

i. The Department, where it serves as the enforcing agency, may, upon application by a local fire department, delegate to that fire department the responsibility and authority for issuance of the CSDC within the municipality, or portion of a municipality, served by that fire department.

(b) The owner, or the authorized agent of the owner, shall apply for a CSDC on a form provided by the enforcing agency. The application shall be accompanied by the appropriate fee as set forth in N.J.A.C. 5:70-2.9(d).

(c) A CSDC shall not be transferable. If the change of occupancy specified in the application for a CSDC does not occur within six months, a new application shall be required.

1. The enforcing agency may issue a CSDC for a seasonal rental unit for a period of up to 12 months, regardless of the number or frequency of changes in tenancy.

(d) No CSDC shall be issued until inspection of the structure indicates compliance with N.J.A.C. 5:70-4.19, except as provided in (d)1 below.

1. The enforcing agency, unless it is otherwise required to inspect the structure under a property maintenance or other municipal code, may accept, in lieu of inspection, a certification that one or more smoke detectors, as applicable, have been installed and tested in accordance with N.J.A.C. 5:70-4.19. Such certification shall be upon forms provided by the enforcing agency.

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 provision to delegate authority to issue smoke detector compliance certificates.

Recodified from 5:18-2.20 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 5:18-2.3, Variances, recodified as 5:18-2.14.

Administrative correction.

See: 29 N.J.R. 2551(a).

In (b), changed N.J.A.C. reference.

5:70-2.4 Scope and classification of life hazard uses

(a) The premises and uses identified as life hazard uses shall be divided into four basic groups designated as types "A", "B", "C", and "D." The premises and uses included in each of these types are set forth in N.J.A.C. 5:70-2.4A, 2.4B, 2.4C and 2.4D, respectively. This designation is for reference purposes only and shall not be determinative of the degree of hazard associated with them. Within each group, the various uses shall be specifically identified or described and subdivided by the use of lower case letters.

(b) Premises that are incidental or auxiliary to the agricultural use of a farm property shall not be classified as life hazard uses.

(c) Each individual life hazard use shall be registered separately and treated as separate and distinct for the administrative purposes of this Code whether or not there are other life hazard uses at the same premises.

(d) Wherever used in N.J.A.C. 5:70-2.4A, 2.4B, 2.4C and 2.4D, the following words shall have the meanings indicated:

"Day care center" shall include any facility licensed by the Department of Human Services as a day care center, regardless of the ages of the persons in the care of the center.

"Day nursery" shall include any facility licensed by the Department of Human Services as a day nursery.

"Hardware store" shall mean a building or location of less than 12,000 square feet offering for sale a variety of merchandise including, but not restricted to, limited amounts of tools and associated equipment, garden supplies and paints, and also offering limited quantities of building materials including, but not limited to, plumbing, electrical and carpentry supplies. The establishment may also provide services such as glazing, sharpening and repairs.

"K-12 educational building" shall mean an educational building serving 50 or more students from kindergarten through grade 12 and also means and includes any educational building serving 50 or more students in some, but not all, of the grades from kindergarten to grade 12, inclusive.

"Motor vehicle" shall include all motor-powered means of transportation, including, without limitation, boats and airplanes.

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

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

Added text (c)4 "and intermediate-care facilities."

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

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

(b)-(e) is now in section 2.4A.

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

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

References to life hazard uses added.

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

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

5:70-2.4A Type Aa through Aj life hazard uses

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

1. Day nurseries with a maximum permitted occupancy of six or more but fewer than 50 persons;
2. Day care centers with a maximum permitted occupancy of six or more but fewer than 50 persons;
3. Camps accommodating six or more, but fewer than 50, children of school age.

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

1. Day nurseries with a maximum permitted occupancy of 50 or more but fewer than 100 persons;

2. Day care centers with a maximum permitted occupancy of 50 or more but fewer than 100 persons;

3. Camps accommodating 50 or more, but fewer than 100, children of school age.

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

1. Hotels or motels of two or three stories and under 25 rooms, with any interior exit-ways;

2. Rooming and boarding homes of one story;

3. Eating and/or drinking establishments with a maximum permitted occupancy of fewer than 50 persons in which alcoholic beverages may be consumed.

