

**CHAPTER 70**

**UNIFORM FIRE CODE**

**Authority**

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

**Source and Effective Date**

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

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 70, Uniform Fire Code, expires on September 15, 2017. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

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

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

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

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

Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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

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

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

Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999).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

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

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

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

**Cross References**

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

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

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

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

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

Amended by R.1985 d.611, effective December 2, 1985.  
 See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).  
 Substituted "Prevention" for "Protection".  
 Amended by R.1995 d.58, effective March 6, 1995.  
 See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

**SUBCHAPTER 1. GENERAL PROVISIONS**

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

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

(b) The Code is divided into four subchapters:

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

Amended by R.1985 d.611, effective December 2, 1985.  
 See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).  
 (b)3 substituted "1984" for "latest".  
 Amended by R.1986 d.214, effective June 16, 1986.  
 See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).  
 (b)4 deleted "(Reserved)" and added new text.  
 Amended by R.1992 d.104, effective March 2, 1992.  
 See: 23 N.J.R. 3552(a), 24 N.J.R. 739(a).  
 Text referencing BOCA deleted.  
 Amended by R.1995 d.58, effective March 6, 1995.  
 See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).  
 Rewrote (b).

**5:70-1.2 Authority**

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

**5:70-1.3 Intent and purpose**

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

**Case Notes**

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

**5:70-1.4 Applicability**

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

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

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

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

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

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. 5:70-4.19.

2. Use Group A-2 (nightclubs) shall be in compliance with the applicable requirements of N.J.A.C. 5:70-4.7, 4.9 and 4.11 effective on February 5, 2007 by February 5, 2009.

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).

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

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

Added (b)2.

#### 5:70-4.2 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. 5:70-3).

(b) All buildings which are specifically listed as under the scope of this subchapter as denoted in N.J.A.C. 5:70-4.1 and which are subject to requirements previously established including, without limitation, any requirement of the State Fire Prevention Code (N.J.A.C. 5:70-3), 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. 5:70-4.1 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).

#### 5:70-4.3 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 except as may be required by (a)5 and (a)7 below.

1. Exception to (a) above: A building or portion thereof of Use Group A-2 nightclub shall be required to conform to the more restrictive requirements established by this subchapter unless the building is in full compliance with the Building Officials and Code Administrators National Building Code, 1990 edition or a later edition of the building subcode of the Uniform Construction Code, and possesses a valid certificate of occupancy.

2. A variation issued in writing pursuant to the Uniform Construction in connection with the construction of a building shall remain in force and effect provided that all of the conditions of the variation continue to be met and shall not be reversed or modified for purposes of establishing compliance with this subchapter.

3. In accordance with N.J.A.C. 5:23-6.2, certificates of occupancy for projects in compliance with the requirements of the Rehabilitation Subcode of the New Jersey Uniform Construction Code (N.J.A.C. 5:23-6) are specific to the work undertaken and shall not obviate the need for a building to be brought into compliance with this subchapter.

i. In accordance with N.J.A.C. 5:23-6.2(g)3i, a variation issued in writing pursuant to the Uniform Construction Code in connection with a rehabilitation project shall remain in force and effect, provided that all of the conditions of the variation continue to be met, and shall be accepted for purposes of establishing compliance with this subchapter for the portion of the building to which the variation applies.

ii. In accordance with N.J.A.C. 5:23-6.2(i), for variation requests involving provisions of this subchapter which have been incorporated into the Rehabilitation Subcode, the construction official is required to consult with the fire official. If the fire official is also licensed as a fire protection subcode official under the Uniform Construction Code, then the approval of the fire official shall be required on such variation requests.

4. The requirements of N.J.A.C. 5:70-4.19 shall apply to all Use Group R-3 structures other than newly constructed buildings at the time of initial occupancy, regard-

less of their state of compliance with the Uniform Construction Code or any other code.

5. The requirements of N.J.A.C. 5:70-4.7(j) shall apply to all dormitory buildings, as defined in this Code, unless the provisions of (b) below are applicable.

6. The requirements of N.J.A.C. 5:70-4.7(c) shall apply to all nursing homes, as defined in this Code, unless the provisions of (b) below are applicable.

7. The requirements of N.J.A.C. 5:70-4.20 shall apply to all casino hotel buildings, unless the provisions of (b) below are applicable.

(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).

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

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

Rewrote (a).

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

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

Readopted provisions of R.2000 d.402 with changes, effective December 4, 2000.

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

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

In introductory paragraph of (a), substituted "(a)2 through 4" for "(a)3"; and added (a)4.

