

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

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

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

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

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

Amended by R.1985 d.611, effective December 2, 1985.  
See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

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

Amended by R.1986 d.214, effective June 16, 1986.  
See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

Added "New Jersey Department of Transportation" to (b).  
Amended by R.1989 d.556, effective November 6, 1989.  
See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).

Added new (d) regarding superseding of rules.  
Amended by R.1991 d.570, effective November 18, 1991.  
See: 23 N.J.R. 2813(a), 23 N.J.R. 3444(a).

Added new (h).  
Amended by R.1993 d.628, effective December 6, 1993.  
See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).  
Amended by R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

#### Case Notes

Local ordinance could impose more stringent fire safety requirements on summer rental units than were imposed by the Uniform Fire Code. *United Property Owners Association of Belmar v. Borough of Belmar*, 777 A.2d 950 (2001).

#### 5:70-1.5 Definitions

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

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

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

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

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

8. Does not allow:

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

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

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

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

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

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

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

1. Mobile enclosed structures used for human occupancy; or
2. Tents or temporary membrane structures requiring a permit in accordance with N.J.A.C. 5:23-3.14(b)22ii.

“Commissioner” means the Commissioner of the Department of Community Affairs or his delegate.

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

“Day” means a calendar day, unless otherwise specified.

“Department” means the New Jersey Department of Community Affairs.

“Director” means the Director of the Division of Fire Safety.

“Division” means the Division of Fire Safety of the Department of Community Affairs.

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

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

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

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

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

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

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

"High-rise structure" means any building or structure having floors used for human occupancy located either more than six stories or more than 75 feet above the lowest level accessible to a fire department vehicle.

"Incidental use" means a use supplemental to the main use of a building where the area devoted to such use does not occupy more than 10 percent of the area of any floor.

"Institution of higher education" means a public or private college or university incorporated and located in New Jersey, as defined in N.J.S.A. 18A:62-1, N.J.S.A. 18A:68-1, or any equivalent college or university incorporated and located in New Jersey, which, by virtue of law or character or license, is a nonprofit educational institution authorized to grant academic degrees.

"Life hazard use" means a building or structure, or part thereof, classified in any of the use groups in the building subcode of the New Jersey Uniform Construction Code and defined as such in subchapter 2 of this chapter. "Life hazard use" shall also mean and include high rise structures as defined in this section.

"Local enforcing agency" means a municipal agency, fire department, fire district or county fire marshal authorized by municipal ordinance to enforce the act within a specific local jurisdiction or, where such authorization has not been granted by local ordinance, it means the Department of Community Affairs. "Local enforcing agency" shall also mean and include a county fire marshal authorized by ordinance or resolution of the board of chosen freeholders to enforce the act in county facilities. With regard to enforcement of the act in premises owned or maintained by the State of New Jersey or any of its boards, commissions, agencies or authorities, "local enforcing agency" shall mean the Division.

"Lumber" means boards, dimension lumber, timber, plywood, pressure treated wood, fencing and fence posts, and other similar wood products.

"Maximum permitted occupancy" means the maximum number of persons which can be permitted in a building or portion thereof as established in accordance with N.J.A.C. 5:70-4.11(e).

"Owner" means a person who owns, purports to own, manages, rents, leases or exercises control over a building, structure, premises, or use, or a portion thereof.

"Owner-occupied" when used in conjunction with "Use Group R-3" means a building serving as the residence of at least one holder of record of title to the property.

"Premises" means a specific locality, area of land or portion thereof, and shall include any buildings, structures or portions of buildings or structures thereon.

"Protective equipment" means any equipment, device, system or apparatus permitted or required by the commissioner to be constructed or installed in or upon a building, structure or premises for the purpose of protecting the occupants or intended occupants thereof, fire fighters or the public generally from fire or products of combustion.

"Smoke barrier" means a continuous membrane, either vertical or horizontal, such as a wall, floor, or ceiling assembly, that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating. Such barriers may have protected openings. When a fire resistive rating is required, existing walls, columns and floor/ceiling assemblies meeting the requirements of Federal Housing and Urban Development Rehabilitation Guidelines #8, or of Sections 1, 2, 3 and 4 of Appendix B of the BOCA Basic/National Existing Structures Code, 1984 Ed., shall be acceptable.

"Story above grade" means any story having its finished floor surface entirely above grade except that a story which is partly or completely below grade (basement) shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than 50 percent of the total perimeter or more than 12 feet at any point.

"Uniform Construction Code" or "Construction Code" means the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1 et seq.).

"Use" or "Use Group" means the use to which a building, portion of a building, or premises, is put as follows. It shall also mean and include any place, whether constructed, manufactured or naturally occurring, whether fixed or mobile, that is used for human purpose or occupancy that would subject it to the provisions of this Code if it were a building or premises.

1. "Use Group A-1-A": This Use Group shall include all theaters and other buildings used primarily for theatrical or operatic performances and exhibitions, arranged with a raised stage, proscenium curtain, fixed or portable scenery loft, lights, motion picture booth, mechanical appliances or other theatrical accessories and equipment, and provided with fixed seats.
2. "Use Group A-1-B": This Use Group shall include all theaters without a stage and equipped with fixed seats used for motion picture performances.
3. "Use Group A-2": This Use Group shall include all buildings and places of public assembly, without theatrical stage accessories, designed for use as dance halls, night clubs, and eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent, and shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance.

4. "Use Group A-3": This Use Group shall include all buildings with or without an auditorium in which persons assemble for amusement, entertainment or recreation, and incidental motion picture, dramatic or theatrical presentations, lectures or other similar purposes without theatrical stage other than a raised platform; and principally used without permanent seating facilities, including art galleries, exhibition halls, museums, lecture halls, libraries, restaurants other than night clubs, and recreation centers; and buildings designed for other similar assembly purposes including passenger terminals.

5. "Use Group A-4": This Use Group shall include all buildings used as churches and for similar religious purposes.

6. "Use Group A-5": This Use Group shall include grandstands, bleachers, coliseums, stadiums, tents and similar structures for outdoor assembly uses.

7. "Use Group B": All buildings and structures, or parts thereof, shall be classified in Use Group B which are used for the transaction of business, for the rendering of professional services, or for other services that involve stocks of goods, wares or merchandise in limited quantities for use incidental to office uses or sample purposes.

8. "Use Group E": This Use Group shall include all buildings and structures 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.

9. "Use Group F": All buildings and structures, or parts thereof, in which occupants are engaged in performing work or labor in the fabricating, assembling or processing of products or materials shall be classified in Use Group F; including, among others, factories, assembling plants, industrial laboratories and all other industrial and manufacturing uses, except those of Use Group H involving highly combustible, flammable or explosive products and materials.

i. "Use Group F-1": Factory and industrial uses which are not otherwise classified as low-hazard Use Group F-2, shall be classified as a moderate-hazard factory and industrial use, Use Group F-1.

ii. "Use Group F-2": Factory and industrial uses which involve the fabrication or manufacturing of non-combustible materials that, during finishing, packing or processing, do not contribute to a significant fire hazard, shall be classified as Use Group F-2. The following manufacturing processes are indicative of, and shall be classified as, Use Group F-2: beverages, nonalcoholic; brick and masonry; ceramic products; foundries; glass products; gypsum; ice; metal fabrication and assembly; and water pumping plants.

10. "Use Group H": All buildings and structures, or parts thereof, shall be classified in Use Group H which are used for the manufacturing, processing, generation or storage of corrosive, highly toxic, highly combustible, flammable or explosive materials that constitute a high fire or explosion hazard, including loose combustible fibers, dust and unstable materials.

11. "Use Group I-1": This Use Group shall include buildings housing six or more individuals who, because of age, mental instability or other reasons, must live in a supervised environment but who are physically capable of responding to an emergency situation without personal assistance. Included in this group are uses such as facilities for children, aged persons, mentally impaired and convalescents including: convalescent facilities, group homes, boarding houses, homes for the aged, mentally retarded care facilities, nursing homes (ambulatory), orphanages and residential care facilities. Occupancies such as the above with five or less occupants shall be classified as a residential Use Group.

12. "Use Group I-2": This Use Group shall include all buildings used for housing people suffering from physical limitations because of health or age, including, among others, day nurseries, hospitals, sanitariums, infirmaries, orphanages and homes for aged and infirm.

13. "Use Group I-3": This Use Group shall include all buildings designed for the detention of people under restraint, including, among others, jails, prisons, reformatories, insane asylums and similar uses.

14. "Use Group M": All buildings and structures, or parts thereof, shall be classified in Use Group M which are used for display and sales purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public; including, among others, retail stores, motor fuel service stations, shops and salesrooms and markets.

15. "Use Group R-1": This Use Group shall include all hotels, motels, and similar buildings arranged for shelter and sleeping accommodations and in which the occupants are primarily transient in nature, making use of the facilities for a period of less than 30 days. This definition shall also mean and include bed and breakfast guesthouses and bed and breakfast inns.

16. "Use Group R-2": This Use Group shall include all multiple family dwellings having more than two dwelling units and shall also include all dormitories, rooming houses, group rentals where the occupants are living independently of each other and similar buildings arranged for shelter and sleeping accommodations in which the occupants are primarily not transient in nature. This Use Group shall also include attached one- and two-family dwelling units which do not meet the definition for Use Group R-3.

17. "Use Group R-3": This Use Group shall include all buildings arranged for the use of detached one- and two-family dwelling units, including not more than five lodgers or boarders per family. This Use Group shall also mean and include:

- i. Bed and breakfast homestays; and
- ii. Attached one- and two-family dwellings constructed in accordance with the Uniform Construction Code requirements for multiple single family dwellings.

18. "Use Group S-1": All buildings and structures, or parts thereof, which are used primarily for the storage of moderate hazard contents which are likely to burn with moderate rapidity, but which do not produce either poisonous gases, fumes or explosives; including, among others, warehouses, storehouses and freight depots.

19. "Use Group S-2": All buildings and structures, or parts thereof, which are used primarily for the storage of noncombustible materials, and of low hazard wares that do not ordinarily burn rapidly such as products on wood pallets or in paper cartons without significant amounts of combustible wrappings; including, among others, warehouses, storehouses and freight depots. Such products may have a negligible amount of plastic trim such as knobs, handles or film wrapping.

Amended by R.1985 d.611, effective December 2, 1985.  
See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

Added definition "Common areas".

Amended by R.1986 d.214, effective June 16, 1986.  
See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

Added new definitions.

Amended by R.1989 d.556, effective November 6, 1989.  
See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).

Added definitions for "guest house" and "K-12 educational building"; added definitions 1.-18. under "Use" or "Use Group".

Amended by R.1991 d.359, effective July 15, 1991.  
See: 23 N.J.R. 1235(a), 23 N.J.R. 2122(b).

Uniform Fire Safety Act definitions incorporated by reference; definition of fire inspector added; definition of fire official amended.

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

School dormitories added to definition of use.

Amended by R.1992 d.385, effective October 5, 1992.  
See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).

Definitions for hardware store, Use Group F-1 and Use Group F-2 added.

Amended by R.1992 d.405, effective October 19, 1992.  
See: 24 N.J.R. 1938(a), 24 N.J.R. 3723(b).

Use Group A-2 amended to including eating/drinking establishments where load exceeds seats by 30%.

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

Added definitions of gross and net floor area and lumber.

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.1995 d.59, effective March 6, 1995.

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

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

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

Added definitions for "Boarding school", "Dormitory", "Fraternity" and "Institution of higher education"; added last sentence to "Local enforcing agency".

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.2002 d.372, effective November 18, 2002.

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

In "Carnival", deleted "uses" following "of the following" in the introductory paragraph, amended the N.J.A.C. reference in 2 and deleted 3.

#### Case Notes

Multiple dwelling with seven stories on one side and six stories on the other was "high-rise structure". Mahmood H. Choudhury-Park Royal Apartments v. Bureau of Fire Safety, State Dept. of Community Affairs, 92 N.J.A.R.2d (CAF) 46.

#### 5:70-1.6 (Reserved)

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

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

Formerly "Operative date".

#### 5:70-1.7 Severability

(a) If any provision of the Code or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Code which can be given effect and to this end the provisions of the Code are severable.

## SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

### 5:70-2.1 Enforcement authority

(a) It shall be the duty and responsibility of the agency having jurisdiction in accordance with N.J.A.C. 5:71-2.2 to enforce the provisions of this Code as set forth herein.

1. Where no local enforcing agency has been created the Division shall enforce the provisions of this Code for life hazard uses or whenever conditions which constitute an imminent hazard are found to exist.

(b) The local enforcing agency shall inspect all premises, except owner-occupied detached Use Group R-3 structures used exclusively for dwelling purposes. These inspections shall be made in accordance with the schedule contained in the Code, when required under any cyclical inspection program and as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire operations, endanger life or any conditions constituting violations of the provisions or intent of this Code or a locally adopted amendment. Except in the case of cyclical inspection programs or other good cause, inspections shall not include occupied dwelling units.

(c) Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the fire

official or his or her authorized representative has reasonable cause to believe that there exists in any or upon any premises any condition which makes such building or premises unsafe, the fire official or his or her authorized representative may enter such premises, at all reasonable times to inspect the same or to perform any duty imposed upon the fire official by this code, provided that if such premises be occupied, he or she shall first present proper credentials and demand entry; and if such premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and demand entry.

1. No owner or occupant or any other persons having charge, care or control of any premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the fire official or his or her authorized representative for the purpose of inspection and examination pursuant to this Code. If the owner or occupant denies entry, the fire official or his or her authorized representative shall obtain a proper warrant or other remedy provided by law to secure entry.

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).

#### Case Notes

Abatement of violation; failure to install fire suppression system. Lee's Emergency Equipment v. Department of Community Affairs, 94 N.J.A.R.2d (CAF) 39.

### 5:70-2.2 Responsibility for compliance

(a) The owner shall be responsible for the safe and proper maintenance of the premises at all times.

(b) Owners of premises which are, or which contain, one or more uses subject to this Code, shall have concurrent responsibility with the owners of any such uses for compliance with the Code. No person shall be required to abate any violations which he has no power to abate or to require to be abated. If a violation is served on an owner who cannot comply due to lack of authority, within five days of receipt of the notice of violation, the owner shall either provide notice of the violation to the party with authority or inform the fire official of such party's name and address.

(c) If an occupant of a premises creates conditions in violation of this Code, by virtue of storage, handling and use of substances, materials, devices and appliances, the occupant can be held responsible for the abatement of said hazardous conditions.