4. Dormitories of one story not to include fraternity and sorority houses registered pursuant to (c)2 above.

5. Guest houses, as defined in N.J.A.C. 5:70-1.5, regardless of number of stories.

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

1. All buildings or structures used for the service of motor vehicles including aircraft and marine motor craft;

2. All buildings or locations where flammable and/or combustible fuels are stored and dispensed to motor vehicles, including aircraft and marine motor craft;

3. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities with a maximum permitted occupancy of fewer than 50 persons;

4. Buildings used for dry cleaning purposes.

5. Camps accommodating 100 or more children of school age.

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

1. Day nurseries with a maximum permitted occupancy of 100 persons or more;

2. Day care centers with a maximum permitted occupancy of 100 persons or more;

3. Public and private K-12 educational buildings with a maximum permitted occupancy greater than 50 persons.

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

1. All buildings or locations where flammable and/or combustible fuels are stored and dispensed to motor vehicles, and used for the service of motor vehicles, including aircraft and marine motor craft;

2. Hotels or motels of two or three stories and 25 or more but fewer than 50 rooms, with any interior exit-ways;

3. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities with a maximum permitted occupancy of 50 or more but fewer than 100 persons;

4. Rooming and boarding homes of two or three stories.

5. Dormitories of two or three stories not to include fraternity and sorority houses registered pursuant to (f)4 above.

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

1. Eating and/or drinking establishments with a maximum permitted occupancy of 50 or more but fewer than 100 persons in which alcoholic beverages may be consumed but which are primarily eating establishments;

2. Hotels or motels of two or three stories and 50 or more but fewer than 100 rooms, with any interior exit-ways;

3. Above ground aggregate storage of more than 660 gallons but less than 5,000 gallons of Class II or IIIA combustible liquids (except for heating purposes).

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

1. Rooming and boarding homes of four or more stories;

2. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities with a maximum permitted occupancy of 100 persons or more.

3. Dormitories of four or more stories not to include fraternity or sorority houses registered pursuant to (h)1 above.

4. Hotels or motels of four or five stories and having fewer than 50 rooms, with any interior exit-ways.

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

1. Hotels or motels of two or three stories and 100 rooms or more, with any interior exit-ways;

2. Hardware stores and home improvement centers of 3,000 or more but less than 12,000 square feet of gross floor area.

3. Hotels and motels of four or five stories and which have 50 or more but fewer than 100 rooms, with any interior exit-ways.

(j) Type Aj life hazard uses are as follows:

1. (Reserved)

2. Above ground aggregate storage of 5,000 gallons or more, but less than 50,000 gallons, of Class II or IIIA combustible liquids, or above ground aggregate storage of more than 660 gallons but less than 10,000 gallons of Class I flammable liquids.

New Rule, R.1987 d.508, effective December 7, 1987.
 See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).
 Subsection (b)-(e) from old section 2.4.
 Amended by R.1989 d.556, effective November 6, 1989.
 See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).
 Added 4. under (e); K-12 educational buildings.
 Amended by R.1991 d.50, effective October 7, 1991.
 See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).
 Text at (j)1 deleted.
 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 school dormitories and guest houses added.
 Administrative Correction.
 See: N.J.R. April 20, 1992.
 Amended by R.1992 d.385, effective October 5, 1992.
 See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).
 Hardware store added at (i)2.
 Amended by R.1995 d.57, effective March 6, 1995.
 See: 26 N.J.R. 4254(a), 27 N.J.R. 878(a).
 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.2002 d.372, effective November 18, 2002.
 See: 34 N.J.R. 2636(a), 34 N.J.R. 3958(a).
 Rewrote (c)4, (f)5 and (h)3.
 Administrative correction.
 See: 35 N.J.R. 219(d).

Case Notes

Church school could properly have imposed against it life hazard registration fee. *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.

Payment of fire safety registration fee required. *Shoreway Garage v. Bureau of Fire Safety*, 92 N.J.A.R.2d (CAF) 60.

5:70-2.4B Type Ba through Bp life hazard uses

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

1. Welding or cutting operations on a regular basis not using flammable gases in buildings or structures under 10,000 square feet.

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

1. (Reserved)

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 100 or more but fewer than 200 persons;

3. Welding or cutting operations on a regular basis not using flammable gases in buildings or structures of 10,000 or more but less than 50,000 square feet.

4. Transfer from one container to another of liquefied petroleum gas or liquefied natural gas at any location,

other than motor vehicle or marine motor craft service stations, not registered for storage and use.

5. Spraying or dip 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, in all approved areas of less than 100 square feet, as defined in the State Fire Prevention Code, Section F-1302.1.

(c) Type Bc 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 200 or more but fewer than 500 persons.