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

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

In the introductory paragraph of (a), substituted "5" for "3"; added new (a)1 and (a)2; and recodified former (a)1 through (a)4 as (a)3 through (a)6.

Amended by R.2007 d.339, effective November 5, 2007.

See: 39 N.J.R. 1550(a), 39 N.J.R. 4570(a).

In the introductory paragraph of (a), inserted "and (a)7"; and added (a)7.

#### Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 241) adopted, which concluded that a property owner was not entitled to an exemption from the restrictions of the Uniform Fire Code, as the owner had not met the requirements for a property to be grandfathered in under N.J.A.C. 5:70-4.3(a). While it was undisputed that the 100-year-old property met the regulations existing at the time of its construction, the owner failed to show that it met the current subcode requirements of the Uniform Construction Code Act, which is an additional requirement for grandfathering. *Bureau of Housing Inspection v. Tider*, OAL Dkt. No. CAF 03540-05, 2007 N.J. AGEN LEXIS 340, Final Decision (May 22, 2007).

Occupancy load levels for restaurant were governed by code requirements in effect at time certificate of occupancy should have been issued. *Sweetwater Casino v. Department of Community Affairs*, 95 N.J.A.R.2d (CAF) 56.

#### 5:70-4.4 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.

1. For purposes of applying this section, historic buildings shall include any building that meets one or more of the following criteria:

i. Buildings listed on the New Jersey or National Registers of Historic Places either individually or as a contributing building to a historic district;

ii. Buildings that have been issued a Determination of Eligibility by the Keeper of the National Register of Historic Places;

iii. Buildings identified as contributing buildings to Local Historic Districts which have been certified by the Keeper of the National Register as substantially meeting the National Register Criteria; or

iv. Buildings with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing building to a historic district.

2. Variances: Building owners wishing to use an alternative to compliance with specific provisions of this subchapter shall submit request(s) for variances in writing in accordance with N.J.A.C. 5:70-2.14. Requests for variances shall identify all nonconformities with the requirements of this subchapter and shall include: a statement of the requirements of this subchapter from which a variance is sought, a statement of the manner by which strict compliance with the provisions of this subchapter would result in practical difficulties or would detract from the historic character of the building, and a statement of feasible alternatives to the requirements of this subchapter that would adequately protect the health, safety and welfare of the intended occupants and of the public generally.

i. The provisions of N.J.A.C. 5:70-2.14, Variances, notwithstanding, a variance may be granted where no feasible alternative to the strict requirements of the subchapter exists, provided that the owner submits a finding by a qualified architect that the feature of the building which cannot be brought into strict compliance with the requirements of this subchapter is essential to maintaining the historical value and character of the building. Any such finding submitted in support of a variance application shall be in writing and shall state the basis and reasons for the finding.

(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. 5:70-4.1 through 4.3 shall not prevent the fire official from making a finding of imminent hazard pursuant to N.J.A.C. 5:70-2.16 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".  
Amended by R.2012 d.090, effective May 7, 2012.  
See: 43 N.J.R. 2698(a), 44 N.J.R. 1337(a).

In the introductory paragraph of (a), deleted "as outlined in Section 513.0 of the Building Officials and Code Administrators, Inc. (BOCA) Basic/National Building Code, 1984 edition" from the end; and added (a)1 and (a)2.

#### **5:70-4.5 Fire protection and dormitory suppression 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. 5:70-2.14 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. 5:70-2.19;

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.

(b) All public or private boarding schools and institutions of higher education which utilize dormitories or similar occupancies for the housing of students, as well as all owners of residences being utilized as dormitories, shall submit to the Division an action plan for the installation within those occupancies of complete automatic fire sprinkler systems, as required by N.J.A.C. 5:70-4.7(j). Projects shall not include new construction for which suppression is required by the Uniform Construction Code.