(d) A person shall be deemed to have violated or caused to have violated a provision of this Code if an officer, agent or employee under his control and with his knowledge has violated or caused to have violated any of the provisions of this Code.

(e) Subsequent owners or those succeeding to control over the premises shall be responsible for correcting unabated violations and for the payment of outstanding fees and/or penalties whether or not they have requested a certificate of fire code status.

1. Upon request of the owner, contract purchaser, transferee or the authorized agent of any of them, the enforcing agency having jurisdiction over the premises shall issue a certificate either indicating that violations exist or that fees and/or penalties remain outstanding according to its records, or which states that its records indicate that no violations remain unabated and no penalties or fees remain unpaid. Upon request, the agency shall provide copies of the violations list and penalty orders.

2. Fees for the issuance of certificates of fire code status shall be as follows:

- i. In any jurisdiction in which the Division of Fire Safety serves as the local enforcing agency, there shall be no charge for the first two certificates requested in any month period by an owner who is current in payment of applicable life hazard or non-life hazard fees. Thereafter, or if an owner has not made such payment, a notation to that effect shall be made on the bill and the requestor shall be charged a fee for the issuance of the certificate in the amount of \$35.00.

- ii. The fire official of a local enforcing agency other than the Division of Fire Safety may establish a reasonable fee for the issuance of a certificate of fire code status.

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

### 5:70-2.3 Certificate of smoke detector compliance

(a) Before any Use Group R-3 structure is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector compliance (CSDC), evidencing compliance with N.J.A.C. 5:70-4.19, from the appropriate enforcing agency.

1. Where a municipality has existing inspection or approval requirements under a property maintenance or other municipal code, the agency responsible for the enforcement of that code shall not issue any certificate of inspection or occupancy or other approval under such municipal code until it has determined, in accordance with (d) below, that the dwelling complies with the requirements of N.J.A.C. 5:70-4.19.

2. Where no municipal inspection or approval requirement exists, the agency responsible for enforcement of the Uniform Fire Safety Act shall be responsible for the issuance of the CSDC.

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.

#### 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 dipping operations, as regulated by N.J.A.C. 5:70-3.7(a), in all approved areas of less than 100 square feet, as defined in N.J.A.C. 5:70-3.7(c)1 or 3.7(d)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 dipping operations, as regulated by N.J.A.C. 5:70-3.7(a), in all approved areas of 100 or more but less than 250 square feet, as defined in N.J.A.C. 5:70-3.7(c)1 or 3.7(d)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;
  7. Hotels or motels which exceed five stories, and which have 50 or more but fewer than 100 rooms, with any interior exit-ways;
  8. 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 1,000 or more persons;
  9. Transportation terminals with a maximum permitted occupancy of 100 or more persons;
  10. Spraying or dipping operations, as regulated by N.J.A.C. 5:70-3.7(a), in all approved areas of 250 or more but less than 500 square feet, as defined in N.J.A.C. 5:70-3.7(c)1 or 3.7(d)1;
  11. Equipment, processes, and operations involving dust which, if mixed with air, become 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 of 50,000 or more but less than 100,000 square feet;
  12. Crop ripening or coloring processes in all buildings or structures of 50,000 or more but less than 100,000 square feet;
  13. Lumber yards and/or woodworking plants in which 250,000 or more but less than 500,000 board feet of lumber is to be stored;
  14. Tire recapping or rebuilding plants in buildings or structures of 50,000 or more but less than 100,000 square feet;
  15. Organic coating manufacturing operations making one gallon or more of an organic coating in a working day;
  16. 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 of 50,000 or more but less than 100,000 square feet;
  17. Processing, handling or use of 100 or more but less than 500 cubic feet of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and free burning fibers such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;
  18. The manufacture of matches in all buildings or structures of 50,000 or more but less than 100,000 square feet;

19. The manufacture of fireworks, explosives or blasting agents in all buildings or structures of 50,000 or more but less than 100,000 square feet;

20.-22. (Reserved)

23. Storage of cellulose nitrate motion picture film or cellulose nitrate (pyroxylin) plastics in quantities which exceed 25 pounds;

24. Storage of 100 or more but less than 500 cubic feet of loose combustible vegetable or animal fibers;

25. Storage of matches with 50 or more cases in the aggregate;

26. Storage of fireworks, explosives or blasting agents in a type 1 magazine;

NOTE: 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.

27. Above ground storage of 10,000 or more but less than 100,000 gallons of Class I flammable liquids;

28.-29. (Reserved)

30. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 24,000 or more, but less than 50,000 square feet, in gross floor area;

31. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 24,000 or more, but less than 50,000, square feet in gross floor area.

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

1. Prisons and other facilities of 100 or more but fewer than 200 beds where residents, occupants, or inmates are kept under restraint;

2. Hotels or motels which exceed five stories, and which have 100 rooms or more, with any interior exit-ways;

3. The manufacture, processing or blending of more than 10,000 but less than 100,000 gallons of Class II and/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;

4. Any installation of liquefied petroleum gas or liquefied natural gas utilizing storage containers of over 4,000 gallons aggregate water capacity.

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

1. Prisons and other facilities of 200 beds or more where residents, occupants, or inmates are kept under restraint;

2. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 50,000 or more, but less than 100,000 square feet in gross floor area;

3. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 50,000 or more, but less than 100,000 square feet in gross floor area.

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

1. Any high-rise structure of 10 or more but fewer than 20 stories;

2. 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 10,000 square feet or more;

3. (Reserved)

4. Retail stores and other mercantile uses of 48,000 square feet or more in gross floor area;

5. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a maximum permitted occupancy of fewer than 5,000 persons;

6. Spraying or dipping operations, as regulated by N.J.A.C. 5:70-3.7(a), in all approved areas of 1,000 square feet or more, as defined in N.J.A.C. 5:70-3.7(c)1 or 3.7(d)1;

7. Equipment, processes, and operations involving dust which, if mixed with air, become explosive including, but not limited to, grain bleachers or elevators; flour, starch or feed mills; malt houses; wood floor manufacturing plants; or plants that pulverize aluminum, coal, cocoa, magnesium, spices, or sugar in all buildings or structures of 100,000 square feet or more;

8. Crop ripening or coloring processes in all buildings or structures of 100,000 square feet or more;

9. Lumber yards and/or woodworking plants in which 500,000 board feet or more of lumber is to be stored;

10. Tire recapping or rebuilding plants in buildings or structures of 100,000 square feet or more;

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 of 100,000 square feet or more;

12. Processing, handling or use of 500 or more but less than 2,500 cubic feet of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and free burning fibers such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;

13. The manufacture of matches in all buildings or structures of 100,000 square feet or more;

14. The manufacture of fireworks, explosives or blasting agents in all buildings or structures of 100,000 square feet or more;

15. The manufacture, processing or blending of more than 10,000 but less than 100,000 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;

16.-18. (Reserved)

19. Storage of 500 or more but less than 2,500 cubic feet of loose combustible vegetable or animal fibers;

20. Above ground aggregate storage of 1,000,000 or more but less than 5,000,000 gallons of Class II or IIIA combustible liquids, or above ground storage of 100,000 or more but less than 1,000,000 gallons of Class I flammable liquids;

21. Buildings with atrium spaces three or more stories in height in buildings which exceed 12,000 square feet in gross floor area.

(k) Type Bk life hazard uses are as follows:

1. Any high-rise structure of 20 or more but fewer than 30 stories;

2. Processing, handling or use of 2,500 cubic feet or more of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and fire burning fibers such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;

3. Storage of 2,500 cubic feet or more of loose combustible vegetable or animal fibers;

4. Above ground aggregate storage of 5,000,000 gallons or more of Class II and/or IIIA combustible liquids.

5. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 100,000 or more, but less than 150,000 square feet in gross floor area.

6. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 100,000 or more, but less than 150,000 square feet in gross floor area.

(l) Type Bl life hazard uses are as follows:

1. Any high-rise structure of 30 stories or more;

2. The manufacture, processing or blending of more than 100,000 but less than 1,000,000 gallons of Class II and/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. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 150,000 or more, but less than 200,000 square feet in gross floor area.

4. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 150,000 or more, but less than 200,000 square feet in gross floor area.

(m) Type Bm life hazard uses are as follows:

1. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a maximum permitted occupancy of 5,000 or more but fewer than 10,000 persons;

2. The manufacture, processing or blending of more than 100,000 but less than 1,000,000 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;

3. Above ground aggregate storage of 1,000,000 gallons or more but less than 5,000,000 gallons of Class I flammable liquids.

4. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 200,000 or more square feet in gross floor area;

5. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials, not otherwise classified, of 200,000 or more square feet in gross floor area.

(n) Type Bn life hazard uses are as follows:

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

2. Above ground aggregate storage of 5,000,000 gallons or more of Class I flammable liquids.

(o) Type Bo life hazard uses are as follows:

1. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a maximum permitted occupancy of 10,000 or more persons;

2. Refining of flammable and combustible liquids.

(p) Type Bp life hazard uses are as follows:

1. Spraying or dipping operations, as regulated by N.J.A.C. 5:70-3.7(a), in all approved areas of 500 square feet or more, but less than 1,000 square feet, as defined in N.J.A.C. 5:70-3.7(c)1 or 3.7(d)1.

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

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 (b)4, 5, (d)5, 6, 7, (g)29, 30 added; (b)1, (e)1, (f)6, (j)3 deleted.

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

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

Added uses at (b)4, (d)7, (f)21, 22 and 23, (g)30, (h)4, (i)2 and 3, (k)5 and 6, (l)3 and 4, (m)4 and 5.

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

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

#### 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.

#### 5:70-2.4C Type Ca through Ci life hazard uses

(a) Type Ca 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 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. (Reserved)

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.

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.

#### 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.

(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.

### 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:

- 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. 5:70-2.21.

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 liii.

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.

### 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 compliance; permit; carnival registration certificate

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

1. Type Aa—\$70.00 per year;
2. Type Ab—\$103.00 per year;
3. Type Ac—\$110.00 per year;
4. Type Ad—\$123.00 per year;
5. Type Ae—\$138.00 per year;
6. Type Af—\$166.00 per year;
7. Type Ag—\$208.00 per year;
8. Type Ah—\$248.00 per year;
9. Type Ai—\$331.00 per year;
10. Type Aj—\$414.00 per year;
11. Type Ba—\$110.00 per year;
12. Type Bb—\$208.00 per year;
13. Type Bc—\$331.00 per year;
14. Type Bd—\$414.00 per year;
15. Type Be—\$484.00 per year;

16. Type Bf—\$591.00 per year;
17. Type Bg—\$629.00 per year;
18. Type Bh—\$787.00 per year;
19. Type Bi—\$947.00 per year;
20. Type Bj—\$984.00 per year;
21. Type Bk—\$1,180.00 per year;
22. Type Bl—\$1,378.00 per year;
23. Type Bm—\$1,537.00 per year;
24. Type Bn—\$1,967.00 per year;
25. Type Bo—\$2,360.00 per year;
26. Type Bp—\$828.00 per year;
27. Type Ca—\$787.00 per year;
28. Type Cb—\$944.00 per year;
29. Type Cc—\$1,022.00 per year;
30. Type Cd—\$1,101.00 per year;
31. Type Ce—\$1,259.00 per year;
32. Type Cf—\$450.00 per year;
33. Type Cg—\$1,573.00 per year;
34. Type Ch—\$1,976.00 per year;
35. Type Ci—\$2,375.00 per year;
36. Type Da—\$1,568.00 per year;
37. Type Db—\$2,375.00 per year;
38. Type Dc—\$3,088.00 per year.

(b) Where more than one life hazard use exists under one ownership at a given location, the highest life hazard use shall be registered at full fee and subsequent life hazard uses at one-half the scheduled fee.

1. No public or private K-12 educational building shall pay more than one \$138.00 life hazard use registration fee, regardless of the number or type of life hazard uses contained within the building.

2. No camp accommodating six or more children of school age shall pay more than one \$123.00 life hazard use registration fee, regardless of the number or type of life hazard uses contained within the premises.

3. Each life hazard use that is separately owned shall be registered at full fee.

(c) The application fee for a permit shall be as follows:

1. Type 1—\$35.00;
2. Type 2—\$138.00;
3. Type 3—\$276.00;
4. Type 4—\$414.00;

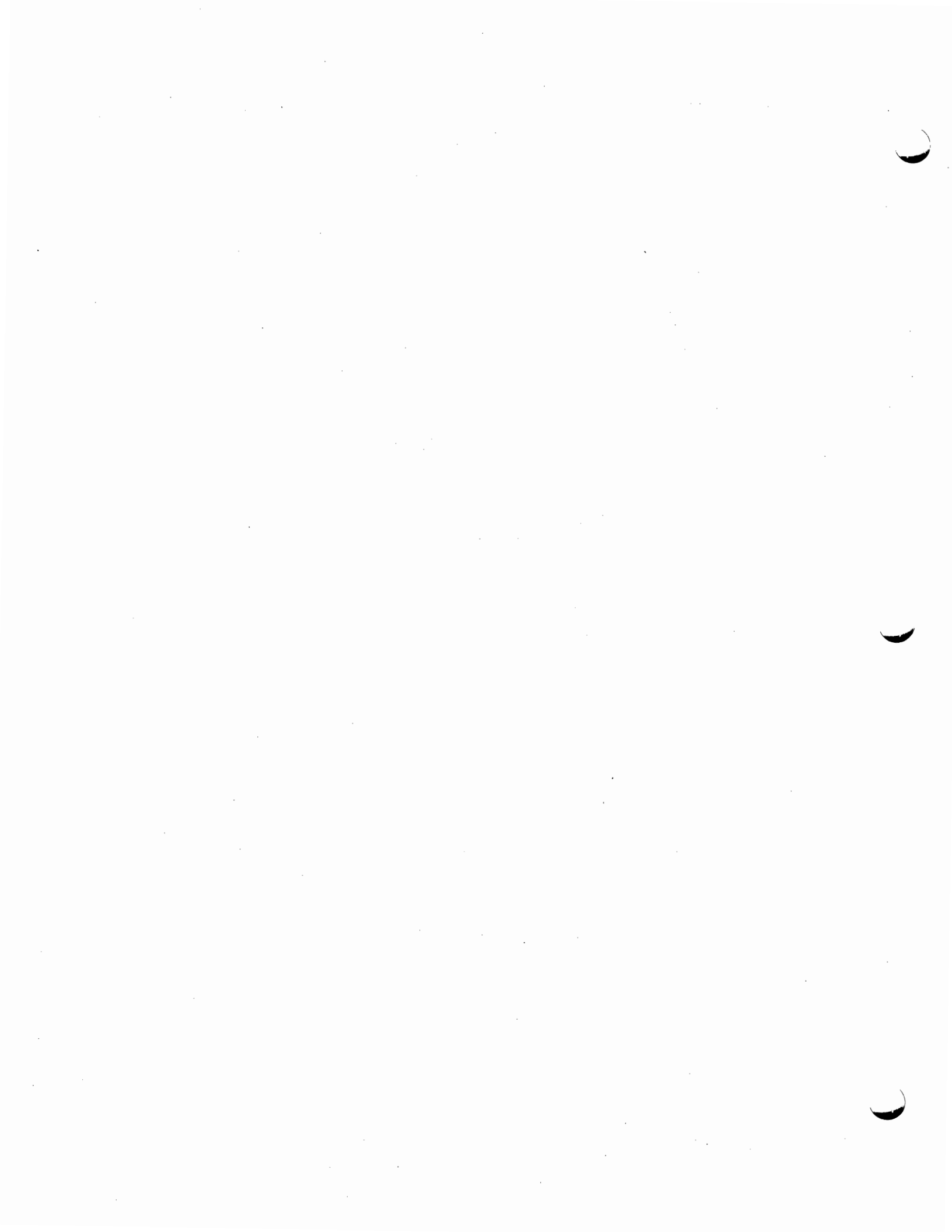
i. Exception: There shall be no fee for Type 4 permits for storage or activity at a premises registered as a life hazard use in accordance with this subchapter.