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

1. Motion picture theaters, or theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage areas behind a proscenium arch, with a maximum permitted occupancy of fewer than 100 persons;

2. The manufacture, processing or blending of less than 1,000 gallons of Class I flammable liquid, or less than 10,000 gallons of Class II or IIIA combustible liquids, in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

3. Welding or cutting operations on a regular basis not using flammable gases in buildings or structures of 50,000 square feet or more;

4. Storage of fireworks, explosives or blasting agents in a type 4 magazine;

i. Type 2 and 3 magazines are portable and intended only for the temporary storage of explosives and blasting agents, and as such, must be covered by a permit.

5. Eating and/or drinking establishments with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

6. (Reserved)

7. Spraying or dip 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, in all approved areas of 100 or more but less than 250 square feet, as defined in the State Fire Prevention Code, Section F-1302.1.

8. Welding and cutting operations using flammable gases on a regular basis in buildings or structures under 10,000 square feet.

(e) Type Be life hazards uses are as follows:

1. Hotels and motels of four or five stories, and which have 100 rooms or more with any interior exit-ways.

2. Welding or cutting operations using flammable gases on a regular basis in buildings or structures of 10,000 square feet or more but less than 50,000 square feet.

3. 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 500 or more but fewer than 1,000 persons.

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

1. Prisons and other facilities of six or more but fewer than 50 beds where residents, occupants, or inmates are kept under restraint;

2. Motion picture theaters, or theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

3. Retail stores and other mercantile uses of more than 12,000 square feet but less than 24,000 square feet in gross floor area;

4. Hotels or motels which exceed five stories, and have fewer than 50 rooms, with any interior exit-ways;

5.-6. (Reserved)

7. Equipment, processes, and operations involving dust which, if mixed with air, becomes explosive, including, but not limited to, grain bleachers or elevators; flour, starch or feed mills; malt houses, wood flour manufacturing plants; or plants that pulverize aluminum, coal, cocoa, magnesium, spices, or sugar in all buildings or structures under 50,000 square feet;

8. Crop ripening or coloring processes in all buildings or structures under 50,000 square feet;

9. Lumber yards and/or woodworking plants in which more than 100,000 but less than 250,000 board feet of lumber is to be stored;

10. Tire recapping or rebuilding plants in buildings or structures under 50,000 square feet;

11. Manufacturing of articles of cellulose nitrate plastics including the use of cellulose nitrate plastics in the manufacture or assembly of other articles in all buildings or structures under 50,000 square feet;

12. The manufacture of matches in all buildings or structures under 50,000 square feet;

13. The manufacture of fireworks, explosives or blasting agents in all buildings or structures under 50,000 square feet;

14. The manufacture, processing or blending of more than 1,000 but less than 10,000 gallons of Class I flammable liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

15. (Reserved)

16. Storage of more than 2,500 cubic feet gross volume of combustible empty assembled packing cases, boxes, barrels, pallets, or similar containers in a building not classified as a warehouse or factory as specified in this section;

17. Storage of more than 2,500 cubic feet gross volume of rubber tires, baled cotton, rubber, cork, or other similarly combustible material in a building not classified as a warehouse or factory as specified in this section;

18. Storage of matches with more than 25 but fewer than 50 cases in the aggregate;

19. Storage of fireworks, explosives or blasting agents in a type UG magazine;

i. Type 2 and 3 magazines are portable and intended only for the temporary storage of explosives and blasting agents, and as such, must be covered by a permit.

20. Above ground aggregate storage of more than 50,000 but less than 1,000,000 gallons of Class II or IIIA combustible liquids.

21. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 12,000 or more but less than 24,000 square feet in gross floor area.

22. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 12,000 or more, but less than 24,000 square feet in gross floor area.

23. Any installation of liquefied petroleum gas or liquefied natural gas utilizing storage containers of over 1,000 gallons individual water capacity or with an aggregate water capacity exceeding 2,000, but not more than 4,000, gallons.

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

1. Any high-rise structure of seven or more but fewer than 10 stories;

2. Prisons and other facilities of 50 or more but fewer than 100 beds where residents, occupants, or inmates are kept under restraint;

3. Free-standing institutional and similar facilities including, but not limited to, outpatient surgery facilities, renal dialysis facilities, abortion clinics, and birthing centers, in buildings of less than 10,000 square feet;

4. Motion picture theaters, and theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 200 or more persons;

5. Eating and/or drinking establishments with a maximum permitted occupancy of 200 or more but fewer than 300 persons;

6. Retail stores and other mercantile uses of 24,000 or more but less than 48,000 square feet in gross floor area;