

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

2. (Reserved)

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

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

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

1. (Reserved)

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

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

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

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

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

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

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

2. (Reserved)

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

4. (Reserved)

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

1. Places of amusement which are designed to disorient the occupant, reduce vision, present barriers or otherwise impede the free flow of traffic such as haunted houses, fun houses, tunnels of love and similar uses.

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

1. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 3,000 or more but fewer than 8,000 persons;

2. (Reserved)

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

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

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

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

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

2. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 8,000 or more but fewer than 12,000 persons.

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

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

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

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

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

Amended by R.1997 d.247, effective June 16, 1997.

See: 29 N.J.R. 967(a), 29 N.J.R. 2653(b).

In (f)1, deleted reference to a maximum permitted occupancy of fewer than 200 persons; and deleted (g)2, relating to places of amusement.

Amended by R.2003 d.364, effective September 15, 2003 (operative October 1, 2003).

See: 35 N.J.R. 2433(a), 35 N.J.R. 4282(a).

In (g), added 1; in (i), added 2.

5:70-2.4D Type Da through Dc life hazard uses

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

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

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

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

2. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 12,000 or more persons.

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

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

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

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

Da revised, Db and Dc added.

Amended by R.2003 d.364, effective September 15, 2003 (operative October 1, 2003).

See: 35 N.J.R. 2433(a), 35 N.J.R. 4282(a).

Added (b)2.

5:70-2.5 Required inspections

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

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

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

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

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

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

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

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

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

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

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

Added (b)i.

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

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

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

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

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

Added text to (a) "except day nurseries . . . every six months".
Amended by R.1989 d.556, effective November 6, 1989.
See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).

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

Rule amended at (a)3 and 4 to add new uses.
Amended by R.1993 d.628, effective December 6, 1993.
See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).
Amended by R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).
Amended by R.1997 d.247, effective June 16, 1997.
See: 29 N.J.R. 967(a), 29 N.J.R. 2653(b).

In (a)2, expanded types out from Bo to Bp.

5:70-2.6 Registration of buildings and uses

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

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

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

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

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

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

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

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

ii. Height of building in which use is located;

iii. Location of use in building;

iv. Floor area of use;

v. Capacity when the use is public assembly; and

vi. Description of processes carried out or material stored when it is processed or storage which causes the use to be subject to registration.

5. Where the owner of the use and the owner of the building in which it is located are not the same then the

application shall include the same information for the owner of the building as is herein required for the owner of the use.

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

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

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

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

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

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

of the clerk but without prejudice to the owner's right of appeal.

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