5. (Reserved)

(d) The application fee for a certificate of smoke detector compliance, as required by N.J.A.C. 5:70-2.3, shall be \$20.00.

(e) The annual application fee for a carnival registration certificate shall be as follows:

1. For 10 or fewer locations: \$50.00;
2. For 11 to 25 locations: \$75.00;
3. For 26 or more locations: \$100.00.



(f) A municipality having a local enforcing agency may establish by ordinance a different permit and certificate of smoke detector compliance fee schedule based on the actual cost anticipated or incurred for the enforcement of these Code provisions; provided, however, that the permit fee for the temporary use of a commercial farm building as a place of public assembly shall not exceed \$75.00.

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

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

Deleted "not in excess of fees in Schedule (b) above".

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)5 through (a)33.

Emergency amendment, R.1989 d.404, effective July 3, 1989 (expires September 1, 1989).

See: 21 N.J.R. 2126(a), 21 N.J.R. 2402(a).

Increased life hazard use registration fees and permit fees by approximately 15 percent.

Fee increases in (a) and (c).

Adopted concurrent proposal, R.1989 d.513, effective September 1, 1989.

See: 21 N.J.R. 2126(a), 21 N.J.R. 2402(a), 21 N.J.R. 3084(a).

Provisions of emergency amendment, R.1989 d.404 readopted without change.

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

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

Established limit of no more than one \$115.00 fee for K-12 educational building, at (b).

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

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

Fees increased.

Amended by R.1991 d.530, effective November 4, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2453(a), 23 N.J.R. 3325(a).

Added (a)33.

Amended by R.1992 d.11, effective January 6, 1992.

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

Application fee added at (d).

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

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

Exception to Type 4 permit requirements added at (c)4i.

Recodified from 5:18-2.8 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.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.164, effective April 1, 1996.

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

In (f) added the proviso.

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.1997 d.247, effective June 16, 1997.

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

In (a)32, changed fee from \$1,378 to \$450.

### 5:70-2.10 Enforcement procedures

(a) Whenever the fire official or the fire inspector observes a violation of a provision of this Code or locally adopted amendments the fire official shall prepare and serve on the owner a written notice of violation identifying the condition which is in violation, including the location, the appropriate Code section, and specifying time limits for the required repairs or improvements to be made. The notice shall contain or be accompanied by a written statement of the owner's right to appeal as set forth in N.J.A.C. 5:70-2.19.

(b) Time periods allowed for abatement of violations of this Code shall be as follows:

1. For any violation of N.J.A.C. 5:70-3, the fire official shall allow a minimum of 15 days.

i. The fire official may specify a time period of not less than three days where there is a dangerous condition that is liable to cause or contribute to the spread of fire or endanger the occupants.

2. For any violation of N.J.A.C. 5:70-4, the fire official shall allow a minimum of 30 days for abatement or the submission of a request for an extension, in accordance with (d) below.

(c) These time limits shall not apply to violations constituting an imminent hazard in accordance with N.J.A.C. 5:70-2.16 or to the revocation of permits in accordance with N.J.A.C. 5:70-2.7(f).

(d) The fire official may grant extensions of time whenever he shall determine that despite diligent effort compliance cannot be accomplished within the time specified in the notice.

1. No extension shall be granted unless it is requested in writing by the owner. A request for extension shall set forth the work which has been accomplished, the work that remains, the reason why an extension is necessary and the date by which the work will be completed.

2. An application for an extension shall be deemed to be an admission that the notice of violation is factually and procedurally correct and that the violations do or did exist.

i. An owner who inquires concerning an extension shall be informed of the provisions of (d)2 above.

ii. If the local enforcing agency provides forms for an application for extension, the provisions of (d)2 above shall be prominently printed on them.

(e) If the notice of violation is not complied with within the time specified by the fire official, the fire official shall institute the appropriate enforcement proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of any order or direction made pursuant thereto.

(f) If the fire official determines that the Code cannot be adequately or safely enforced without police support, he or she shall request the police to provide assistance. If no assistance is forthcoming, he or she shall pursue formal action to address the situation and shall not use physical force.

(g) Any person, firm or corporation violating any of the provisions of the Code or failing to comply with any order issued pursuant to any section thereof, shall be subject to

the penalties provided in N.J.A.C. 5:70-2.12. The imposition of penalties shall not prevent the fire official from instituting appropriate action to restrain, correct or abate a violation; or to prevent illegal occupancy of a building, structure or premises; or to stop an illegal act, business or use in or about any premises.

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 (a)1-10 deleted; reference to N.J.A.C. 5:18-3 added.

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

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

Old (d)1 deleted; new (d)1 and 2 added; authorized representative to follow required procedures.

Recodified from 5:18-2.9 and amended by R.1995 d.58, effective March 6, 1995.

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

Administrative correction.

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

#### Case Notes

Failure to present sufficient evidence that building was in compliance with sub-codes in force at the time of its construction. *No. 1 Chinese Kitchen v. Fire Safety Bureau*, 94 N.J.A.R.2d (CAF) 91.

#### 5:70-2.11 Service of notice and orders

(a) Notice, rules, decisions and orders issued and served pursuant to the Act shall be effective if served by any one of the methods set forth below:

1. By personal delivery; or
2. By leaving the document at the addressee's office or dwelling unit with a person 14 years of age or older; or
3. By certified mail return receipt requested to the person's last known address; however, if the document is returned as "refused" or "unclaimed" with no indication of a change of address, service may be made by ordinary mail to the same address; or
4. If on an owner, by serving the document on the Secretary of State, who shall be deemed the owner's agent for service of process; if:
  - i. A certified mailing was returned; and
  - ii. A copy of the document is posted in a conspicuous location on the premises, which location shall include the walls in a front vestibule, common foyer or hallway near the inside main front entrance.

(b) The date of personal service or the third day after mailing shall be considered the date of service.

(c) A copy of any notice or order served upon the owner of a State-leased or owned property shall be sent to the Director of Property and Facilities Management, Department of Treasury.

Recodified from 5:18-2.10 and amended by R.1995 d.58, effective March 6, 1995.

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

#### 5:70-2.12 Penalties

(a) The Commissioner or a local enforcing agency may assess, levy and collect penalties to ensure compliance with the Code. No penalty shall be imposed except upon issuance of a written order requiring abatement and the allowance of a reasonable specified period in which to comply, unless clear notice of the violation otherwise exists.

(b) The maximum penalty for any act or omission in violation of the Act or Code that is not enumerated in this subsection shall be \$5,000 per violation per day. Except as specified below, a violation of N.J.A.C. 5:70-3 or 4 shall subject a violator to a maximum penalty of \$500.00 per violation per day. Specific violations shall subject violators to penalties as follows:

##### 1. Imminent hazard—punitive closure:

i. Failure to obey an imminent hazard order—a maximum of \$5,000 per day for each day that the failure continues.

ii. Failure to obey an order to close for fixed period of time issued pursuant to N.J.A.C. 5:70-2.17—a maximum of \$5,000 per day for each day that the failure continues.

##### 2. Egress:

i. Blocking, locking, or obstructing required exits in a place of public assembly or education—a maximum of \$5,000 per occurrence;

ii. Blocking, locking, or obstructing required exits in any other place—a maximum of \$2,500 per occurrence.

##### 3. Occupancy:

i. Exceeding the maximum permitted occupancy in a place of public assembly or education;

(1) For the first offense—a maximum of \$2,500;

(2) For a subsequent offense—a maximum of \$5,000;

ii. Exceeding the maximum permitted occupancy in any other place;

(1) For the first offense—a maximum of \$500.00;

(2) For a subsequent offense—a maximum of \$2,500.

##### 4. Fire protection equipment:

i. Failure to install a required suppression or detection device after having been given written notice of the requirement to do so:

(1) In a place of public assembly or education—a maximum of \$2,500 per violation per day;

(2) In any other place—a maximum of \$1,000 per violation per day.

ii. Disabling or decreasing the effectiveness of any fire suppression or alarm device or system.

(1) In a place of public assembly or education—a maximum of \$5,000 per occurrence;

(2) In any other place—a maximum of \$1,000 per occurrence.

5. Failure to comply with a lawful action:

i. A negligent or inadvertent failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency—a maximum of \$2,000 per occurrence.

ii. A refusal or deliberate failure to comply with a lawful order, ruling, notice or other action of the Commissioner or a local enforcing agency—a maximum of \$5,000 per occurrence.

6. Obstruction:

i. Anyone who obstructs, hinders, delays or interferes by force or otherwise with the Commissioner or any member of a local enforcing agency in the exercise of any power or the discharge of any function or duty under the provisions of this Code—a maximum of \$2,500 per occurrence.

7. Permits:

i. Failure to obtain a required permit prior to commencing the operation, process or activity for which a permit was required—a maximum of double the amount of the applicable permit fee.

ii. Failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity—a maximum of \$5,000 per day during which the operation, process, or activity continues.

8. Registration:

i. Failure to file a registration application after having been ordered to do so—an amount equal to double the applicable registration fee, but not less than \$200.00 or more than \$1,000 for each registration.

ii. Failure to pay the required annual registration fee when due—an amount equal to the unpaid fee. Payment of the fee after imposition of the penalty shall not absolve the owner from responsibility for the penalty nor shall payment of the penalty be deemed to absolve the owner from the obligation to pay the fee.

iii. Failure to obtain a Certificate of Carnival Registration—an amount equal to double the applicable registration fee.

9. False statements:

i. Preparing, uttering or rendering any false statement, pertaining to reports, documents, plans or specifications permitted or required under the provisions of this code—a maximum of \$5,000.

ii. Submission of a materially false application for a permit or registration—a maximum of \$1,000 per occurrence.

10. Special hazards:

i. For any violation of N.J.A.C. 5:70-3 or 4 of this Code which is not specifically enumerated above but which, under the circumstances, presents a specific hazard to life—a maximum of \$5,000 per violation per day. The violation notice must set forth the basis for determining the basis for a special hazard.

(c) Each day during which the violation remains unabated after the date or time specified in the order or notice for its correction or termination shall constitute an additional and separate violation.

(d) The filing of a timely appeal shall stay the action until a decision is made by the construction board of appeals or the Commissioner, as the case may be.

(e) A violation that is recurring justifies imposition of an immediate penalty without the necessity for an interval in which correction can be made. A violation shall be deemed to be a recurring violation if a notice has been served within two years from the date that a previous notice was served and the violation, premises and responsible party are substantially the same.

(f) If a penalty order has not been satisfied by the 30th day after its issuance, the Commissioner or local enforcing agency may institute a civil penalty action by a summary proceeding under the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or municipal court.

1. A person who fails to pay immediately a money judgment rendered against him may be sentenced to imprisonment by the court for a period not exceeding six months, unless the judgment is sooner paid.

2. All moneys that are recovered as a result of the assessment of penalties shall be paid into the designated trust account and shall be appropriated to support the local enforcing agency's operation.

(g) The Commissioner or fire official may offer to reduce any penalty provided that such reduction is in the best interest of fire safety and will assure compliance. No penalty reduction can be made final while the violation that led to its assessment remains in existence.

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

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

(b)1 added.

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

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

Added new subsection (f); recodified old (f) to (g) and added (g)2.

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).

Added (b)8iii.

**Case Notes**

City estopped from bringing action to summarily enforce penalty for fire code violations after informing building owner to appeal violation to fire marshal rather than to County Construction Board of Appeals. *State v. Kouvatias*, 292 N.J.Super. 417, 678 A.2d 1178 (A.D. 1996).

Owner occupying multiple unit building receives reduced penalty assessment if fire safety violations are fully abated within 30 days. *Bureau of Housing Inspection v. 190 Keer Ave., Newark, Chambers*, 96 N.J.A.R.2d (CAF) 43.

Serious-life-threatening fire safety violations warranted penalty assessment when violations remained completely unabated. *Irvington/66 v. Department of Community Affairs*, 95 N.J.A.R.2d (CAF) 83.

Assessment of penalty against landlord for fire code violations was justified; reduction of penalty contingent. *Davis v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 29.

Apartment owners were dilatory in obtaining permits and approvals for apartment's smoke detection system; In the Matter of 904 Atlantic Avenue, 94 N.J.A.R.2d (CAF) 18.

**5:70-2.12A Dedicated penalties**

(a) When an owner has been given notice of the existence of a violation and has not abated the violation, that owner shall, in addition to being liable to the penalty provided for by N.J.A.C. 5:70-2.12, be liable to a dedicated penalty assessed pursuant to this subsection.

1. Whenever any penalty is assessed pursuant to N.J.A.C. 5:70-2.12, then a dedicated penalty in like amount shall be assessed pursuant to this section.

2. The amount of any dedicated penalty assessed pursuant to this subsection shall be in accordance with the standards set forth in N.J.A.C. 5:70-2.12(b), except that a dedicated penalty of up to \$50,000 for each violation may be assessed where there is a serious injury or loss of human life directly or indirectly resulting from any unabated violation.

3. Dedicated penalties assessed pursuant to the requirements of this subsection shall be assessed only once and shall not be assessed each day, as may be done in the case of penalties assessed pursuant to N.J.A.C. 5:70-2.12.

