

## CHAPTER 70

## UNIFORM FIRE CODE

## Authority

N.J.S.A. 52:27D-198.

## Source and Effective Date

R.2000 d.30, effective December 22, 1999.  
See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

## Executive Order No. 66(1978) Expiration Date

Chapter 70, Uniform Fire Code, expires on December 22, 2004.

## Chapter Historical Note

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

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

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

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

Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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

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

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

Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999).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

Pursuant to Executive Order No. 66(1978), Chapter 70, Uniform Fire Code, was readopted as R.2000 d.30, effective December 22, 1999. See: Source and Effective Date. See, also, section annotations.

## Cross References

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

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

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

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

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 5:70-1.1 Title; division into subchapters

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

(b) The Code is divided into four subchapters:

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

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

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

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

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

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

(b)4 deleted "(Reserved)" and added text "is entitled "Fire ... as this subchapter."

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

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

Text referencing BOCA deleted.

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

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

### 5:70-1.2 Authority

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

### 5:70-1.3 Intent and purpose

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

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

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

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

### 5:70-1.4 Applicability

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

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

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

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

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

(d) All regulations, other than this Code, promulgated by any State agency with regard to fire safety in existing buildings, structures and premises subject to this Code shall, to the extent of any inconsistency with this Code, be deemed to have been superseded by this Code.

1. Regulations determined by the Department of Community Affairs to be affected by this subsection include the following:

- i. N.J.A.C. 5:10-25;
- ii. N.J.A.C. 5:27-5;
- iii. N.J.A.C. 5:23-2.23(i)7 and 9;
- iv. N.J.A.C. 8:43-3;
- v. N.J.A.C. 8:43A-15.2(b) and (c);

- vi. N.J.A.C. 8:43B-3.2;
- vii. N.J.A.C. 8:39-41.3 and 41.4;
- viii. N.J.A.C. 8:42A-23.7;
- ix. N.J.A.C. 10:44A-6.1(e) through (w);
- x. N.J.A.C. 10:44B-6.2;
- xi. N.J.A.C. 10A:31-3.1(b)1-3 and 11-13;
- xii. N.J.A.C. 10A:32-4.4 and 4.5;
- xiii. N.J.A.C. 10A:34-2.13;
- xiv. N.J.A.C. 12:100-4.2(a)10 (incorporating Subparts E, L and S of 29 C.F.R. Part 1910);
- xv. N.J.A.C. 5:11; and
- xvi. N.J.A.C. 5:18.

2. The enumeration of certain regulations in (d)1 above shall not be construed as limiting the applicability of this subsection.

(e) The planning, design and construction of new buildings and structures, or the planning, design and alteration or renovation of existing buildings and structures, to provide the necessary egress facilities, fire protection and built-in fire protection equipment shall be controlled by the New Jersey Uniform Construction Code, and any alterations, additions or changes in or to buildings and structures required by the provisions of this Code which are within the scope of the Uniform Construction Code shall be made in accordance therewith, unless specifically provided otherwise by this Code.

(f) When adequate fire protection is not being provided in a building, structure or premises as herein required or where such fire protection is deemed necessary by the fire official due to hazardous or dangerous conditions involving the occupancy of a building or structure, special fire protection equipment shall be installed in accordance with the requirements of the fire official and Uniform Construction Code.

(g) Any requirement in this chapter that is applicable to a building shall also be applicable to the exterior portion of the premises in which the building is located, or to a premises that does not include a building, if the Division or the fire official finds compliance with such requirement in such exterior area or premises to be necessary for the protection of the safety of persons upon the premises, firefighters or the general public.

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

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

(b)2 deleted "Nothing in this section shall be deemed to limit the" and added text "shall not be . . . in this section."

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

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

Added "New Jersey Department of Transportation" to (b).

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

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

Added new (d) regarding superseding of rules.

Amended by R.1991 d.570, effective November 18, 1991.

See: 23 N.J.R. 2813(a), 23 N.J.R. 3444(a).

Added new (h).

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).

## 5:70-1.5 Definitions

The following terms shall have the meanings indicated except where the context clearly requires otherwise. All definitions found in the Uniform Fire Safety Act, P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq., shall be applicable to this chapter. Where a term is not defined in this section or in the Uniform Fire Safety Act, then the definition of that term found in the Uniform Construction Code at N.J.A.C. 5:23-1.4 shall govern.

"Act" means the Uniform Fire Safety Act, P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq., and includes all acts amendatory and supplementary thereto and all regulations adopted pursuant thereto.