1. The action plan shall be submitted for approval no later than November 3, 2000. Submittal shall include an original plan and a copy, plus a copy for the local enforcing agency having code enforcement jurisdiction of the subject facility. The action plan shall outline the total fire protection project, including automatic fire sprinkler system installation and the best estimate of cost provided by a professional engineer who is independent of the school or institution. For purposes of the Dormitory Safety Trust Fund and Life Safety Improvement Loan programs, automatic fire sprinkler system components shall be limited to those covered by National Fire Protection Association Standards 13, 13R and 13D, as applicable. The action plan shall also include:

i. All buildings within the facility which are to be protected, as well as a description of all buildings of similar occupancy which are considered to be in compliance with the current fire safety requirements of the Uniform Construction Code;

ii. For each facility, a timetable of compliance specifying projected dates of completion in accordance with the following schedule:

(1) At least 25 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2001;

(2) At least 50 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2002;

(3) At least 75 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2003; and

(4) All of the buildings identified in (b)1i above shall be equipped throughout with an operational automatic fire sprinkler system no later than July 31, 2004;

iii. A schedule for submitting a complete application for a construction permit to the agency having Uniform Construction Code jurisdiction;

iv. Installation projects which were begun within the 12 month period prior to July 5, 2000 may be included in the plan for purposes of funding only to the extent that their components are covered by National Fire Protection Association Standards 13, 13R and 13D.

(1) Projects begun within that same 12 month period, for which a Certificate of Occupancy or

Certificate of Acceptance had not been issued prior to July 5, 2000, may also be included in the initial 25 percent of total square footage identified in (b)1ii above; and

v. Quarterly progress reports shall be submitted to the Division to arrive within the two week period following the first business day of the months of January, April, July and October of each year. Such reports shall include, but shall not be limited to, the following:

(1) Documentation of the date(s) on which requests have been distributed for bids on work contained in the approved plan;

(2) Dates on which bids have been accepted and contracts awarded for work covered under the approved plan;

(3) Amounts of awards;

(4) Dates on which applications for construction permits have been submitted and permits issued; and

(5) Dates on which the percentage of work required by the timetable of compliance in ii above shall have been completed.

2. Upon review of an application for extension from an entity responsible for submitting a plan, and following consultation with the local enforcing agency having code enforcement jurisdiction, the Commissioner may extend the time frames set forth in this section upon a showing:

i. That the time frame poses an unreasonable hardship; or

ii. That installation is not possible by the dates established in this subsection for reasons beyond the control of the entity.

iii. In the case of a hardship related to asbestos which will be disturbed by the work or to an historic building, there shall be a presumption of granting the extension.

3. A written application for a variance may be submitted to the Division in accordance with N.J.A.C. 5:70-2.14, for any proposed deviation from these requirements or from the requirements of N.J.A.C. 5:70-4.7(j).

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".

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

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

Added (b).

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

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

Readopted provisions of R.2000 d.402 with changes, effective December 4, 2000.

**5:70-4.6 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.

**Case Notes**

Safety violations in multiple dwelling continued to exist where repairs did not meet state standards. 101 Lincoln Street, Jersey City v. Bureau of Housing Inspection, 96 N.J.A.R.2d (CAF) 87.

**5:70-4.7 Fire suppression systems**

(a) All buildings of Use Group A-2 (nightclubs) or portions thereof when separated in accordance with (1) below shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code where any of the conditions in (a)1, 2 or 3 below exist:

1. The A-2 (nightclub) Use or portion thereof is located on a floor other than the level of exit discharge. For purposes of applying this paragraph, the level of exit discharge shall be defined as having all exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

2. The building or portion thereof has an occupant load of 300 or more;

i. Voluntarily limiting occupant load in a space that will accommodate a greater number shall not be permitted for purposes of determining whether suppression is required. The nightclub space itself may be reduced to a size such that the occupant load calculated in accordance with Table 5:70-4.11(f)3 at N.J.A.C. 5:70-4.11(f)3 is fewer than 300. If this option is chosen, then the following conditions shall apply:

(1) The nightclub space shall be separated from other portions of the building through the use of one hour fire resistance rated assemblies constructed in accordance with the building subcode of the Uniform Construction Code (N.J.A.C. 5:23-3.14);

(2) Opening protectives constructed in accordance with the building subcode shall be required for all openings between accessory use areas and the nightclub space. For purposes of applying these requirements, accessory use areas shall include, but not be limited to, all back of house spaces, storage rooms,

offices, kitchens and coatrooms. Accessory use areas shall not include any assembly spaces;

(3) No openings shall be permitted between any non-accessory use areas and the nightclub;

(4) The separated, non-accessory portions of the building shall not contain any assembly uses; and

(5) The means of egress serving any separated, non-accessory portions of the building and the means of egress serving the nightclub shall be totally independent of one another.

(A) Exception: Means of egress shared between a nightclub and a separated, non-accessory space shall be permitted for nightclubs located in buildings of Use Group R-1; or

3. The building or portion thereof exceeds 5,000 square feet.

4. The automatic fire suppression system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire suppression system mutes the performance sound system and restores the intensity of illumination to that required by N.J.A.C. 5:70-4.11(i)2.