(b) All monies collected pursuant to this section shall be placed in a special municipal trust fund to be applied to the cost to the municipality of firefighter training and/or new firefighting equipment.

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 imminent 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).

**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.

Recodified from 5:18-2.15 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 5:18-2.18, Certificate of Fire Code Status, repealed.

**5:70-2.19 Appeals**

(a) The person aggrieved may appeal any enforcement action, including rulings, orders or notices, by submitting a written hearing request as set forth herein. Either the owner of the premises or of the use, or an authorized agent of the owner, may be a person aggrieved.

1. If from the act of a local enforcing agency, the request shall be made to the Construction Board of Appeals in the municipality where the building, structure or premises is located. If no such Board exists, then the request shall be made to the County Construction Board of Appeals in the county where the building, structure or premises is located. At the time made, a copy of the request shall be sent to the local enforcing agency. (See N.J.A.C. 5:23A)

2. If from the act of the Department the request shall be made to the Hearing Coordinator, Department of Community Affairs, PO Box 802, Trenton, New Jersey 08625-0802. The hearing shall be conducted by the Office of Administrative Law, with the Commissioner or his or her designee issuing the final decision.

3. All hearing requests shall be signed by a proper party and shall include:

- i. The date of the act which is the subject of the appeal;
- ii. The name and status of the person submitting the appeal;
- iii. The specific violations or other act claimed to be in error; and
- iv. A concise statement of the basis for the appeal.

(b) Hearing requests shall not be valid unless submitted within 15 days after service of a ruling, order or notice, except in cases of imminent hazards.

(c) In imminent hazard cases, except in emergent circumstances, and in punitive closure cases, the owner shall have a period of 24 hours to request a hearing before the order to close, vacate or remove shall be effective. In emergent circumstances, orders may be effective immediately. Hearing requests within the 24 hour period may be made orally to the person designated on the form served but shall be written in accordance with (a)3 above and served on the enforcing agency at the hearing. At the expiration of 24 hours, if the action required in the order has been taken, the owner shall have a period of 15 days to request a hearing.

1. If a request is made within 24 hours, a hearing shall be conducted and a final decision issued within 48 hours of receipt of the hearing request.

2. If the request is to a Construction Board of Appeals and no final decision is issued within two working days, thereafter, the owner may make written application for a hearing to the Department at the address specified in (a)2 above. The application shall clearly state that it is an imminent hazard appeal and shall identify the local enforcing agency and Construction Board of Appeals. In such case, a hearing shall be held and a final decision issued within three working days from receipt of the request.

3. If the hearing request is made in accordance with the 15 day provision, a hearing shall be held and a final decision issued within seven working days.

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

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

Old text deleted and new text substituted.

Administrative correction to (a)2.

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

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 5:18-2.11 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.2000 d.30, effective January 18, 2000.

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

In (a)1, added N.J.A.C. reference.

### 5:70-2.20 Identifying emblems for structures with truss construction

(a) Identifying emblems shall be permanently affixed to the front of structures with truss construction.

1. The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by six inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem:

- i. "F" to signify a floor with truss construction;
- ii. "R" to signify a roof with truss construction; or
- iii. "F/R" to signify both a floor and roof with truss construction.

2. The emblem shall be permanently affixed to the left of the main entrance door at a height between four and six feet above the ground and shall be installed and maintained by the owner of the building.

(b) Detached one and two family residential structures with truss construction that are not part of a planned real estate development shall be exempt from the requirements of (a) above, unless otherwise provided by municipal ordinance.

(c) Individual structures and dwelling units with truss construction that are part of a planned real estate development shall not be required to have an identifying emblem if there is an emblem affixed at each entrance to the development.

New Rule, R.1992 d.5, effective January 6, 1992.

See: 23 N.J.R. 2168(a), 24 N.J.R. 89(a).

Recodified from 5:18-2.19 by R.1995 d.58, effective March 6, 1995.

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

### 5:70-2.21 (Reserved)

### 5:70-2.22 Registration of carnivals

(a) No carnival shall be operated at any time or at any location unless a carnival registration certificate has been issued by the Division.

(b) The owner of every carnival shall apply for a carnival registration certificate at least 30 days before the first intended operation. The application shall include the following:

1. Dates and locations of intended operation;
2. All uses requiring a permit under N.J.A.C. 5:70-2.7;
3. Complete plans for all mobile enclosed structures to be used for human occupancy;
4. Flame spread certifications, seating and usage diagrams for all tents;
5. Certificate of insurance;
6. Name, address and telephone number of the owner(s) of the carnival; and
7. Name of the person who will be with the carnival and will be responsible for securing all permits required by N.J.A.C. 5:70-2.7 and for the correction of any violations of this Code.

(c) Upon review and approval of the application, the Division will issue a carnival registration certificate to the owner. Additionally, copies shall be provided to all local enforcing agencies identified on the submitted schedule.

1. The certificate must be maintained by the responsible party identified pursuant to (b)7 above at all show locations and be available for inspection by the fire official.

2. Possession of a carnival registration certificate shall not relieve the owner of responsibility for obtaining permits as required by N.J.A.C. 5:70-2.7 or for otherwise complying with the requirements of this chapter.

(d) Any application for a carnival registration certificate shall be accompanied by the fee as set forth in N.J.A.C. 5:70-2.9.

(e) A carnival registration certificate issued by the Division shall be valid for a period of one year from the date that appears on the certificate.

1. Carnival registration certificates shall not be transferable.

2. A registration certificate shall be subject to revocation in the event that any change is made to the itinerary submitted on the original application and the Division is not provided with an amended itinerary at least 30 days prior to the event.

3. If the Division revokes a certificate previously issued, a new application package, as specified in (b) above, and a fee, as specified at N.J.A.C. 5:70-2.9(e), shall be submitted.

4. Any person who is required to obtain a registration certificate and who fails to do so shall be subject to a penalty, as specified at N.J.A.C. 5:70-2.12(b)8iii.

New Rule, R.1995 d.59, effective March 6, 1995.  
See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).  
Amended by R.1997 d.247, effective June 16, 1997.  
See: 29 N.J.R. 967(a), 29 N.J.R. 2653(b).  
Added (e).

### SUBCHAPTER 3. STATE FIRE PREVENTION CODE

#### 5:70-3.1 Code adopted

(a) Pursuant to the authority of P.L. 1983, c.383, the Commissioner hereby adopts the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA National Fire Prevention Code/1996." This code is hereby adopted by reference as the State Fire Prevention Code for New Jersey, subject to the modifications set forth in N.J.A.C. 5:70-3.2.

(b) Copies of this code may be obtained from the Department of Community Affairs, Division of Fire Safety, 101 South Broad Street, PO Box 809, Trenton, New Jersey 08625-0809.

Amended by R.1993 d.197, effective May 3, 1993.  
See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).  
Added "used exclusively for dwelling purposes" at (b)1.  
Amended by R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

#### Case Notes

Term "individual dwelling unit" in Uniform Fire Code has same meaning as term "dwelling unit" in Uniform Fire Safety Act; term thus applies to both permanent and transient occupancies. *Venuti v. Cape May County Const. Bd. of Appeals*, 231 N.J.Super. 546, 555 A.2d 1175 (A.D.1989).

Hotel and motel rooms with cooking facilities are "individual dwelling units" and thus exempt from Uniform Fire Code requirements for fire suppression systems. *Venuti v. Cape May County Const. Bd. of Appeals*, 231 N.J.Super. 546, 555 A.2d 1175 (A.D.1989).

Municipal subcode official did not have authority to require portable fire extinguishers to be placed in motel and hotel efficiency units with cooking facilities. *Venuti v. Cape May County Const. Bd. of Appeals*, 231 N.J.Super. 546, 555 A.2d 1175 (A.D.1989).

#### 5:70-3.2 Modifications

(a) The following Chapters or sections of the State Fire Prevention Code are modified as follows:

- Chapter 1 (Administration) is deleted in its entirety and the following Chapter 1 is substituted in lieu thereof:

##### F-101.0 Purpose and scope

F-101.1 Purpose: The purposes of this subchapter is to secure a reasonable level of safety to life and property from fire hazards incident to the occupancy and maintenance of structures or premises.

F-101.1.1 Scope: This subchapter requires, in structures and premises, the proper maintenance of fire protection features required by the construction code in effect at the time of first occupancy; by the Fire Safety Code (N.J.A.C. 5:70-4); or by the provisions of other, applicable fire safety rules or ordinances lawfully promulgated by the State or by a local enforcing agency.

F-101.2 Applicability: This subchapter shall be applicable to:

F-101.2.1 All buildings, structures, and premises within this State, with the exception of owner-occupied one and two-family dwellings used exclusively for dwelling purposes; and

F-101.2.2 All fire safety hazards arising from the storage, handling or use of substances, materials or devices and arising from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises.

- Such handling or use shall be construed as referring, as well, to industrial processes and equipment not subject to Uniform Construction Code provisions.

F-101.2.3 Buildings or other facilities built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this subchapter pertaining to any of the following matters:

- Fire protection of structural elements.
- Isolation of hazardous operations.
- In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the fire official may prescribe limitations, consistent with the provisions of nationally recognized standards, on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property.

F-101.3 References: Whenever in this subchapter, reference is made to Chapter 44, the provisions in Chapter 44 shall not apply unless specifically adopted herein.

##### F-102.0 General provisions:

F-102.1 General: The following provisions are general provisions for precautions against fire to be applied to the use of all properties.

F-102.1.1 Any dangerous or hazardous conditions that are outlined in 1 through 10 below shall be removed or remedied in accordance with the provisions of N.J.A.C. 5:70-2.10:

1. Dangerous conditions that are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof;
2. Conditions that would interfere with the efficiency and use of any fire protection equipment;
3. Obstruction to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the fire department in case of fire;
4. Accumulations of dust or waste material in air conditioning or ventilating systems or grease in kitchen or other exhaust ducts;
5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment;
6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material;
7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances;
8. Hazardous conditions arising from defective or improperly installed equipment for handling or use of combustible, explosive or otherwise hazardous materials;
9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials; or
10. All equipment, materials, processes or operations that are in violation of the provisions and intent of this Code.

2. Chapter 2 (Definitions) is amended, as follows:

i. Section F-201.3 (Terms defined in other codes) is deleted and replaced with: "The following terms shall have the meanings indicated except where the context clearly requires otherwise. Where a term is not defined then the definition of that term found within this code at N.J.A.C. 5:70-1.5 or the Uniform Construction Code at N.J.A.C. 5:23-1.4 shall govern."

ii. Section F-201.4 (Terms not defined) is deleted.

iii. Section F-202.0 (General Definitions) is amended to add or delete the following:

(1) Add: " 'Acetylene, low pressure' means acetylene at a pressure not exceeding one pound per square inch gauge (psig).

'Acetylene, medium pressure' means acetylene at pressures exceeding one psig but not exceeding 15 psig.

'Acetylenic compound' means a material, like acetylene, having a triple bond between two carbon atoms."

(2) Amend the definition "Approved" to read: "Approved by the fire official or other authority having jurisdiction."

(3) Add: " 'Automatic fire alarm system' means a fire alarm system containing automatic detecting device(s) which actuates a fire alarm signal and which may contain manual fire alarm devices.

'Automatic water supply' means water supplied through a gravity or pressure tank or automatically operated fire pumps, or from a direct connection to an approved municipal water main.

'Catalytic combustion system' means an oven heater or any construction that employs catalysts to accelerate oxidation or combustion of fuel-air or fume-air mixtures for eventual release of heat to an oven process."

(4) The definition of the term "Code official" is deleted.

(5) Add: " 'Combustible fibers' means readily ignitable and free burning fibers, such as cotton, sisal, henequen, ixtel, jute, hemp, tow, cocoa fiber, oakum, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers and other like materials.

'Combustible waste matter' means magazines, books, trimmings from lawns, trees or flower gardens, leaves, pasteboard boxes, rags, paper, straw, sawdust, packing material, shavings, boxes and all rubbish and refuse that will ignite through contact with flames or ordinary temperatures.

'Construction code in effect at time of first occupancy' means the Uniform Construction Code (N.J.A.C. 5:23) or, for periods prior to its adoption, it means the building code regulations in effect at the time the specific occupancy, use or operation was legally established.

'Construction official' means the officer or other designated authority charged with the administration and enforcement of the Uniform Construction Code.

'Dry pipe system,' as applied to water fire suppression systems, means a system of piping which is filled with air or nitrogen under pressure and has a permanent water supply, controlled by an approved automatic dry pipe valve which releases the water

supply by the release of air or nitrogen in the event of fire.

'Dry system,' as applied to water fire suppression systems, means a system without permanent or automatic water supply but equipped with a fire department connection.

'Fire department connection' means a connection on a building for fire department use in supplementing or supplying water for standpipes and sprinkler systems. Also 2 and ½ inch standpipe outlets provided for attaching fire department hose as contrasted with outlets for small first aid hose."

(6) The definition of "Fire hazard" is amended to change the word "will" to "may."

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

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

'Fire prevention' means the preventive measures which provide for the safe conduct and operation of hazardous processes, storage of combustible and flammable materials, conducting of fire drills and the maintenance of fire protection, detection and extinguishing service equipment and good house-keeping conditions. The term also means and includes that part of fire protection activities exercised in advance of the outbreak of fire to prevent such outbreaks and to minimize loss when fire does occur.

'Grease consuming appliances or fume incinerator' means devices intended for placement over restaurant type cooking equipment in the exhaust duct and through which all exhaust vapors or smoke must pass. Grease and other particulate matter from cooking fumes and exhaust are removed by open flames.

'Grease extractor' means a device intended for the removal of smoke and grease-laden particles from exhaust fumes or vapors created by cooking operations. A grease extractor device normally consists of a hood, a grease collecting device, a wash system, means to detect excessive temperature of the exhaust gases which activates a device to prevent flame and excessively hot gases from entering the exhaust duct, and associated electrical controls.

'Manual fire alarm system' means an interior alarm system composed of sending stations and signaling devices in a building, operated on an electric circuit, so arranged that the operation of any one station will ring all signals throughout the building and at one or more approved locations."

(8) Amend the definition of "Occupancy" to read: "The purpose for which a building or premises or portion thereof is used or intended to be used. The term shall also include the building, room or enclosed space that houses a use."

(9) The definition of Occupancy classification is deleted in its entirety and is replaced with the following: "The various use groups contained on the premises' certificate of occupancy (C of O) issued pursuant to the Uniform Construction Code (UCC), or, for premises constructed prior to January 1, 1977 for which no such certificate of occupancy has subsequently been issued, it means the various use groups defined in this code at 5:70-1.5."

