoms added at (o).

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

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

Added (a)3, Table (f)3 and (g); occupant load specified at (f)3.

Amended by R.1995 d.59, effective March 6, 1995.

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

**5:18-4.12 Interior finish**

(a) The interior finish of walls and ceilings shall have a flame spread rating not greater than the class prescribed by Table 5:18-4.12(a).

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

i. The use of vinyl or paper wall coverings not exceeding 1/8th of an inch in thickness which is applied directly to a noncombustible or fire retardant treated wood substrate shall not be regulated by this section.

ii. Interior trim which does not exceed 10 percent of the aggregate wall and ceiling area of any room or space shall not be regulated by this section.

iii. When an approved automatic fire suppression system is provided, interior finish of Class II or III materials shall be permitted where Class I or II materials, respectively, are required by this section.

iv. Exposed portions of structural members complying with the requirements for heavy timber construction in accordance with the Uniform Construction Code shall not be regulated by this section.

Table 5:18-4.12(a)

Interior Finish Requirements

Use Group	Exit Enclosures	Exit Access Enclosures	Rooms or Spaces
A †, E, I, R-1	I	II	III
All Other Use Groups	I	II	No Minimum

† Sec N.J.A.C. 5:18-4.16(a)2 for amusement buildings.

(b) The classification of interior finishes referred to herein corresponds to flame spread ratings determined by ASTM E84 as follows: Class I flame spread, 0-25; Class II flame spread, 26-75; Class III flame spread, 76-200. In all cases, the smoke developed rating determined by ASTM E84 shall not exceed 450.

(c) All existing interior finish materials which do not comply with the requirements of this section shall be removed or shall be treated with an approved fire retardant coating in accordance with the manufacturer's instructions to secure compliance with the requirements of this section.

(d) In buildings of Use Group I-3, interior furnishings, drapes, curtains, carpeting, decorations, bedding, etc. shall be flame retardant.

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

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

Additions to table and (d) added.

Correction to rule, see 19 N.J.R. 1190(a).

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

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

Interior finish requirements include all use groups; educational facilities and hotels must meet requirements for enclosed rooms.

**5:18-4.13 Protection of interior stairways and other vertical openings**

(a) All interior stairways and other vertical openings connecting more than six floor levels shall be enclosed with approved assemblies having a fire resistance rating of not less than two hours with approved opening protectives.

(b) All interior stairways and other vertical openings connecting four to six floor levels shall be enclosed with approved assemblies having a fire resistance rating of not less than one hour with approved opening protectives.

(c) Interior stairways and other vertical openings connecting no more than three levels shall be enclosed with approved assemblies and opening protectives having a fire resistance as follows:

1. In Use Group A, a minimum 30 minute fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted:

i. When connecting the main floor and mezzanines; or

ii. When all the following conditions are met:

(1) The communicating area has a low hazard occupancy, or has a moderate hazard occupancy which is protected throughout by an automatic suppression system; and

(2) The lowest or next to the lowest level is a street floor; and

(3) The entire area is open and unobstructed in a manner such that it may be assumed that a fire in any part of the interconnected spaces will be readily obvious to all of the occupants; and

(4) Exit capacity is sufficient to provide egress simultaneously for all the occupants of all levels by considering all areas to be a single floor area for the determination of required exit capacity; and

(5) Each floor level, considered separately, has at least one-half of its individual required exit capacity provided by an exit or exits leading directly out of that level without having to traverse another communicating floor level or be exposed to the smoke or fire spreading from another communicating floor level.

2. In Use Group B, a minimum 30 minutes fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barriers may be omitted in buildings not exceeding 3,000 square feet per floor or when the building is protected throughout by an approved automatic fire suppression system.

3. In Use Group E, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings connecting not more than three floor levels. Such barrier may be omitted when the building is protected throughout by an approved automatic fire suppression system.

4. In Use Group F, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three floor levels. Such fire barrier may be omitted:

i. In special purpose occupancies when necessary for manufacturing operations and direct access is provided to at least one protected stairway;

ii. In buildings which are protected throughout by an approved automatic fire suppression system;

5. In Use Group H, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three floor levels. Such fire barrier may be omitted when necessary for manufacturing operations in a building where every floor level has direct access to at least two remote enclosed stairways or other approved exits.

6. In Use Group I-1, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings exceeding three floor levels. Such fire barrier may be omitted at either the top or bottom of a stairway which connects not more than two floor levels when such stairway does not serve as a required means of egress and the occupant load does not exceed 12, excluding staff.

7. In Use Group I-2, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three floor levels. Such fire barrier may be omitted when connecting not more than two floor levels which are separated by a one-hour fire barrier equipped with a self-closing or automatic-closing 20 minute door at the top or bottom of the stairway, when such stairway does not serve as a required means of egress.