(b) All buildings of Use Group I-1 or portions thereof when separated in accordance with (I) 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 (I) 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.

2. By January 2, 2010, all nursing homes shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code. The exception contained in (c)1i above shall not apply to nursing homes.

(d) All buildings of Use Group I-3 or portions thereof when separated in accordance with (I) 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 (l) 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 regulated by the State Fire Prevention Code, Chapter 13, as amended by N.J.A.C. 5:70-3.2(a)13i through xvi, shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

2. Dip operations as defined by the State Fire Prevention Code, Section F-1302.1 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 comply with one of the following:

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

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

iii. For basements in Use Group R-2 not exceeding 3,000 square feet, the requirement for openings shall be deemed to have been met where:

(1) There is a basement door with:

(A) A minimum width of 32 inches;

(B) A breakable window with minimum dimensions of 28 inches by 24 inches; and

(C) Direct access to grade by an outdoor stairway or ramp with a minimum width of 36 inches that is open to the sky with no overhead obstructions; and

(2) A window or access panel in the exterior wall with a minimum of two square feet located such that the bottom of the opening is not more than 24 inches below finished grade.

(3) Where the basement is subdivided into more than one room, each additional separate room that does not have a basement door meeting (h)2iii(1) above shall be provided with a window or access panel in the exterior wall having a minimum area of two square feet located such that the bottom of the opening is not more than 24 inches below finished grade.

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.

i. Where the openings are provided in accordance with (h)2iii above, the 75-foot distance shall be measured to grade level at the end of the stairway or ramp.

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 (l) below, not required by N.J.A.C. 5:70-4.17 to have a complete automatic fire sup-

pression system, all storage and workshop rooms and rubbish, laundry and similar rooms shall be equipped with a suppression system or smoke detector system connected to an approved continuously staffed location in the building or supervised employing one of the methods identified in N.J.A.C. 5:70-4.9(c)1 through 3. Such systems shall be installed in accordance with the New Jersey Uniform Construction Code.

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

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

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

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

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

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

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

- i. Underground gate valves with roadway boxes;
- ii. Halogenated extinguishing systems;
- iii. Carbon dioxide extinguishing systems;
- iv. Dry chemical extinguishing systems; and
- v. Limited area sprinkler systems.

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

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

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

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

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

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

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

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

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

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

New (h) and (k) added.

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

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

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

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

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

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

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

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

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

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

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

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

Administrative correction.

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

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

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

Added (c)2.

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

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

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

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

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

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

Amended by R.2016 d.014, effective February 16, 2016.

See: 47 N.J.R. 517(a), 48 N.J.R. 277(a).

Rewrote (h)2; and added (h)4i.

#### Case Notes

Owner of a property that was subject to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq., and thus regulated by N.J.A.C. 5:10-1.6(a), was required to install an automatic fire suppression system in a windowless basement that did not exceed 3,000 square feet. The owner's failure to do so and her cognate failure to prove that the property was exempted from the regulatory requirements meant that she was in violation of N.J.A.C. 5:70-4.7(h)(6) and was properly ordered to abate the violation and to pay a fine. Dep't of Community Affairs v. 793 Broadway, Bayonne (Ruth B. Yao), OAL DKT. NO. CAF 05239-14, AGENCY DKT. NO. BHI-209-14/0901-13442-C, 2014 N.J. AGEN LEXIS 487, Initial Decision (August 13, 2014).

Property owner won a ruling mitigating fines imposed by N.J.A.C. 5:10-1.17(c) for its failure to comply with the requirement in N.J.A.C. 5:70-4.7(j) that all dormitories shall be equipped throughout with an automatic fire sprinkler system. The owner showed that two of the three buildings found to constitute dormitories were no longer used in such a manner. Given that fact, a \$500 fine was imposed as to the building that was still used in such a manner but a reduced fine of \$250 was imposed on the two buildings that were no longer so used. OAL Dkt. Nos. CAF 8670-07, CAF 8671-07, CAF 8672-07, CAF 4321-08, CAF 4322-08, CAF 4323-08, CAF 4677-08, CAF 4678-08 AND CAF 4679-08, AGENCY Dkt. Nos. DFS633-06A, DFS633-06, DFS633-06B, DFS263-08B, DFS633-08, DFS633-08A, BHI360-08, BHI358-08 and BHI359-08, 2013 N.J. AGEN LEXIS 462, Initial Decision (January 23, 2013).