(10) Add: " 'Portable kerosene-fired heater' means a non-flue-connected, self-contained, self-supporting heater, with integral fuel reservoir, that is designed to be carried from one location to another.

'Residual pressure' means pressure remaining in a fire protection system while water is being discharged from outlets.

'Riser' means a vertical water supply pipe used to carry water for fire protection to elevations above or below grade; such as a standpipe riser, sprinkler riser, etc.

'Siamese' means a hose fitting for combining the flow from two or more lines into a single stream.

'Solid fuel-fired heater' means a flue connected heater, fired with solid fuels, such as a fireplace, fireplace insert or stove, free standing wood stove or similar solid fuel-fired appliance.

'Special industrial explosive device' means any explosive power-pack containing an explosive charge in the form of a cartridge or construction device. The term includes, but is not limited to, explosive rivets, explosive bolts, explosive charges for driving pins or studs, cartridges for explosive-actuated power tools and charges of explosives used in jet tapping of open hearth furnaces and jet perforation of oil well casing.

'Special industrial high explosive materials' means sheets, extrusions, pellets and packages of high explosives containing dynamite, trinitrotoluol, pentaerythritol tetranitrate, cyclotrimethylene trinitramine, or other similar compounds used for high energy rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal."

(11) Amend the definition of "Storage" to read: means articles that are stored, kept or accumulated for some future use, or for disposal, and drawn upon as needed.

(12) Amend the definition of "use group" to read: "See N.J.A.C. 5:70-1.5. See also the definition of 'occupancy classification' above."

(13) Add: " 'Volatile—flammable' means any liquid, gas substance, mixture or compound that readily emits flammable vapors at a temperature below 73 degrees Fahrenheit when tested in accordance with ASTM D56 listed in Chapter 44, incorporated herein by reference.

'Wet system,' as applied to water fire suppression systems, means a system that is filled with water and connected to a permanent water supply under pressure so that water is discharged immediately from sprinklers opened by a fire or from open hose outlet valves."

3. Chapter 3 (Precautions against fire) is amended as follows:

i. Section F-301.1 is amended to replace the word "structures" with the word "premises."

ii. Section F-301.2 is amended to replace the words "building code listed in Chapter 44" with "New Jersey Uniform Construction Code" and the words "code official" with "construction official."

iii. Section F-303.2 is deleted in its entirety and is replaced with the following: "Barriers to fire: Fire resistance rated walls, floors and ceilings; fireblocking, draftstopping, and thermal barriers, shall be maintained as originally designed or constructed. Holes in rated walls, floors or ceilings that will allow the movement of fire or smoke shall be repaired to their original rating using approved materials to prevent such movement. All membrane fire protection shall be maintained at all times."

iv. Section F-303.3 is amended to replace the word "building" with the word "construction" and to replace the words "listed in Chapter 44" with "in effect at the time of first occupancy."

v. Section F-303.4 is amended to add the words "in accordance with NFPA 80 listed in Chapter 44" after the words "in good working order" and Section F-303.4.1 is amended to replace the words "building code listed in Chapter 44" with the words "New Jersey Uniform Construction Code."

vi. Section F-303.4.3 is amended to replace the words "code official" with the words "fire official."

vii. Sections F-303.4.4, F-303.4.5, F-303.5, F-304.0 and Table F-304.1 are deleted.

viii. Section F-305.2 is amended to replace the words "code official" with the words "fire official."

ix. Section F-306.1, Exception, is amended to replace the words "building code" with the words "construction code" and to replace the words "listed in Chapter 44" with the words "in effect at the time of first occupancy."

x. Sections F-306.3 and 306.3.1 are amended to replace the words "code official" with the words "fire official."

xi. A new section F-306.6 is added as follows:

F-306.6 Holiday displays: Seasonal displays of trees and wreaths in all buildings covered by the Uniform Fire Safety Act, P.L. 1983, c.383, shall be maintained in a safe, proper and sanitary condition in accordance with the fire safety standards set forth in this section and as required by this code.

F-306.6.1 General limitations: Any person displaying holiday trees and wreaths shall ensure that the display satisfies the following requirements:

1. Holiday trees and wreaths shall not be allowed to obstruct corridors, exits or other means of egress nor be placed near any stairway or elevator shaft.

2. Holiday trees and wreaths shall not be used for decorative purposes in show windows or other parts of buildings in such a quantity as to constitute a fire hazard unless such material is flameproofed in an approved manner.

3. Holiday trees and wreaths shall not be located near any heating vent or other fixed or portable heating device which could cause the greenery to ignite or dry out prematurely. In addition, the use of open flames such as candles, lanterns, kerosene heaters or gas-fired heaters on or near holiday trees is prohibited.

4. No flammable decorations, combustible tree skirts or decorative gift packages may be placed on or under or around holiday trees. This restriction does not apply to a live or natural cut tree displayed in a sprinklered building.

5. Only electric lights approved by Underwriters Laboratory (UL) or other approved electrical testing agency may be used on a tree. Such electric lights shall not be decorated with paper or other combustible materials unless such materials shall have first been flameproofed.

F-306.6.2 Natural cut trees: Natural cut trees, which include blue spruce, scotch pine, Douglas fir and other similar evergreen trees generally used in holiday displays, shall be permitted in any building covered by this code if the trees are located in areas

protected by an approved automatic sprinkler system, or meet the flame resistance requirements of NFPA 701 listed in Chapter 44.

1. Natural cut trees used in buildings covered by the Uniform Fire Safety Act, P.L. 1983, c.383 shall be placed in an appropriate clean tree stand.

2. Loose needles and other debris shall be removed from the natural cut tree before it is displayed in the public or commercial building.

3. The water level in the tree stand shall be checked daily and additional fresh water added at regular intervals to ensure a water level sufficient to prevent the tree from becoming dry.

4. A fresh cut tree which becomes dry and brittle, with brown, falling needles shall be promptly removed from the building.

**F-306.6.3 Live trees:** Live trees include any container grown balled and burlaped or balled and potted tree that has been uprooted, its roots protected by an earthen ball and maintained in a fresh, hardy condition. Live trees shall be displayed in a manner that does not allow the tree to become dry, and any tree which becomes dry, brittle, or show signs of dying, shall be removed from the building.

**F-306.6.4 Holiday wreaths:** Holiday wreaths shall be permitted in any building but such wreaths shall not exceed 10 percent of the aggregate wall area of any room or space.

**F-306.6.5 Powers of enforcing agency:** The appropriate enforcing agency or fire official shall approve the placement of a live or natural cut tree in a public or commercial building, may limit the number of trees in any building, and may order the removal of a tree from a building or occupancy if the fire official determines that the condition of the tree poses a safety hazard.

xii. Section F-307.0 is deleted.

xiii. Section F-308.1 is amended to delete the word "existing," the words "constructed in accordance with the building and mechanical codes listed in Chapter 44," and the word "and" before the word "maintained" and add the following subsections:

"1. Every chimney, flue, vent and smokestack shall be inspected, cleaned and maintained as often as necessary to ensure adequate draft, structural integrity and freedom from combustible deposits and obstructions.

2. All fixed heat producing appliances shall be inspected, cleaned and serviced as often as necessary to maintain the appliance in a safe operating condition.

3. Connector pipes between appliances and chimneys shall be inspected, cleaned or replaced as often as necessary to ensure safe operation of the appliance. All joints shall be gas tight and mechanically fastened with connections made with the pipe installed inside of the following section to ensure conveyance of products of combustion to the exterior.

4. Appliances which do not vent their flue gases properly to the exterior of the building shall be immediately removed from service in accordance with F-308.2 below.

5. Appliances shall only be fired with the fuel for which the appliance is designed and listed."

xiv. Sections F-308.2 and F-308.2.1 are amended to replace the words "code official" with the words "fire official."

xv. Section F-308.2.1 is further amended to replace the word "misdemeanor" in both locations in which it appears with the words "violation of this code."

xvi. Section F-308.4 is amended to replace the words "mechanical code listed in Chapter 44" with the words "Uniform Construction Code."

xvii. Section F-308.5 is added, as follows:

**F-308.5 Space Heaters:** The following apply to space heaters:

**F-308.5.1 Space heaters** shall be operated and installed with at least the minimum clearance to combustibles for which the appliance has been listed.

**Exception:** Clearances may be reduced in accordance with the mechanical subcode of the Uniform Construction Code.

**F-308.5.2 Portable kerosene fire heaters** shall be tested in accordance with UL 647 and bear the label of an approved testing agency complying with the criteria for labeling specified in the mechanical subcode of the Uniform Construction Code.

1. The use of portable kerosene fired heaters is prohibited in all Use Groups except one and two-family dwellings.

2. Portable kerosene fired heaters shall not be offered for sale unless a conspicuous sign is posted at the point of sale and display indicating that the use of portable kerosene fired heaters is prohibited in all buildings except one and two-family dwellings and is prohibited by ordinance in some municipalities in all dwellings.

3. Portable containers for kerosene shall be either of a plastic or metal construction with fill and vent openings. The container shall be predominantly medium blue. The word "Kerosene" shall be displayed around the perimeter of the container.

F-308.5.3 Chimneys connected to solid-fuel fired heaters shall be inspected annually and maintained free of significant deposits of creosote and soot.

1. Exceptions to above are Use Groups R-3 and R-4 detached single family dwellings, and chimneys serving fireplaces which are not equipped with fireplace stoves or inserts."

xviii. Section F-309.1 is deleted.

xix. Section F-309.2 is amended to replace the words "the mechanical code listed in Chapter 44" with "F-309.2.1."

xx. Section F-309.2.1 is amended to replace the words "code official" with the words "fire official."

xxi. Section F-310.1 is amended to replace the words "electrical code official" with "construction official."

xxii. Section F310-4 is amended to delete the words "listed in Chapter 44."

xxiii. Section F-310.9 is added, as follows: "Unused Equipment: All unused fixtures, circuits, wiring and electrical devices or fixtures shall be removed or properly secured in place."

xxiv. Section F-311.1 is amended to replace the words "code official shall" with the words "fire official may."

xxv. Section F-311.1.2 is added, as follows: "Prior Approval: Proposed fire lanes shall not conflict with prior approvals issued by the planning and/or zoning boards."

xxvi. Section F-312.3 is amended to replace the words "code official" with the words "fire official."

xxvii. Sections F-313.0, F-314.0, F-315.1, F-315.5, F-315.6, F-315.6.1 and F-315.7 are deleted.

xxviii. Section F-315.2.1 is amended to replace the words "code official" with the words "fire official."

xxix. Section F-315.3 is amended to replace the words "code official" with the words "fire official."

xxx. A new Section F-316.0 is added as follows:

"F-316.0 Vacant and Abandoned Buildings and Structures

F-316.1 Abandoned buildings: All buildings or structures that are, or hereafter become vacant as a result of damage, fire, or abandonment shall be secured against unauthorized entry as ordered by the fire official. Structures which appear to be in danger of collapse shall be referred to the construction official for remedial action in accordance with the Uniform Construction Code.

F-316.2 Utilities: All utilities which represent a potential source of ignition shall be disconnected in a manner approved by the fire official.

F-316.3 Fire protection systems: Fire protection systems shall be maintained as required in F-504.3."

xxxi. A new F-317.0 is added as follows:

"F-317.0 HVAC and Mechanical Equipment:

F-317.1 Maintenance: All heating, ventilating and air conditioning (HVAC) and mechanical equipment shall be maintained free of excessive accumulations of oil, grease, dust or waste materials.

F-317.2 Emergency Controls: All emergency controls shall be maintained and tested in accordance with F-514.0. All fire and smoke dampers shall be free at all times of obstructions that prevent proper operations.

F-317.3 Hazardous Materials: All equipment for the handling or use of combustible, explosive or otherwise hazardous materials shall be maintained as required by this Code. Where the provisions of this Code do not specifically cover conditions and operations, the equipment shall be maintained in accordance with nationally recognized good practice so as not to create any hazardous conditions."

xxxii. A new Section F-318.0 is added as follows:

"F-318.0 Rooming and Boarding Houses:

F-318.1 General: Every rooming and boarding house shall have rules prohibiting the activities listed in F-318.1.1 and F-318.1.2 below, which shall be accepted in writing by every resident as a condition of residency.

F-318.1.1 Cooking: The use of cooking and food warming and portable heat producing devices, other than microwave ovens, is prohibited in rooming units.

Exception: This prohibition shall not apply in rooming units containing complete kitchens.

F-318.1.2 Smoking: Smoking is prohibited in rooming units."

xxxiii. A new Section F-319.0 is added as follows:

"F-319.0 Doors

F-319.1 Markings: All doors to service equipment areas shall be identified, as to the equipment contained within the room, with a permanently affixed sign with letters at least one inch in diameter."

4. Chapter 4 (Open flames or burning) is amended, as follows:

i. Section F-402.3 is deleted.

ii. Section F-402.3.1 (egress) is deleted in its entirety.

iii. A new Section F-402.4 is added as follows:

"F-402.4 Portable LP Gas Cooking equipment: Portable LP gas cooking equipment such as barbecue grills shall not be stored or used:

1. On any porch, balcony or any other portion of a building;
2. Within any room or space of a building;
3. Within five feet of any combustible exterior wall;
4. Within five feet, vertically or horizontally, of an opening in any wall; or
5. Under any building overhang."

iv. Section F-403.3 is amended to replace the words "code official" with the words "fire official."

v. Section F-403.4 is amended to replace the words "code official" with the words "fire official" and to delete the words "recognized silvicultural or range or wild life management practices, prevention or control of disease or pests, providing heat for outworkers and."

vi. Section F-403.4.1 is amended to replace the words "code official" with the words "fire official."

vii. A new Section F-403.4.2 is added as follows:

"F-403.4.2 Agricultural Burning Permitted: The burning of herbaceous or infested plant life, the burning of orchard prunings and cuttings, prescribed burnings and the clearing of agricultural land by burning are prohibited by this subchapter, unless in accordance with a permit issued under the provisions of N.J.A.C. 7:27-2 administered by the State Forest Fire Service in the New Jersey Department of Environmental Protection."

viii. Section F-403.4.3 is amended to replace the words "code official" with the words "fire official."

ix. Section F-403.8 is amended to replace the words "code official" with the words "fire official."

x. Section F-404.0 is amended to read "Use of Torches."

xi. Section F-404.1 is amended to add, after the words "removing paint from any structure" the words, "or for sealing of membrane roofs, or any similar use in or around any building, structure or combustible material."

xii. Section F-404.2 is amended to read "Permit required:" The word "approval" is to be replaced with "a permit." The words "code official" are replaced with the words "fire official" and the following text added to follow the words "remove paint": "to seal membrane roofs, or for any similar use in or around any building, structure or combustible material."

xiii. Sections F-405.1 and F-405.4, item 2 are deleted.