8. (Reserved)

9. In Use Group M, a minimum 30 minute fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three floor levels. Such fire barrier may be omitted when:

i. Openings connect only two floor levels, such as between the street floor and mezzanine or second floor; or

ii. Occupancies are protected throughout by an approved automatic fire suppression system.

10. In Use Group R-1, a minimum one-hour fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted:

i. In buildings which are protected throughout by an approved automatic fire suppression system installed in accordance with NFPA 13 or 13R; or

ii. In buildings with not more than 25 guests in which the following conditions are met:

(1) Every sleeping room is provided with an approved window having a sill height not greater than 44 inches;

(2) Every sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit;

(3) Any exit access corridor exceeding eight feet in length which serves two means of egress, at least one of which is an unprotected vertical opening, shall be separated from the vertical opening by a one-hour fire barrier; and

(4) The building is protected throughout by an automatic fire alarm system, installed in accordance with the New Jersey Uniform Construction Code and supervised in accordance with N.J.A.C. 5:18-4.9(c).

11. In Use Group R-2, a minimum 30 minute fire barrier shall be provided to protect all interior stairways and other vertical openings not exceeding three stories. Such fire barrier may be omitted.

i. In buildings which are protected throughout by an approved automatic fire suppression system;

ii. When the vertical opening connects not more than two floor levels with not more than four dwelling units per floor and each dwelling unit has access to a fire escape or other approved secondary exit; or

iii. In owner-occupied buildings with not more than four dwelling units per floor, and in which the following conditions are met:

(1) Every sleeping room is provided with an approved window having a sill height not greater than 44 inches;

(2) Every dwelling unit or sleeping room above the second floor is provided with direct access to a fire escape or other approved secondary exit; and

(3) The building is protected throughout by an automatic fire alarm system, installed in accordance

with the New Jersey Uniform Construction Code and supervised in accordance with N.J.A.C. 5:18-4.9(c).

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

Requirements added regarding fire barriers protecting interior stairways and other vertical openings.

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).

#### 5:18-4.14 Information signs

(a) A sign shall be provided at each floor landing in all interior stairways more than three stories in height designating the floor level above the floor of discharge.

(b) All elevator lobby call stations on all floor levels shall be marked with approved signs reading, "Use Stairways in Case of Fire—Do not Use Elevators".

#### 5:18-4.15 Smoke barriers

(a) Wherever smoke barriers are required by this subchapter, they shall be constructed in accordance with the following provisions:

1. Smoke barriers shall have a fire resistance rating of not less than one-half hour and shall form an effective membrane continuous from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as those found above suspended ceilings, and including interstitial structural and mechanical spaces. Transfer grilles, whether equipped with fusible link-operated dampers or not, shall not be used in these partitions. Wire glass panels not exceeding 1,296 square inches in approved steel frames may be used in smoke barriers.

i. Exception to (a)1 above: Smoke barriers are not required in interstitial spaces when such spaces are designed and constructed with ceilings that provide resistance to the passage of fire and smoke equivalent to that provided by smoke barriers.

2. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wired glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

i. Exception to (a)2 above: Protection at the meeting edges of doors and stops at the head and sides of door frames may be omitted in buildings equipped with an approved engineered smoke control system. The engineered smoke control system shall respond automatically, preventing the transfer of smoke across the barrier.

3. Doors in smoke barriers shall be self-closing or shall be provided with approved door hold-open devices of the fail-safe type which shall release the doors causing them to close upon the actuation of smoke detectors as well as upon the application of a maximum manual pull of 50 pounds against the hold-open device.

4. An approved damper designed to resist the passage of smoke shall be provided at each point a duct penetrates a smoke barrier. The damper shall close upon detection of smoke by an approved smoke detector located within the duct.

i. In lieu of an approved smoke detector located within the duct, ducts which penetrate smoke barriers above doors are permitted to have the approved damper arranged to close upon detection of smoke by the local device designed to detect smoke on either side of the smoke barrier door opening.

ii. Dampers are not required in buildings equipped with an approved engineered smoke control system.

iii. Dampers are not required where the openings in ducts are limited to a single smoke compartment and the ducts are of steel construction.

(b) In buildings of Use Group I-2, every story used for sleeping purposes for more than 30 occupants and stories which are usable but unoccupied shall be divided into not less than two compartments by smoke barrier walls such that each compartment does not exceed 22,500 square feet and no more than 150 feet in length and width.

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

#### 5:18-4.16 Amusement buildings

(a) All buildings or portions thereof, of Use Group A-3 which are designed to disorient the occupant, reduce vision, present barriers or otherwise impede the flow of traffic, shall conform to all other applicable provisions of this Code and the following:

1. Every such amusement facility shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

2. The interior finish of all walls and ceilings shall in no case be less than a Class II material in accordance with N.J.A.C. 5:18-4.12(b) and (c).