Penalties were reduced on properties where automatic sprinkler systems were not installed as required by N.J.A.C. 5:70-4.7(j) because the properties were no longer used as dormitories. New Jersey Div. of Fire Safety v. Mesivta Keser Toral of Cent. Jersey and Belmar Prop. Holding Co., OAL DKT. Nos. CAF 8670-07, CAF 8671-07, CAF 8672-07, CAF 4321-08, CAF 4322-08, CAF 4323-08, CAF 4677-08, CAF 4678-08, CAF 4679-08, 2013 N.J. AGEN LEXIS 368, Initial Decision (January 23, 2013).

Initial Decision (2007 N.J. AGEN LEXIS 635) adopted, which concluded that, although the financial impact on the restaurant owner to bring the premises into compliance with N.J.A.C. 5:70-4.7(g) was unfortunate, the safety of the public was paramount; owner's contention that a 2000 violation notice and handwritten note showed the State in 2000 approved changes made then to be in compliance with the fire code

was not persuasive since he was not the owner of the premises at the time, it was not clear who wrote the note, and there was no credible proof the State approved any improvements in lieu of those required by the regulation. Div. of Fire Safety v. Heary, T/A Surfside Steak & Tacos, OAL Dkt. No. CAF 6377-07, 2007 N.J. AGEN LEXIS 952, Final Decision (October 3, 2007).

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

#### 5:70-4.8 Standpipe system

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

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

#### 5:70-4.9 Automatic fire alarms

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

1. In all buildings of Use Group I:
  - i. Alarm systems in buildings of Use Group I must be supervised.
  - ii. In buildings of Use Group I-1, smoke detectors that are to be located closer than five feet to a kitchen or bathroom area shall be of photoelectric type only.
2. In all buildings of Use Group R-1 and in R-3 bed and breakfast homestays:
  - i. In dwelling units or guestrooms, battery-powered single station detectors may be installed, provided that the detectors are maintained in accordance with N.J.A.C. 5:70-3.2(a)5xii, F-515.2.1.
  - ii. In bed and breakfast homestays of Use Group R-3, the system shall not be required to be supervised or connected to an emergency power supply.
  - iii. All buildings of Use Group R-1, regardless of the number of units, shall have available at least one portable visual alarm type smoke detector for the deaf or hearing impaired for each 50 units or fraction thereof. The owner may require a refundable deposit for such portable smoke detector not to exceed the value of the smoke detector. Notification of the availability of such devices shall be provided to each occupant.
3. In all buildings of Use Group R-2 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

6. In any municipality that enacted an ordinance requiring the installation of smoke detectors in multiple dwellings prior to November 11, 1980, a building fully conforming to the requirements of such ordinance prior to November 12, 1980, shall be deemed to be in either full or partial compliance with the requirements of this section if the fire official determines that the provisions of such ordinance provide reasonable life safety protection to the occupants and that replacement of equipment already installed in conformity with such ordinance would be an undue hardship for property owners.

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

required for individual properties covered by such general determination.

ii. If a 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.

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

8. 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. 5:70-3.4(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.

9. In all buildings or portions thereof of Use Group A-2 (nightclubs) with an occupant load of 100 or more that are not otherwise required to have an automatic fire suppression system.

i. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke de-

tectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected.

ii. The automatic fire alarm system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by N.J.A.C. 5:70-4.11(i)2.

(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).

Amended by R.1996 d.549, effective December 2, 1996.

See: 28 N.J.R. 2111(a), 28 N.J.R. 5070(a).

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

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

In (a), added 1ii, amended the N.J.A.C. reference in 2i and 3v and added 3vi.

Administrative correction.

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

Amended by R.2006 d.74, effective February 21, 2006.

See: 37 N.J.R. 3877(a), 38 N.J.R. 1182(a).

Added (a)3vii.

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

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

Added (a)9.

**Case Notes**

Under the Hotel and Multiple Dwellings Law and implementing regulations, the building owner's obligation is not only to make smoke detectors and carbon monoxide alarms available to tenants, but to install them and then make sure on an ongoing basis that they remain installed and operative; tenants who refuse to comply should be advised that such refusal violates the law and constitutes grounds for eviction. *Nostrame v. Dep't of Community Affairs, Bureau of Housing Inspection, OAL Dkt. No. CAF 05703-02 and CAF 11012-03 (On Remand), 2007 N.J. AGEN LEXIS 846, Final Decision (August 4, 2007).*

Apartment building three and one-half stories high was required to have manual fire alarm system. *80-2 De Hart Place v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 61.*

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

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.*

**5:70-4.10 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. 5:70-4.9, 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).