5. Chapter 5 (Fire protection systems) is amended as follows:

i. Section F-501.1 is amended to delete the words "installation" and "new and existing."

ii. Section F-501.2 is amended to replace the words "code official" with the words "construction official" and to remove the second sentence.

iii. Section F-501.2.1 is deleted.

iv. Section F-501.3 is deleted.

v. Section F-501.4.1 and F-501.4.3 are amended to replace the words "code official" with the words "fire official."

vi. Section F-503.0 is deleted.

vii. Sections F-504.1 and F-504.2 are amended to replace the words "code official" with the words "fire official." In addition, the second sentence of Section F-504.1 is amended to replace the words "An owner or occupant" with the words "No one" and to delete the word "not" following the word "shall."

viii. A new Section F-504.2.1 is added as follows:

"F-504.2.1 Anyone disabling, tampering with or interfering with the effectiveness of a fire suppression, fire detection or alarm system shall be in violation of this Code."

ix. Section F-504.3, exceptions, is amended to replace the words "code official" with the words "fire official."

x. Section F-506.1 is amended to add after NFPA 25 the words "including Appendix B," and to add NFPA 231, 231C, 231D, 231E and 231F as referenced documents.

xi. A new Section F-508.7 (Total flooding systems) is added as follows:

"F-508.7 Total Flooding systems: In any use of carbon dioxide, dry chemical, or halon total flooding systems where there is a possibility that personnel will be trapped in, or enter into, an atmosphere made hazardous by a discharge, warning signs, discharge alarms and breathing apparatus, when provided, shall be maintained to insure prompt evacuation of and to prevent entry into such atmospheres and also to provide means for prompt rescue of any trapped personnel."

xii. A new Section F-515.2.1 is added as follows:

"F-515.2.1 Battery operated smoke detectors in Use Group R-1 and R-2 buildings and in bed and breakfast homestays shall be maintained, tested and inspected as follows:

1. The owner of the building or the owner's representative shall inspect each detector whenever a change of occupant occurs;
2. The owner of the building or the owner's representative shall clean the detector and/or replace the batteries as necessary, but at least once a year, to assure proper operation."
- xiii. Sections F-516.1 through F-516.5 are deleted.
- xiv. Section F-517.0 is amended to add the word "private" before the word "water."
- xv. Sections F-517.1 and F-517.2 are deleted.
- xvi. Section F-517.3 is amended to add the word "private" at the beginning of the sentence.
- xvii. Section F-518.1 is deleted.
- xviii. Section F-519.2 is deleted in its entirety and is replaced with the following:
 

"F-519.2 Where required: All hand operated portable fire extinguishers shall be selected, distributed, inspected, maintained, tested and recharged in accordance with NFPA 10 listed in Chapter 44, incorporated herein by reference, and F-519.2.1 below.

F-519.2.1 Portable fire extinguishers shall be provided in all buildings and structures except Use Group R-2 and R-3 as set forth in F-519.2.1.1 through F-519.2.1.6 below.

  1. Theaters shall be provided with at least two approved fire extinguishers in the stage area behind the proscenium wall where movable scenery is installed; not less than one fire extinguisher on stages or platforms without scenery or stage equipment; one in each tier of dressing rooms; and one immediately outside the entrance to every motion picture booth.
  2. Schools, assembly and lecture halls shall be provided with one fire extinguisher for each 2,500 square feet of floor area or fraction thereof but not less than one fire extinguisher in each laboratory, shop or other vocational room.
  3. In hotels, dormitories and lodging houses, at least one fire extinguisher shall be provided on each floor at the stairway landing and in the corridor at each elevator or bank of elevators.
  4. Hospitals, nursing homes, prisons and group homes shall be provided with one fire extinguisher for each 2,500 square feet of floor area but not less than one per floor, and one in each kitchen.
  5. Portable fire extinguishers shall be provided as required by the fire official in accordance with NFPA 10 listed in Chapter 44, incorporated herein by reference.
  6. Where required in other sections of this code as outlined by Table F-519.2 below:"
- xix. Table F-519.2 is amended to delete reference to F-315.5
- xx. A new Section F-520.0 is added as follows:
 

"F-520.0 High Level Alarms

F-520.1 Testing: All high level alarm systems installed in accordance with N.J.A.C. 5:72 shall be periodically tested in accordance with N.J.A.C. 5:72-3.2(a)4."
- xxi. A new Section F-521.0 is added as follows:
 

"F-521.0 Elevator Recall:

F-521.1 Testing: Elevators shall be tested annually in accordance with F-521.1.1 and F-521.1.2 below. The fire official shall accept a current certificate of compliance issued in accordance with the Uniform Construction Code as evidence of compliance with this section.

  1. Upon simulated activation of an elevator lobby detector, the elevator controller shall cause all elevator cars that serve that lobby to return nonstop to the designated lobby, and prevent further operation of the elevators without the use of an emergency service key.
  2. The emergency service keys shall be utilized to place the recalled elevators into emergency operation and to verify proper functioning of the elevator for fire service operation."
6. Chapter 6 (Means of egress) is amended as follows:
  - i. Section F-601.1 is amended to delete all words following "means of egress."
  - ii. Section F-601.2 is deleted.
  - iii. Section F-601.4 is deleted.
  - iv. A new Section F-601.4.1 is added as follows:
 

"F-601.4.1 Place of Assembly: A place of assembly shall be a room or space accommodating individuals for religious, recreational, political, social or amusement purposes or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and entrance."
  - v. Section F-601.5 is amended to replace the words "code official" with the words "fire official."
  - vi. Section F-601.6 is amended to delete the text in its entirety and replace with the following:
 

"F-601.6 Occupant load: the occupant load for structures shall be maintained pursuant to the New Jersey Uniform Construction Code provisions in effect at the time of construction. The occupant load for structures constructed under standards in force

prior to adoption of the New Jersey Uniform Construction Code shall be calculated in accordance with N.J.A.C. 5:70-4.11(f)3.”

vii. Section F-601.7 is amended to delete the text following the first sentence and to replace it with the following: “The number of occupants permitted shall be in accordance with the current Certificate of Occupancy issued pursuant to the New Jersey Uniform Construction Code for structures constructed and occupied under the provisions of that code, and shall be in accordance with N.J.A.C. 5:70-4.11(f)3 for structures constructed under standards in force prior to the adoption of the New Jersey Uniform Construction Code for which structures no such certificate of occupancy has subsequently been issued.”

viii. Sections F-601.8 and F-603.2 are amended to replace the words “code official” with the words “fire official.” Section F-603.2 is further amended to replace the words “building code listed in Chapter 44” with the words “Uniform Construction Code.”

ix. Section F-604.1 is amended to replace the word “altered” with the word “used,” to replace the words “building code” with the words “construction code” and to replace the words “under which the structure was constructed and the requirements of this code” with the words “in effect at the time of first occupancy” and to add a new subsection as follows:

“F-604.1.1 structure shall not be altered in any manner affecting the number or capacity or means of egress without first obtaining a permit from the Construction Official.”

x. Section F-604.2 is amended to delete the text in its entirety and replace with the following:

“F-604.2 Areas under repair: Structures or portions of structures undergoing repair, renovation, alteration or reconstruction may be occupied as permitted by the construction official.”

xi. Section F-606.1.1 is amended to delete the words “building code listed in Chapter 44” and insert the words “construction code in effect at the time of first occupancy.”

xii. Sections F-606.2, F-606.2.1 and F-606.3 are deleted.

xiii. Section F-606.4 is amended to replace the word “building” with the word “construction” and to delete the words “listed in Chapter 44” and insert the words “in effect at the time of first occupancy.”

xiv. Sections F-607.1 and F-607.2 are deleted.

xv. Section F-607.3 is amended to replace the word “building” before the word “code” with the word “construction” and to replace the words “listed in Chapter 44” with “in effect at the time of first occupancy.”

xvi. Section F-607.4 is deleted.

xvii. Section F-608.3.3 is amended to replace the words “building code listed in Chapter 44” with the words “Uniform Construction Code.”

xviii. Section F-608.4 is amended to delete the words “and the building code listed in Chapter 44.”

xix. Section F-608.5 is amended to delete the word “building,” to replace the words “be equipped with” with the words “have the,” to add the word “maintained” after the words “panic hardware” and to replace the words code “listed in Chapter 44” with the words construction code “in effect at the time of first occupancy.”

xx. Section F-609.1 is deleted.

xxi. Section F-609.3 is amended to delete the text in its entirety and replace with the following:

“F-609.3 Security: Existing bars, grilles, grates or similar devices may be permitted in required emergency escape windows provided such devices comply with Uniform Construction Code provisions and are equipped with approved release mechanisms which are operable from the inside without the use of a key or special knowledge or excessive force. Installation of new devices shall be in accordance with the provisions of the Uniform Construction Code.”

xxii. Section F-610.1 is amended to delete the text in its entirety and replace with the following:

“F-610.1 Egress illumination: Stairways, hallways and other means of egress, including exterior open spaces to or through which an exit leads, shall be kept adequately lighted at all times that the building served thereby is occupied.”

xxiii. Section F-610.2 is amended to replace the word “building” before the word “code,” with the word “construction,” to replace the words “listed in Chapter 44” with “in effect at the time of first occupancy” and to add the following sentence: “Supplemental internally illuminated directional signs, when necessary, shall be installed in accordance with the technical requirements of the Uniform Construction Code indicating the direction and way of egress.”

xxiv. Section F-610.3 is amended to replace the words “building code listed in Chapter 44” with the words “Uniform Construction Code.” The exception to this section is amended to replace the word “building” before the word “code” with the word “construction” and to replace the words “listed in Chapter 44” with the words “in effect at the time of first occupancy.”

xxv. Section F-611.4 is amended to delete the words “required by the building code listed in Chapter 44” and to begin the sentence with the word “Required.”

xxvi. Section F-611.5 is amended to replace the words "code official" with the words "fire official."

7. Chapter 7 (Emergency planning and preparedness) is amended as follows:

i. Sections F-701.1, F-701.2, F-703.1, F-703.3, F-704.4 and F-705.4 are amended to add the words "and evacuation(s)" to follow the word "drill(s)."

ii. Section F-702.4 is amended to insert, after the words "Employees or attendants of assembly occupancies," the words "who have been assigned such duties."

iii. Sections F-701.2 and F-702.2 are amended to replace the words "code official" with the words "fire official."

iv. A new section F-701.3 is added, as follows:

"F-701.3 Unplanned evacuation. Evacuations made necessary by the unplanned activation of a fire alarm system or by any other emergency shall not be substituted for a required exit drill."

v. Section F-703.0 is amended to read as follows:

"F-703.0 Educational occupancies, daycare centers and dormitories."

vi. Section F-703.1 is amended to add, after "educational occupancies," the words "daycare centers regardless of use group, and in dormitories having an occupant load of 50 or more."

vii. Add a new Section F-703.2.1 as follows:

"F-703.2.1 Daycare and dormitories: Fire drills shall be held at least once a month in daycare centers and at least twice annually in dormitories."

viii. Sections F-703.3 and F-704.4, F-705.4 and 706.4 are amended to replace the words "code official" with the words "fire official" and are further amended to replace the words "persons responsible for such occupancies shall file written reports with the fire official not less than twice a year" with the words "shall be provided to the fire official upon request."

ix. Section F-706.1 is amended to replace the words "code official" with the words "fire official."

x. Section F-703.4 is amended to add, after "Fire exit drills," the words "or the unplanned activation of a fire alarm system."

xi. F-704.5 is amended to add, after "Fire exit drills," the words "or the unplanned activation of a fire alarm system" and to add, after "to a selected area and," the words "planned exit drills shall."

xii. Sections F-706.5 and F-706.6 are amended to replace the words "building code listed in Chapter 44" with the words "New Jersey Uniform Construction Code."

xiii. Section F-707.1 is amended to replace the words "the building code listed in Chapter 44" with the words "this code."

xiv. A new Section F-708.0 is added as follows:

"F-708.0 Use Group R-1, Casinos and Flammable liquid storage terminals.

F-708.1 General: A fire and safety plan shall be prepared as set forth in this subsection where required by F-708.1.1 through F-708.1.3.

F-708.1.1 Use Group R-1: All Use Group R-1 buildings;

F-708.1.2 Casinos: All buildings licensed as hotel-casinos by the New Jersey Casino Control Commission pursuant to N.J.S.A. 5:12-1 et seq.;

F-708.1.3 Flammable liquid storage terminals: All flammable liquid storage terminals required to install High Level Alarm Systems by N.J.A.C. 5:72 shall submit a fire and emergency plan as required by N.J.A.C. 5:72-3.4(a).

F-708.2 Fire Safety Plan: The fire safety plan shall be approved by the fire official and shall be distributed by the owner to all tenants and employees. The plan shall contain the location of the nearest exits and fire alarms; the procedures to be followed when a smoke or fire alarm sounds; and the procedures to be followed in the event of fire or smoke.

F-708.2.1 A copy of the fire safety plan shall be readily available at all times within the building. In hotel-casinos the plan shall be located in the Fire Command Center.

F-708.3 Evacuation Plan: The evacuation plan shall be conspicuously posted on every floor for the occupants' use.

F-708.3.1 Exception: In R-1 Use Groups the evacuation plan shall be posted on the inside of each guest room door, other than a door opening directly to the outside at grade level.

F-708.4 Plan changes: The fire safety and evacuation plan shall be maintained to reflect changes in the use and physical arrangement of the building.

F-708.5 Casino employees: All hotel-casino employees who are assigned duties under the plan shall be periodically instructed and kept informed in respect to their respective duties and responsibilities. Such training shall include the proper use of portable fire extinguishers and other manual fire suppression equipment. With respect to new staff members, such training shall be provided within 30 days of entrance to duty. With respect to existing staff, refresher training shall be provided at least annually and when-

ever a reassignment significantly alters an employee's duties and responsibilities under the plan.

F-708.6 Casino Fire Safety Units: Every establishment licensed as a hotel-casino by the New Jersey Casino Control Commission shall establish a Fire Safety Unit consisting of trained personnel who shall be under the direct supervision of a supervisor who shall have responsibility for the operation of the Unit and the Fire Command Center and whose sole responsibility during a fire-related emergency incident shall be the direction of the unit and center. The supervisor shall report directly to the Director of the Department under which the Fire Safety Unit is organized.

