

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

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

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

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

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

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

1. If the owner has not complied with the order of the Commissioner within 30 days of the date on which it was mailed, the Commissioner shall order him to pay \$500.00 for each registration. Pursuant to N.J.S.A. 52:27D-201, the Commissioner may issue a certificate to the clerk of the Superior Court stating that the owner is indebted for the payment of the penalty and the clerk shall immediately enter upon his record of docketed judgments the name of the owner and of the Department, a designation of the statute under which the penalty is imposed, the amount of the penalty certified and the date the certification was made. The making of the entry shall have the same

effect as the entry of the docketed judgment in the office of the clerk but without prejudice to the owner's right of appeal.

(h) The owner of each life hazard use in the State shall pay to the Department an annual fee in the amount specified in this subchapter. The owner shall pay the annual fee within 30 days of the bill date. If the owner fails to do so, the Department may, pursuant to N.J.S.A. 52:27D-201, issue a certificate to the clerk of the Superior Court stating that the owner is indebted to the Department for the payment of the annual fee and the clerk shall immediately enter upon his record of docketed judgments the name of the owner and of the Department, a designation of the statute under which the fee is assessed, the amount of the fee certified and the date the certification was made. The making of the entry shall have the same effect as the entry of a docketed judgment in the office of the clerk, but without prejudice to the owner's right of appeal. The owner shall also be subject to a penalty in accordance with N.J.A.C. 5:70-2.12(b)8ii.

1. Upon application by a local enforcing agency and approval by the Division, the certificate obtained pursuant to this subsection shall be assigned to the local enforcing agency in which the life hazard use is located. The local enforcing agency shall pursue collection and forward any fees collected to the Division in accordance with N.J.A.C. 5:71-2.6(a)4.

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

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

Added (a)1 and deleted text from (d) "However where more . . ."

Administrative Correction to (i).

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

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

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

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

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

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

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

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

5:70-2.7 Permits required

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

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

2. In a public or private K-12 educational building, or in a camp accommodating six or more children of school age, when such uses are registered as life hazard uses, no permit shall be required for activities which are consistent with the designed and intended use of the building or premises or part thereof.

3. Type 1 permit:

- i. Bonfires;
- ii. The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;
- iii. The occasional use of any non-residential occupancy other than Use Groups F, H or S for group overnight stays of persons over 2½ years of age, in accordance with section F-709.0 of the Fire Prevention Code;
- iv. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days, and when not covered by a Type 2 permit;
- v. The use of any open flame or flame-producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation;
- vi. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the fire official and is registered as a type B life hazard use;
- vii. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;

viii. The use of any open flame or flame-producing device in connection with the training of non-fire service personnel in fire suppression or extinguishment procedures;

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

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

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

xii. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:70-4.7(g) and is not defined as a life hazard use in accordance with N.J.A.C. 5:70-2.4.

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

4. Type 2 permit:

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

ii. Fumigation or thermal insecticide fogging;

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

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

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

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

(3) Using open flame or flame devices;

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

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

v. Storage outside of buildings of LP-gas cylinders when a part of a cylinder exchange program.

5. Type 3 permit:

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

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

iii. The storage or discharging of fireworks.

6. Type 4 permit:

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

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

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

iv. To store or handle (except medicines, beverages, foodstuffs, cosmetics, and other common consumer

items, when packaged according to commonly accepted practices):

(1) More than 55 gallons of corrosive liquids;

(2) More than 500 pounds of oxidizing materials;

(3) More than 10 pounds of organic peroxides;

(4) More than 500 pounds of nitromethane;

(5) More than 1,000 pounds of ammonium nitrate;

(6) More than one microcurie of radium not contained in a sealed source;

(7) More than one millicurie of radium or other radiation material in a sealed source or sources;

(8) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required; or

(9) More than 10 pounds of flammable solids.