**Case Notes**

Failure to install fire alarms and enclose open stairwells was violative of fire codes warranting issuance of abatement order. *111 Halstead Street v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 77.*

Apartment building three and one-half stories high was required to have manual fire alarm system. *80-2 De Hart Place v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 61.*

**5:70-4.11 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.

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.

(1) Exception: Window access shall be permitted to serve more than one guestroom for bed and breakfasts in Use Group R-1 provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

(2) For bed and breakfasts in Use Group R-1, where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height and a minimum net clear opening of 24 inches in width.

3. Any new fire escapes shall be constructed and installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3 dated June 2001.

i. Access to a fire escape shall be through a door installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3 dated June 2001, 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.

(1) Exception: Window access shall be permitted to serve more than one guestroom for bed and breakfasts in Use Group R-1 provided that the window serves a floor with a maximum occupant load of 10 and that the window has a clear opening of at least 5.7 square feet, a minimum net clear opening of 24 inches in height, a minimum net clear opening of 20 inches in width, and a sill height of not more than 44 inches above the finished floor.

(2) For bed and breakfasts in Use Group R-1, where a door is required because the occupant load served exceeds 10, the door shall have a clear opening of at least 10 square feet, a minimum net clear opening of 54 inches in height and a minimum net clear opening of 24 inches in width.

4. In all buildings of Use Group A, 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 not more than 16 feet above exterior grade, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet. The minimum fire resistance rating of the exit enclosure and of the opening protection shall be one hour.

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

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

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

6. Open parking structures where vehicles are mechanically parked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use group	Without fire suppression system 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 5:70-4.11(f)3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Exceptions to (k) above:

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

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

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

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

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

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

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

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

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

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

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

3. All dwelling unit, guest room or rooming unit corridor doors in buildings of Use Groups R-1, R-2, and I-1 shall be at least 1 $\frac{3}{8}$  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 $\frac{3}{4}$  inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$  inch door.

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

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

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

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

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

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

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

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

(o) In all buildings of Use Group R-1 and R-2 all transoms shall be either glazed with 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 (f)2, 3, and new 5.

Amended by R.1992 d.104, effective March 2, 1992.  
See: 23 N.J.R. 3552(a), 24 N.J.R. 739(a).

Text on transoms added at (o).

Amended by R.1993 d.197, effective May 3, 1993.  
See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).

Added (a)3, Table (f)3 and (g); occupant load specified at (f)3.  
Amended by R.1995 d.59, effective March 6, 1995.

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

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

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

In (b)4, inserted "not" following "that are" in the first sentence.  
Amended by R.2002 d.372, effective November 18, 2002.

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

In (f), rewrote 3i.

Administrative correction.

See: 35 N.J.R. 222(a).

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

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

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

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

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

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

Amended by R.2012 d.090 effective May 7, 2012.

See: 43 N.J.R. 2698(a), 44 N.J.R. 1337(a).

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

Administrative correction.

See: 47 N.J.R. 648(a).

#### Case Notes

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

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

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

#### 5:70-4.12 Interior finish

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

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

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

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 5:70-4.12(a)

Interior Finish Requirements

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

<sup>†</sup> See N.J.A.C. 5:70-4.16(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. 1868(a).

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

**5:70-4.13 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 not 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) 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. 5:70-4.9(c); and

(3) Every sleeping room above the second floor or more than 16 feet above grade is provided with direct access to a fire escape or other approved secondary exit or any exit access corridor exceeding 20 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.

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. 5:70-4.9(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).

Administrative correction.

See: 38 N.J.R. 2795(c).

Administrative correction.

See: 40 N.J.R. 6541(a).

Amended by R.2012 d.090 effective May 7, 2012.

See: 43 N.J.R. 2698(a), 44 N.J.R. 1337(a).

Added new (c)10ii(2); recodified former (c)10ii(2) as (c)10ii(3); rewrote (c)10ii(3); and deleted former (c)10ii(3) and (c)10i(4).

**Case Notes**

Fire safety regulations require enclosed vertical stairways and manual fire alarm pull stations. Fourteen North Walnut Street, East Orange v. Department of Community Affairs, Bureau of Inspection, 97 N.J.A.R.2d (CAF) 52.

Building owner's proposal of exemption from fire safety requirement of manual pull stations was properly denied. Sixty North Arlington Avenue v. Bureau of Housing Inspection, 96 N.J.A.R.2d (CAF) 76.