F-708.7 Responsibilities: The responsibilities of the Fire Safety Unit shall include the following as listed in F-708.7.1 through F-708.7.9 below. The Fire Safety Unit shall:

F-708.7.1 Ensure continual staffing of the Fire Command Center with trained hotel-casino personnel. There shall be at least one such trained person in the Center at all times who shall, while on duty, be responsible for the direction of the unit and the center during a fire-related emergency;

F-708.7.2 Develop and implement a comprehensive fire safety and evacuation plan;

F-708.7.3 Provide specialized training for all employees to assure compliance with the fire safety plan;

F-708.7.4 Familiarize all employees of the hotel-casino with the fire safety plan and with the built-in fire detection and suppression systems in the casino and hotel;

F-708.7.5 Familiarize management and security employees with local fire department operations and procedures for various emergencies in the hotel-casino;

F-708.7.6 Provide training for employees on specific support functions to be performed to assist fire department personnel in an emergency;

F-708.7.7 Provide training for employees in early detection and proper evacuation of a fire emergency and the proper use of first aid firefighting equipment and techniques;

F-708.7.8 Provide training annually for all security personnel and Fire Safety Unit staff in cardiopulmonary resuscitation; and

F-708.7.9 Ensure the maintenance of the building and its fire protection features in compliance with the Uniform Construction Code and the Uniform Fire Code.

F-708.8 Fire Command Center: The Fire Command Center shall maintain a comprehensive log which shall include the information required in F-708.8.1 and F-708.8.2 below.

F-708.8.1 The name and signature of each employee on duty in the Fire Command Center along with the date and time of arrival and departure; and

F-708.8.2 A description of each incident occurring within the casino or hotel, including the date, time, location and action taken. An incident shall include, but not be limited to, fire, alarm activation, trouble signal, fire protection equipment malfunction, and any unrecorded communication pertaining to fire or life safety which is made to or from the Fire Command Center."

xv. A new section F-709.0 is added as follows:

"F-709.0 Group Overnight Stays.

F-709.1 Permit required: A separate permit shall be obtained for each non-consecutive group overnight stay, not to exceed six (6) nights in any calendar year. A facility that holds seven (7) or more non-consecutive group overnight stays within a calendar year shall be considered to have changed the use of the building or portion thereof if the activity involves planned periods of sleep and it shall be necessary to apply for and be issued a certificate of occupancy under the Uniform Construction Code for the new use.

F-709.2 Application: Each application for a permit shall include a fire safety and evacuation plan which shall include, but not be limited to, the following information:

1. Number and age of planned participants;
2. Number of adult supervisors;
3. Fire drill procedures;
4. Procedure for accounting for participants after evacuation has been completed;
5. The preferred means, and any alternative, for notifying participants of a fire or other emergency;
6. The preferred means, and any alternative, for reporting fires or other emergencies to the fire department or emergency response organization;
7. The type of fire protection system(s) provided; and
8. Floor plan per section F-709.3.

F-709.3 Floor plan: A floor plan of the building, or portion thereof, to be occupied, which identifies the locations of the following:

1. Exits;

2. Proposed sleeping area, if any;
3. Primary evacuation route;
4. Secondary evacuation route;
5. Accessible egress route(s), if available;
6. Fire alarm enunciator and control panel, if any; and
7. Manual fire alarm pull stations, if any.

F-709.4 Means of egress: The means of egress for the sleeping area shall comply with sections F-709.4.1 through F-709.4.4.

F-709.4.1 Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. A single exit is permitted for 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.

F-709.4.2 Means of egress doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

F-709.4.3 Means of egress lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be available during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (National Electrical Code) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

F-709.4.4 Illuminated exit signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary.

Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.

F-709.5 Automatic alarms: The building or area containing the overnight stay shall be provided with an approved automatic fire detection system consisting of smoke detectors installed in accordance with the Uniform Construction Code.

F-709.6 Fire drill: A fire drill shall be conducted in accordance with the approved fire safety and evacuation plan upon arrival of all participants.

F-709.7 Sleeping area restrictions: Sleeping in rides, jungle mazes, or other amusement-type equipment or other confined areas shall be prohibited.

F-709.8 Supervision: For all overnight stays involving persons under the age of eighteen (18), adult supervision consisting of persons at least twenty-one (21) years of age shall be provided as follows:

| One supervisor required: <sup>a</sup> | Age group of children                                    |
|---------------------------------------|--|
| for every 2 children                  | Greater than 2½ years of age to less than 4 years of age |
| for every 4 children                  | 4 years of age to less than 7 years of age               |
| for every 8 children                  | 7 years of age to less than 18 years of age              |

Note a: For groups of children of mixed ages:

1. A minimum of one supervisor is required, unless the threshold for a specific age group requires additional supervisors and

2. When the total number of children of any age exceeds 8 or when the total number of children less than 7 years of age exceeds 4 an additional supervisor shall be required. This condition applies even if the threshold of a specific age group has not been met.

3. For groups consisting of children of high school age, where the activity involves no planned period of sleep, supervision may be reduced to one adult for each twenty-five children, provided no separate group of children, regardless of number, is without adult supervision."

8. Chapter 8 (Airports, heliports and helistops) is amended as follows:

- i. Section F-801.2 is deleted.
- ii. Section F-802.1 is amended to delete the word "install," and to insert the words "the maintenance provisions of" before "NFPA 407."
- iii. Section F-802.3 is amended to replace the words "area in compliance with the building code listed in Chapter 44" with the words "approved area."
- iv. Section F-805.5 is amended to replace the words "code official" with the words "fire official."

9. Chapter 9 (Bowling establishments) is amended as follows:

- i. Section F-901.2 is deleted.
- ii. Section F-902.2.1 is amended to replace the words "code official" with the words "fire official."
- iii. Section F-902.3 is amended to replace the word "building" before the word "code" with the word con-

struction and to replace the words "listed in Chapter 44" with the words "in effect at the time of first occupancy."

10. Chapter 10 (Crop-ripening and coloring processes) is amended as follows:

- i. Section F-1001.2 is deleted.
- ii. Section F-1002.1 is amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."
- iii. All text of section F-1002.2 following the word "Ethylene" is deleted.
- iv. Section F-1002.3 is amended to replace the word "installed" with the word "maintained" and to delete the words "listed in Chapter 44."
- v. Sections F-1002.4.2 and F-1002.4.4 are amended to insert the words "maintained as" before the word "installed" and to replace the words "the mechanical code listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."

11. Chapter 11 (Dry cleaning plants) is amended as follows:

- i. Section F-1101.2 is deleted.
- ii. Section F-1103.1 is deleted.
- iii. Section F-1103.4 is amended to replace the words "code official" with the words "fire official."

12. Chapter 12 (Dust explosion hazards) is amended as follows:

- i. Section F-1201.2 is deleted.
- ii. Section F-1202.1 is amended to add a reference to NFPA 68.
- iii. Section F-1202.2 is deleted.
- iv. Section F-1202.4 is amended to replace the word "installed" with the word "maintained."
- v. Section F-1202.6 is reserved and the text deleted.
- vi. Section F-1203.1 is amended to replace the words "NFPA 70 listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."

13. Chapter 13 (Application of flammable finishes) is amended as follows:

- i. A new Section F-1301.1.1 is added as follows:

"F-1301.1.1 This section does not cover the outdoor spray application of buildings, tanks or other similar structures, nor does it cover small portable spraying apparatus not used repeatedly in the same location; provided, however, that the herein described fundamental safeguards pertaining to cleanliness, care of flammable liquids, dangerous vapor-air mixtures and sources of ignition shall be applicable."

ii. Section F-1301.2 is deleted.

iii. Section F-1302.1, definition of spraying area, is amended to replace the words "code official" with the words "fire official."

iv. Section F-1303.1 is amended to delete the entire first sentence.

v. Section F-1303.3 is amended to delete all words following the word "chapter."

vi. Sections F-1304.2, F-1304.10 and F-1305.2 are amended to replace the words "the building code listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."

vii. Section F-1304.3.5 is amended to replace the words "code official" with the words "construction official."

viii. Section F-1304.6 is amended to delete the words "in accordance with the building code listed in Chapter 44."

ix. Sections F-1304.8 and F-1305.1 are amended to replace the words "code official" with the words "fire official."

x. Section F-1304.8 is amended to delete the entire first sentence.

xi. Section F-1304.10 is amended to replace the words "the mechanical code listed in Chapter 44" with the words "code in effect at the time of first occupancy."

xii. Section F-1304.10.3, item 5. is amended to delete the words "and NFPA 70 listed in Chapter 44."

xiii. Section F-1305.2 is amended to delete the word "building" before the word "code" and to delete the words "listed in Chapter 44" and replace them with the words "in effect at the time of first occupancy."

xiv. Section F-1305.3 is amended to delete the words "and the mechanical code listed in Chapter 44."

xv. Section F-1305.10.4 is amended to replace the words "in accordance with Section F-1305.8.1" with the words "by an approved automatic fire suppression system pursuant to N.J.A.C. 5:70-4.7(e)2iii."

xvi. Sections F-1305.8.1 and F-1305.8.2 are deleted.

14. Chapter 14 (Fumigation and thermal insecticidal fogging) is amended as follows:

i. Sections F-1401.2 and F-1403.3 are amended to replace the words "code official" with the words "fire official." Section F-1401.2 is further amended to replace the word "approval" with the words "a permit."

15. Chapter 15 (Hazardous production material facilities) is amended as follows:

i. Section F-1501.1 is amended to replace the words "Tables 307.8(1) and 307.8(2) in the building code listed in Chapter 44" with the words "the Uniform Construction Code requirements in effect at the time of approval."

ii. Section F-1501.2 is deleted.

iii. Sections F-1501.3 and F-1503.1 are amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy." Section 1501.3 is further amended to delete the words "Section 416.0 of."

iv. Section F-1503.4 is amended to add the words "process equipment" after the words "excess flow."

v. Sections F-1503.5, F-1504.3, F-1504.3.1, F-1504.3.1.1, F-1504.3.1.2, F-1504.3.1.3, F-1504.3.1.4, F-1504.3.2 and F-1504.4 are deleted.

vi. Section F-1504.1 is amended to delete the words "and, where metal, shall not be less than 0.0478-inch (No. 18 Gage) steel."

vii. Sections F-1504.5, F-1505.2 and F-1508.2.2 are amended to delete, after NFPA 70, the words "listed in Chapter 44." In addition, Section F-1504.5 is further amended to delete the words "Work stations shall not be energized without first activating the exhaust ventilation."

viii. Sections F-1504.6, F-1504.10, F-1505.3.1 and F-1505.3.3 are deleted.

ix. Section F-1506.1 is amended to delete the words "where there are alterations or modifications to existing fabrication areas," and to delete the words "and the building code listed in Chapter 44."

x. Section F-1508.1 is amended to delete the word "construction" and to delete the words "and the building code listed in Chapter 44."

16. Chapter 16 (Lumber yards and woodworking plants) is amended as follows:

i. Section F-1601.1 is amended to add following the word "chapter," the words "and with the maintenance provisions of NFPA 46 listed in Chapter 44."

ii. Section F-1601.2 is deleted.

iii. Section F-1602.3 is amended to replace the words "the mechanical code listed in Chapter 44" with the words "this code" and is further amended to replace the words "A storage bin of noncombustible

construction" with the words "A noncombustible storage bin."

iv. Section F-1602.7 is amended to delete the first sentence.

v. Section F-1603.3 is amended to add the following sentence: "Small hose supplied from a suitable water system as approved by the fire official shall be accepted as meeting the requirements of this section."

17. Chapter 17 (Matches) is amended as follows:

i. Section F-1701.2 is deleted.

ii. Section F-1702.3 is amended to change "10 feet (3048 mm)" to "18 feet (5486 mm)," to replace "1,500 cubic feet (42 m<sup>3</sup>)" with "25,000 cubic feet (708 m<sup>3</sup>)" and to change "8 feet (2438 mm)" to "4 feet (1219 mm)."

18. Chapter 18 (Gas and oil production) is amended as follows:

i. Sections F-1801.0 through F-1801.3, F-1802.1, F-1802.3, F-1802.4, F-1802.5 and F-1802.6 are deleted.

19. Chapter 19 (Organic coatings) is amended as follows:

i. Section F-1901.2 is deleted.

ii. Section F-1902.9.1 is amended to replace the words "be equipped with traps or separator tanks" with the words "be prohibited without the express approval of N.J.D.E.P.E. (See, also, Section F-2310.0 Discharge of Hazardous Materials)."

iii. Section F-1903.1 is amended to delete the words "and shall be installed in accordance with NFPA 70 listed in Chapter 44."

iv. Section F-1904.1 is deleted.

v. Section F-1904.5 is reserved and the text deleted.

vi. Section F-1904.6 is amended to add, following the words "air movement" the words "in accordance with the construction code in effect at the time of first occupancy."

vii. Section F-1909.3.1 is amended to replace the words "be designed and installed in accordance with" with the words "conform to the requirements of."

20. Chapter 20 (Tents and air-supported structures) is amended as follows:

i. Section F-2001.1 is amended to remove the words "requiring a permit pursuant to N.J.A.C. 5:70-2.7."

ii. Section F-2001.2 is deleted.

iii. Section F-2001.3 is amended to replace the words "building code listed in Chapter 44" with the words "Uniform Construction Code."

iv. New sections F-2001.7 and F-2001.8 are added as follows:

"F-2001.7 All membrane or air-supported structures shall be constructed of flame resistive materials or materials treated to render the material flame resistant in a manner approved by the fire official. The membrane material shall be either noncombustible as defined in Section F-202.0 above or flame resistant conforming to NFPA 701 listed in Appendix 3 A, incorporated herein by reference.

F-2001.8 A copy of an affidavit or affirmation shall be retained on the premises on which the membrane or air-supported structure is located, attesting to the following information relative to the flame resistance of the fabric:

1. The names and addresses of the owners of the membrane or air-supported structure;
2. The date fabric was last treated with flame resistant solution;
3. The trade name or kind of chemical used in treatment;
4. The name of the person or firm treating the material; and
5. The name of the testing agency and test standard by which the fabric was tested."

21. Chapter 21 (Materials storage, waste material and junk yards) is amended as follows:

i. Section F-2101.1 is deleted in its entirety and a new section added as follows:

"F-2101.1 Scope: The equipment, processes and operations of all occupancies and the storage of combustible or flammable waste, rubbish and other materials shall comply with this chapter and NFPA 46, 231, 231c, 231D, 231E and 231F listed in Chapter 44."

ii. Sections F-2102.1, F-2102.2 and F-2103.1 are deleted.

iii. Section F-2103.3 is amended to remove the word "other" before the word "building."

iv. A new Section F-2103.4 is added as follows:

"F-2103.4 Clearances: The clearance between stored materials and unit heaters, radiant space heaters, duct furnaces, and flues shall not be less than three feet in all directions or shall be in accordance with the clearances shown on the approval agency label."