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

7. Type 5 permit:

i. (Reserved)

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

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

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

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

(f) The fire official may revoke a permit or approval issued under the provisions of this Code if upon inspection any violation of the Code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

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

1. Exceptions:

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

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

iii. A Type 1 permit for group overnight stays shall be required for each non-consecutive overnight stay.

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

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

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

(j) No permit(s) shall be issued for a carnival, as defined in N.J.A.C. 5:70-1.5, if the carnival has not been registered in accordance with N.J.A.C. 5:70-2.22.

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

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

Substantially amended.

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

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

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

See correction notice in July 20, 1987 Register.

Administrative Correction to (e).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Administrative correction.

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

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

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

Added (a)3xiii and (g)1ii.

Amended by R.1996 d.485, effective October 21, 1996.

See: 28 N.J.R. 2109(b), 28 N.J.R. 4577(b).

Amended by R.1996 d.501, effective October 21, 1996.

See: 28 N.J.R. 3853(a), 28 N.J.R. 4578(a).

Amended by R.1998 d.495, effective October 5, 1998.

See: 30 N.J.R. 2328(a), 30 N.J.R. 3641(a).

In (a)3, inserted text of viii.

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

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

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

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

Rewrote (a)3iii; in (g), added 1iii.

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 4v.

Administrative correction.

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

5:70-2.8 (Reserved)

Case Notes

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

5:70-2.9 Fees: registration; certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC); permit; carnival registration certificate

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

1. Type Aa—\$84.00 per year;
2. Type Ab—\$124.00 per year;
3. Type Ac—\$132.00 per year;
4. Type Ad—\$148.00 per year;
5. Type Ae—\$166.00 per year;
6. Type Af—\$199.00 per year;
7. Type Ag—\$250.00 per year;
8. Type Ah—\$298.00 per year;
9. Type Ai—\$397.00 per year;
10. Type Aj—\$497.00 per year;
11. Type Ba—\$132.00 per year;
12. Type Bb—\$250.00 per year;
13. Type Bc—\$397.00 per year;
14. Type Bd—\$497.00 per year;
15. Type Be—\$581.00 per year;
16. Type Bf—\$709.00 per year;
17. Type Bg—\$755.00 per year;
18. Type Bh—\$944.00 per year;

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

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

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

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

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

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

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

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

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

5:70-2.13 Compensatory penalties

(a) An owner who has been given notice of a violation shall be responsible for a penalty not exceeding \$150,000 or the costs of suppressing any fire which directly or indirectly results from the violation, whichever is greater. To create an obligation, the violation need not have been the initial cause of the fire; it is sufficient if the violation's existence has increased the intensity of the fire or the difficulty of its extinguishment. This penalty is independent of any penalty issued in accordance with N.J.A.C. 5:70-2.12 for failure to abate the violation. Suppression costs may be imposed for a fire which occurs during the period allowed for abatement.

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

(c) The fire official shall serve notice on the owner and order payment. The notice shall state the violations justifying imposition of the penalty. If payment is not received within 30 days, the fire official shall pursue collection in the manner specified herein for penalties. The monies collected shall be paid to the municipalities or districts and appropriated in accordance with N.J.A.C. 5:70-2.12A(b).

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

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

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

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

5:70-2.14 Variances

(a) Upon the application of a property owner or lessee with the consent of the owner, the fire official may grant a variance from the requirements of a regulation or standard adopted pursuant to the Act; provided, however, that no variance shall be granted unless it is determined that strict

compliance would result in practical difficulty and that the variance, if granted, would not unreasonably jeopardize the safety of the occupants or intended occupants, fire fighters or the public generally.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) added.

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

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

Recodified from 5:18-2.3 and amended by R.1995 d.58, effective March 6, 1995.

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

5:70-2.15 Injunctive relief

The enforcing agency may petition the Superior Court for mandatory injunctive relief enforcing an order issued pursuant to the Act. The Superior Court may proceed in a summary manner or otherwise, and shall have power to grant temporary relief or a restraining order as it may deem just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, any order issued pursuant to the Act.