Failure to install fire alarms and enclose open stairwells was violative of fire codes warranting issuance of abatement order. 111 Halstead Street v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 77.

**5:70-4.14 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".

**5:70-4.15 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).

**5:70-4.16 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.

i. Exception: The use of a nonsprinklered building as a special amusement building shall be allowed provided that the following conditions are met:

(1) The building is not more than 1,000 square feet; or the portion of the building to be used as a special amusement is not greater than 1,000 square feet and the special amusement is separated from the rest of the building by fire resistive construction with a minimum one hour rating;

(2) The exit access travel distance does not exceed 50 feet;

(3) The special amusement is on the ground floor;

(4) A perimeter of 20 feet, suitable for firefighting ground operations, is provided around the building; and

(5) Sufficient fire department personnel and firefighting apparatus are standing by on site at all times that the special amusement building is occupied.

2. The interior finish of all walls and ceilings shall in no case be less than a Class I material in accordance with N.J.A.C. 5:70-4.12(b) and (c).

i. No variance shall be granted for interior finishes.

3. Every such amusement facility shall be equipped with exit signs installed in accordance with N.J.A.C. 5:70-4.11(k).

4. Every such amusement facility shall be equipped throughout with an approved automatic fire alarm system installed in accordance with the Uniform Construction Code and in accordance with (a)5 through (a)8 below.

5. The automatic alarm system shall activate a prerecorded message which can be clearly heard throughout the entire facility instructing the patrons to proceed to the nearest exit. Any alarm signals used in conjunction with the prerecorded message shall produce a signal which is distinctive from all sounds used in the normal operation of the amusement facility.

6. Every such amusement facility shall be equipped with emergency lighting equipment installed in accordance with the New Jersey Uniform Construction Code. The emergency lighting equipment shall automatically activate when:

- i. The fire suppression system is activated;
- ii. The fire alarm system is activated; or
- iii. Loss of the primary power supply occurs.

7. All audio and visual equipment such as horns, bells, flashing or otherwise distracting stimuli and mechanized displays shall cease operation upon initiation of an alarm by the automatic fire alarm system or upon activation of the automatic fire suppression system.

8. Activation of the automatic alarm system shall automatically shut down the air distribution system.

Amended by R.2004 d.423, effective November 15, 2004.  
See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).

In (a)1, added i; in (a)2, substituted "Class I" for "Class II" in the introductory paragraph and added i.

#### 5:70-4.17 High rise buildings

(a) In addition to all other applicable provisions of this code, high rise buildings shall conform to the provisions of this section.

(b) All high rise buildings of Use Groups M and R-1 shall be equipped throughout with an approved automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

(c) All high rise buildings of Use Groups B and R-1 shall be equipped with central control station and communication systems as follows:

1. An approved public address communication system consisting of loudspeakers on each floor of the building, in each elevator and elevator lobby and in each stair enclosure which shall be capable of being operated from the central control station;

2. A two-way fire department communication system which shall operate between the central control and every elevator, elevator lobby and entry to enclosed exit stairways;

3. A central control station for fire department operations shall be provided in a location approved by the fire department. It shall contain where applicable the public address system panel; the fire department communications panel; fire detection and alarm system annunciator panels; status indicators and controls for air handling systems; sprinkler valve and water flow detector display panels; and status indicators and a telephone for fire department use with controlled access to the public telephone system.

(d) In all high rise structures, each re-circulating air system which serves more than one floor shall be equipped with approved smoke and heat detection devices in accordance with the Uniform Construction Code. The devices shall stop the fan(s) automatically and shall be of the manual reset type. Automatic fan shutdown is not required when the system is part of an approved smoke removal or smoke control system.

(e) Elevators in high rise structures shall be equipped with the following emergency control devices:

1. All automatic (non-designated attendant) elevators having a travel of 25 feet or more above or below the designated level shall be equipped with Phase I Emergency Recall Operation as required by ASME A17.1 Rules 211.3a and 211.3b listed in Appendix 3-A to N.J.A.C. 5:70-3;

2. Access to all floors shall be provided by at least one elevator equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1, Rule 211.3c listed in Appendix 3-A to N.J.A.C. 5:70-3; and

3. All designated attendant elevators having a travel of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1 Rule 211.4 listed in Appendix 3-A to N.J.A.C. 5:70-3.

(f) In all high rise buildings of Use Groups R-1 and R-2, smoke barriers conforming to N.J.A.C. 5:70-4.15(a) shall be provided around all elevator landings on every floor above the main floor level, with the following exceptions:

1. Such lobbies are not required in buildings provided with a complete automatic fire suppression system.

2. The smoke barrier shall be permitted to terminate at the ceiling, provided the ceiling membrane provides resistance to the passage of smoke equivalent to that provided by smoke barriers.