"Atrium" means a floor opening or series of floor openings connecting two or more stories that is covered at the top of the series of openings and is used for purposes other than an enclosed stairway; elevator hoistway; escalator opening; or utility shaft used for plumbing, electrical, air conditioning, or communication facilities.

"Bed and breakfast" means a facility providing sleeping or dwelling accommodations to transient guests which:

1. Is comprised of a structure originally constructed as a private residence or a bed and breakfast;
2. Includes individual sleeping accommodations for 50 or fewer guests;
3. Has at least one dwelling unit occupied by the owner of the facility as his place of residence during any time that the facility is being used for the lodging of guests;
4. Has not less than 300 square feet of common area for the exclusive use of the guests, including, but not limited to, parlors, dining rooms, libraries and solariums;
5. Prohibits cooking and smoking in guest rooms;
6. Provides a meal to the guests in the forenoon of each day but does not operate as a restaurant open to the general public;
7. Is not a "rooming house" or "boarding house" as defined in N.J.S.A. 55:13B-3; and
8. Does not allow:

- i. More than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days or more than 30 days of any period of 60 successive days; or

ii. Any guest to remain more than 60 successive days or more than 60 days of any period of 90 successive days.

"Bed and breakfast guesthouse" means a bed and breakfast designed to accommodate at least six guests, but not more than 25 guests.

"Bed and breakfast homestay" means a bed and breakfast designed to accommodate five or fewer guests.

"Bed and breakfast inn" means a bed and breakfast designed to accommodate at least 26 guests, but not more than 50 guests.

"Boarding school" means a public or private residential educational facility, where students are taught a curriculum equivalent to an elementary or secondary school education, which provides lodging services, and that is registered with and certified by the State pursuant to N.J.S.A. 18A:69-2 and N.J.A.C. 6:34.

"Carnival" means a traveling circus or other traveling amusement show having one or more of the following uses:

1. Mobile enclosed structures used for human occupancy;
2. Tents or temporary tension membrane structures requiring a permit in accordance with N.J.A.C. 5:70-2.7(b)3iii;
3. Any use involving open flame or flame producing device(s).

"Commissioner" means the Commissioner of the Department of Community Affairs or his delegate.

"Common Areas", when used with reference to a covered mall building, shall include all areas not included within any retail establishment and shall also include the required means of egress from all retail establishments. When used with reference to buildings of use groups R-1 and R-2 shall mean all areas accessible to, and which may be utilized by, either the building occupants or the general public and shall include, but not be limited to, vestibules, hallways, stairways, landings and occupiable rooms and spaces not part of any dwelling unit; and shall also include any area accessible to the owner or manager or any person employed in the maintenance of the building which area is not part of any dwelling unit.

"Day" means a calendar day, unless otherwise specified.

"Department" means the New Jersey Department of Community Affairs.

"Director" means the Director of the Division of Fire Safety.

"Division" means the Division of Fire Safety of the Department of Community Affairs.

"Dormitory" means a building, or portion thereof, containing rooms which are provided as residences or for overnight sleeping for individuals or groups, and includes those residences utilized by fraternities or sororities which are recognized by or owned by a school or institution of higher education, but does not include those residences or multiple dwellings utilized by students which are not recognized by or owned by a school or institution of higher education. "Dormitory" is not to include a building used primarily to house faculty or a multiple dwelling in which occupancy of each dwelling unit is limited to persons who are members of a single family group.

"Fire barrier" means a continuous membrane, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specified fire resistance rating and located to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings when a specific fire resistive rating is indicated by this Code. When a rating is required, existing walls, columns and floor/ceiling assemblies meeting the requirements of Federal Housing and Urban Development Rehabilitation Guidelines #8 or of Sections 1, 2, 3 and 4 of Appendix B of the BOCA Basic/National Existing Structures Code, 1984 Ed., shall be acceptable.

"Fire Inspector" means a person working under the direction of the fire official who is certified by the Commissioner of the Department of Community Affairs and appointed or designated to enforce the Code by the appointing authority of a local enforcing agency.

"Fire Official" means a person certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the Code by the appointing authority of a local enforcing agency. This term shall also include "Fire Marshal" where the fire official has been appointed pursuant to N.J.A.C. 5:71-3.2.

"Floor area, gross" means the floor area within the perimeter of the outside walls of the building or use under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

"Floor area, net", for purposes of determining occupant load, means the actual occupied floor area and shall not include unoccupied accessory areas or thickness of walls.

"Fraternity" or "sorority" means an organization or chapter primarily composed of students enrolled in a college or university or any student organization recognized as such by a school or institution of higher education that occupies a building used by its members as a dormitory, whether or not owned by the school or institution of higher education.