Recodified from 5:18-2.13, R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:70-2.16 Imminent hazards

(a) If, upon an inspection, the enforcing agency discovers a violation of the Act that constitutes an imminent hazard as defined in (b) below, the enforcing agency shall issue and cause to be served on the owner of the premises, or on the violator, a written order directing that the premises be vacated, closed, or removed forthwith or that the violation be corrected within a period not to exceed 24 hours. The order shall state the nature of the violation and the date and hour by which the premises shall be vacated, closed or removed or the violation shall be abated.

(b) The following violations, by their nature, constitute imminent hazards to the health, safety or welfare of the occupants or intended occupants of a building, structure or premises, of firefighters, or of the general public:

1. Unsafe structural conditions;
2. Locking or blocking of any means of egress;
3. Presence of explosives, explosive fumes or vapor in violation of this Code;
4. Presence of toxic fumes, gases or materials, or flammable or combustible liquids in violation of this Code; and
5. Inadequacy of any required fire protection system.

(c) Upon determination of the existence of an imminent hazard in accordance with this section, the fire official shall immediately notify the construction code official of his or her findings.

(d) The enforcing agency shall reinspect the premises within 48 hours of receiving written notice from the owner, violator or agent thereof stating that the violation has been terminated. If, upon reinspection, the enforcing agency determines that the violation has been terminated, it shall mark the violation "abated", and rescind the order requiring the vacation of the premises and occupancy may be resumed immediately. If the reinspection is not made by the local enforcing agency within 48 hours of the receipt of the notice, the owner, violator or agent may apply to the Division for a reinspection and shall provide a copy of such application to the local enforcing agency. The Division shall complete a reinspection and make a determination within three working days from the date of notification. If a local enforcing agency completes its reinspection prior to issuance of the Division's notice, it shall immediately notify the Division; an oral notification shall be followed promptly in writing.

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

(c) deleted.

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

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

Subsection (c) and (d) added.

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

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

Recodified from 5:18-2.14 and amended by R.1995 d.58, effective March 6, 1995.

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

Prior text at 5:18-2.16, Time limits for abatement of violations, repealed.

5:70-2.17 Evacuation of unsafe premises

(a) When, in the opinion of the fire official, there is actual and/or potential danger to the occupants or those in proximity to any premises because of any condition constituting an imminent hazard in accordance with N.J.A.C. 5:70-2.16, the fire official is hereby authorized and empowered to order the immediate evacuation of said premises.

1. All occupants so notified shall immediately leave the premises and no person shall enter or re-enter until authorized to do so by the fire official.

2. Any person who shall refuse to leave, or who shall interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed to have violated this Code, and may be subject to arrest as provided in N.J.A.C. 5:70-2.10(f). This paragraph shall not be used to penalize a properly qualified individual who is authorized to perform, and is performing, work to abate the violation and eliminate the unsafe condition.

3. The fire official shall cause to be posted at each entrance to such premises a notice reading as follows: This premises is unsafe due to violations of the Uniform Fire Code and its use or occupancy has been prohibited by the fire official. It shall be unlawful for any person to enter such premises, except for the purpose of making the required repairs, until fire safety hazards have been removed and entry is permitted by the fire official.

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

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

Administrative correction.

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

5:70-2.18 Punitive closing

If the enforcing agency finds a violation of the provisions of the Act in a life hazard use to be willful or grossly negligent, or to be in violation of a previously issued order, and to constitute a clear danger to human life, in addition to ordering the building, structure or premises vacated and closed until the violation is abated, the enforcing agency may order the building, structure or premises to remain vacated and closed for a further period not to exceed 60 days and until such time as a certificate of continued occupancy, issued pursuant to the Uniform Construction Code shall be obtained by the owner.

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 firearms 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. Rabbets 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 latch-

ing 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.

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

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.

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 or exhaust 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 1 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.

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 2½ 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).

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.

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).