New Rule R.1987 d.247, effective June 15, 1987.

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

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

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

Text at (e) deleted and replaced with text referencing ASME standards.

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

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

Added requirements for recall operation for automatic elevators at (e)1.

Amended by R.2007 d.339, effective November 5, 2007.

See: 39 N.J.R. 1550(a), 39 N.J.R. 4570(a).

In (d), deleted "or exhaust" following "air".

#### 5:70-4.18 Boiler/furnace equipment rooms

(a) Boiler/furnace equipment rooms shall be enclosed by one hour fire rated construction in the following facilities: day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2½ years, and which are classified as Use Group I-2 in accordance with the Uniform Construction Code, shelter facilities, residences for the developmentally disabled, group homes, teaching family homes, transitional living homes, rooming and boarding houses, hotels and multiple dwellings.

1. Exception to (a) above: Furnace and boiler equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer recommendations or furnace and boiler equipment of residential (R-3) type (200,000 BTU per hour input rating or less) is not required to be enclosed.

(b) Emergency controls shall be provided in all structures classified as day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2 1/2 years, and which are classified as Use Group I-2 in accordance with the Uniform Construction Code

and in group homes, teaching family homes, and supervised transitional living homes in accordance with the following:

1. Emergency shutoff switches for furnaces and boilers in basements must be at the top of the stairs leading to the basement;

2. Emergency shutoff switches for furnaces and boilers in other enclosed rooms must be located outside of the room.

Administrative correction to (a) and (b).

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

#### Case Notes

Uniform Fire Code, which is enforced in multiple dwellings as part of their inspection, requires that boilers be enclosed and contains no exception for boilers that have sprinkler heads over them. *Nostrame v. Dep't of Community Affairs, Bureau of Housing Inspection*, OAL Dkt. No. CAF 05703-02 and CAF 11012-03 (On Remand), 2007 N.J. AGEN LEXIS 846, Final Decision (August 4, 2007).

#### 5:70-4.19 Smoke detectors for one- and two-family dwellings; carbon monoxide detectors

(a) In Use Group R-3 and R-4 dwellings subject to the requirements of N.J.A.C. 5:70-2.3, smoke detectors shall be installed as follows:

1. On each level of the premises; and
2. Outside of each separate sleeping area.

(b) The smoke detectors required in (a) above shall be located in accordance with NFPA 74-1984, incorporated herein by reference, and maintained in working order.

1. The detectors shall not be required to be interconnected.

(c) Smoke detectors may be battery powered and shall be listed in accordance with ANSI/UL 217, incorporated herein by reference.

1. A/C-powered smoke detectors shall be accepted as meeting the requirements of this section.

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3 and R-4, except for units in buildings that do not contain a fuel-burning device or have an attached garage, as follows:

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area(s).

2. Carbon monoxide alarms may be battery-operated, hard-wired or of the plug-in type and shall be listed and labeled in accordance with UL-2034 and shall be installed in accordance with the requirements of this section and NFPA-720.

3. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Housing Inspection,

carbon monoxide detectors may be installed in any building required to be registered as a hotel or multiple dwelling in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

4. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Rooming and Boarding House Standards, carbon monoxide alarms may be installed in any rooming or boarding house in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

New Rule, R.1992 d.11, effective January 6, 1992.

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

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

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

Added reference to Appendix 3A.

Administrative change.

See: 27 N.J.R. 2387(a).

Administrative change.

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

Administrative change.

See: 31 N.J.R. 35(b).

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

In (a), inserted "and R-4" preceding "dwellings" in the introductory paragraph; added (d).

#### 5:70-4.20 Casino hotels

(a) By November 5, 2009, all illuminated signs, amplification systems, turn tables, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power to the device(s).

1. This requirement does not apply to exit signs or emergency communications systems.

2. This requirement shall not apply to slot machines or similar gaming equipment.

(b) By November 5, 2009, on casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level.

(c) By November 5, 2009, all casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. In all cases, the light shall be visible above the highest obstruction on the floor. Standpipe connections located on columns shall be marked on all four sides of the column as described above.

1. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.

2. This requirement shall not apply to standpipe hose connections located in open parking structures.

New Rule, R.2007 d.339, effective November 5, 2007.

See: 39 N.J.R. 1550(a), 39 N.J.R. 4570(a).