22. Chapter 22 (Welding or cutting, calcium carbide and acetylene generators) is amended as follows:

i. Section F-2201.2 is deleted.

ii. Sections F-2203.3 and F-2204.2.3 are amended to replace the words "code official" with the words "fire official."

iii. Section F-2204.1 is amended to delete the words "unless authorized by the owner."

iv. Section F-2204.5 is amended to delete the words "provided approval is not required in accordance with Section F-2201.2."

v. Section F-2205.2 is deleted.

vi. Section F-2205.3.1 is amended to delete, following NFPA 70, the words "listed in Chapter 44."

vii. Sections F-2207.1, F-2208.1 and F-2208.7 are deleted.

viii. Sections F-2207.3.2 and F-2208.4 are amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."

ix. Section F-2208.4 is amended to delete the word "building" before the word "code."

23. Chapter 23 (Hazardous materials) is amended as follows:

i. Section F-2301.2 is deleted.

ii. Sections F-2301.2.1 and F-2301.2.2 are amended to replace the words "code official" with the words "fire official" and to delete the words "every application for a permit shall include." After the words "approved plan" or "approved statement" insert the words "shall be maintained." In Section F-2301.2.1, replace the words "that include" with the words "The plan shall include."

iii. Sections F-2301.3 through F-2301.3.1.2 are deleted.

iv. Section F-2302.1, General definitions, is amended to delete the definition of the term "secondary containment."

v. Section F-2304.2 is amended to add the words "if repository containers (lock boxes) are required to be installed by an ordinance adopted in the jurisdiction served by the local enforcing agency."

vi. Sections F-2304.3.3.5, F-2304.6, F-2304.7, F-2310.2, F-2310.2.3, F-2310.2.4, F-2312.2 and F-2314.7 are amended to replace the words "code official" with the words "fire official."

vii. Sections F-2305.0, F-2305.1, F-2305.2, Table F-2305.2 and F-2305.3 are reserved and the text deleted.

viii. Sections F-2313.2.5, F-2313.2.6, F-2314.5, F-2314.6, F-2318.1.1, F-2318.2.1 and F-2318.11 are amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."

ix. Section F-2307.1 is deleted.

x. Note b. to Table F-2307.2 is amended to replace the words "building code listed in Chapter 44" with the words "Uniform Construction Code."

xi. The notes to Table F-2307.2 are amended to include a Note e. as follows: "This table is identical to Table 417.2.1.1 of the Building Subcode of the Uniform Construction Code."

xii. Section F-2310.2.2 is amended to delete the words "as required by the code official."

xiii. Section F-2310.2.4 is amended to delete the words "the fire department or" and to replace the words "code official" with the words "fire official."

xiv. Sections F-2311.6, F-2316.5 and F-2316.6 are deleted.

xv. Section F-2312.2 is amended to replace the words "code official" with the words "fire official."

xvi. Section F-2313.2.5 is amended to delete all text following the words "in accordance with" and insert in its place the words "the code in effect at the time of first occupancy."

xvii. Section F-2313.2.6 is amended to delete the words "this code for the storage of the material stored" and replace them with the words "the code in effect at the time of first occupancy."

xviii. Sections F-2314.10, F-2315.2, F-2315.3 and F-2315.4 through F-2315.4.4 are reserved and the text deleted.

xix. Sections F-2316.0 through F-2316.6 are deleted.

xx. Section F-2314.11 is reserved and the text deleted.

xxi. Section F-2315.1 is amended to delete the words "in accordance with this section."

xxii. Sections F-2318.7, F-2318.8, F-2320.3 and F-2320.7 are deleted.

xxiii. Sections F-2317.2 and F-2317.2.1 are reserved and the text deleted.

xxiv. Section F-2317.3 is amended to delete the words "installed and" and the words "listed in Chapter 44."

xxv. Section F-2317.3.1 is amended to delete all language following the first sentence.

xxvi. Section F-2318.1 is amended to delete the words "and the building code listed in Chapter 44."

xxvii. Notes a., b. and d. to Table F-2318.1(1), note a. to Table F-2318.1(2) and Section F-2318.2 are amended to delete the words "in accordance with the building code listed in Chapter 44." Section F-2318.2 is further amended to delete the words "shall be installed in accordance with approved standards and."

xxviii. Section F-2318.2.2.2 is amended to replace, in the exception, the words "the building code listed in Chapter 44" with the words "this code."

xxix. Section F-2318.5 is amended to delete all text following the words "electrically bonded and grounded."

xxx. Section F-2319.1 is amended to delete the words "and the building code listed in Chapter 44."

xxxi. Sections F-2319.2.3 and F-2319.3.3 are amended to delete the words "in accordance with the building code listed in Chapter 44."

xxxii. Section F-2320.1 is amended to delete the words "and the building code listed in Chapter 44."

xxxiii. A new Section F-2321.0 is added as follows:

"F-2321.0 Hazardous material tank vehicles

F-2321.1 The provisions of this subsection apply to vehicles for transportation of hazardous materials as defined in F-2302.0 above.

F-2321.2 Vehicles shall be operated as follows:

1. Vehicles shall not be parked or left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the vehicle in connection with the delivery of the load, except that during actual discharge of the load some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking. Vehicles shall not be parked out of doors at any one point for longer than one hour except at flammable liquid bulk terminals, bulk plants and other locations approved by the fire official.

2. Vehicles shall not be parked or garaged in any building or structure other than those specifically approved for such use in accordance with the construction code in effect at the time of first occupancy.

F-2321.3. The driver, operator or attendant of any vehicle shall not leave the vehicle while it is being filled or discharged. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. When making or breaking hose connections, the motors of tank trucks or tractors shall

be shut down. If loading or unloading is done without the use of power pump, the tank truck or tractor motor shall be shut down throughout such operations.”

24. Chapter 24 (Aerosol products) is amended as follows:

- i. Sections F-2401.1 and F-2401.2 are deleted.
- ii. Sections F-2403.4.2 and 2403.4.3 are reserved and the text deleted.

25. Chapter 25 (Cellulose nitrate (pyroxylin) plastics) is amended as follows:

- i. Sections F-2501.2, F-2501.2.1 and F-2502.3 are deleted.

26. Chapter 26 (Combustible fibers) is amended as follows:

- i. Section F-2601.2 is deleted.
- ii. Section F-2601.3 and Table F-2601.3 are reserved and the text deleted.
- iii. Sections F-2603.3 and F-2603.4 are amended to delete the words “constructed in accordance with the building code listed in Chapter 44.”

27. Chapter 27 (Compressed gases) is amended as follows:

- i. Section F-2701.1 is amended to replace the word “building” following the word “code” with the word “construction” and add, following “code” the words “in effect at the time of first occupancy.”
- ii. Section F-2701.2 is deleted.
- iii. Section F-2701.3 and Table F-2701.3(1) are reserved and the text deleted.
- iv. Sections F-2704.1.5, F-2704.2.7 and the exceptions, F-2704.2.8 and F-2705.3 are deleted.
- v. Section F-2704.1.8 is amended to replace the word “building” following the word “code” with the word “construction.”
- vi. Sections F-2704.4.5 and F-2704.4.6 are reserved and the text deleted.
- vii. Section F-2705.2 is amended to delete the words “installed and.”
- viii. Sections F-2706.3 and F-2707.2 are amended to delete the words “installed and.” Section F-2706.3 is further amended to insert the words “and maintained” following the word “utilized.”
- ix. Sections F-2710.1.3 and F-2710.1.4 are deleted.

28. Chapter 28 (Liquid and solid corrosive materials) is amended as follows:

- i. Section F-2801.2 is deleted.

- ii. Section F-2801.3 and Table F-2801.3 are reserved and the text deleted.

- iii. Section F-2802.0 is amended to replace the word “retroactive” with the words “high hazard.”

- iv. Section F-2802.1 is amended to delete the words “new and existing” and to add the words “handling and use” after the words “the storage of.”

29. Chapter 29 (Cryogenic liquids) is amended as follows:

- i. Section F-2901.2 is deleted.
- ii. Section F-2901.3 and Table F-2901.3 are reserved and the text deleted.
- iii. Sections F-2903.0 through F-2903.3.2 are reserved and the text deleted.
- iv. Section F-2905.3 is deleted.

30. Chapter 30 (Explosives, ammunition and blasting agents) is amended as follows:

- i. Section F-3001.2 is deleted.
- ii. Section F-3001.2.1 is amended to replace the words “Nonattainable approvals” with the words “The following explosives shall not be permitted:”
- iii. Section F-3001.2.2 is deleted.
- iv. Section F-3001.3 is deleted and replaced with a new section as follows:

“F-3001.3 Bond required for blasting: Any self-employed person in possession of a valid permit to use explosives for blasting purposes, issued by the New Jersey Department of Labor pursuant to N.J.A.C. 12:190-3.11, shall have an insurance coverage for blasting damage of not less than \$500,000 for property damage including explosion, collapse, and underground utility damage and of \$500,000 to \$1,000,000 for personal injury.

1. Any person in possession of a valid permit to use explosives for blasting purposes, as outlined in F-3001.3 above, and who is not self-employed, shall not use explosives unless the employer is insured as specified in that paragraph.

2. Proof of the possession of a valid insurance policy covering blasting damage shall be readily available for inspection at the site.

3. Nothing in this section shall be construed as preventing greater insurance coverage for damage from blasting when requested by any person for whom blasting is being performed.”

- v. Section F-3001.5 and Table F-3001.5 are reserved and the text deleted.

vi. Sections F-3003.3 and F-3004.16 are amended to replace the words "code official" with the words "fire official."

vii. Sections F-3005.0 through F-3005.21 and F-3007.0 through F-3007.5 are deleted.

viii. Section F-3009.2 is deleted and replaced with a new section as follows:

"F-3009.2 Personnel: The handling and firing of explosives shall be performed by the person possessing a permit to use explosives issued by the N.J. Department of Labor pursuant to N.J.A.C. 12:190 or by employees under that person's direct supervision who are at least 18 years old."

ix. A new section is added as follows:

"F-3009.12 At the site of blasting operations, a distance of at least 150 feet shall be maintained between magazines and the blast area when the quantity of explosives temporarily kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less. When site restrictions are such that the distance specified herein cannot be met, then the magazine shall be moved from the site the required distance when the blasting is actually to be performed."

31. Chapter 31 (Fireworks) is amended as follows:

i. Sections F-3101.2 and F-3101.3 are deleted.

ii. Section F-3103.1 is amended to add NFPA 1126, listed in Chapter 44, as a referenced standard.

iii. Section F-3103.3 is deleted and the following is substituted in lieu thereof:

"F-3103.3 Municipal resolution: The governing body of any municipality may, upon application in writing accompanied by proof of proper insurance coverage, grant permission by resolution, for the public display of fireworks by municipalities, religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals, approved by the governing body of such municipality to whom the application is made. After such permission shall have been granted, and a permit shall have been issued by the fire official, pursuant to N.J.A.C. 5:70-2.7, the possession and use of fireworks for such display shall be lawful for that purpose only.

F-3103.3.1 Application: Application for permits for display or discharge shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein. All applications for permits shall set forth the date, the hour, the place of making such display, and the place

for storing of fireworks prior to the display. The application shall also contain the names of the person, persons, firm, partnership, corporation, association, or group of individuals making the display, and the name of the person or persons in charge of the igniting, firing, setting-off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the fire official of the jurisdiction.

F-3103.3.2 Display: Approved displays shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not be a hazard to property or endanger any person.

F-3103.3.3 Disposal of unfired fireworks: Unfired fireworks and trash remaining after the display is concluded shall be immediately disposed of in an approved, safe manner."

iv. Section F-3103.4 is deleted and the following is substituted in lieu thereof:

"F-3103.4 Insurance: The governing body of the municipality shall require insurance in a sum of not less than \$500,000 conditioned for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid permitted, and arising from any acts of the permit holder, his agents, employees, or subcontractors. Such surety shall run to the municipality in which the permit is granted, and shall be for the use and benefit of any person, persons, or the owner or owners of any property so damaged, who is or are authorized to maintain an action thereon, or his or their heirs, executors, administrators, successors or assigns."

v. Section F-3103.6 is amended to replace the words "code official" with the words "fire official."

vi. A new Section F-3103.7 is added as follows:

"F-3103.7 Proximate audience displays: The use of what are technically known as fireworks showers, or of any composition containing potassium and sulfur, in theaters or public halls shall be subject to prior approval by the fire official and the following conditions shall apply:

1. Fireworks shall be discharged and operated in accordance with manufacturers' directions and specifications.

2. The owner/operator shall provide a full demonstration to the fire official prior to final operation.

3. Fireworks shall be discharged so as not to endanger the public by escape of any hot particles from the stage area.

4. A fire watch, with proper extinguishing equipment as approved by the fire official, shall be maintained during the operation at both sides of the stage area."

32. Chapter 32 (Flammable and combustible liquids) is amended as follows:

i. Section F-3201.1 is amended to add NFPA 77, listed in Chapter 44, as a referenced standard. This section is further amended to delete the words "mechanical code."

ii. Section F-3201.2 is amended to read, "Permit required: A permit shall be obtained from the fire official in accordance with N.J.A.C. 5:70-2.7 for any of the following:

iii. Section F-3201.2.1 is deleted.

iv. Section F-3201.2.3 is amended to add "but not exceeding 660 gallons (2497L)" following the words "in a structure" and to delete the words "except for fuel oil utilized in connection with oil burning equipment in single family residential occupancies" at the end of the sentence.

v. Sections F-3201.2.4, F-3201.2.5, F-3201.2.6, F-3201.2.7 and F-3201.3 are deleted.

vi. F-3201.4 and Table F-3201.4 are reserved and the text deleted.

vii. Section F-3203.1 is amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."

viii. Section F-3203.2 is amended to delete the words "constructed and" following the words "combustible liquids shall be."

ix. Two new sections are added as follows:

"F-3203.2.2 Portable containers: Portable containers intended to hold 10 gallons or less and to be used for gasoline or other flammable liquid shall be red in color. The name of the flammable liquid shall be prominently displayed on the container in bold letters of a contrasting color. The containers shall be of metal or approved plastic with a spring-loaded or screw cap. Containers for kerosene shall be blue.

F-3203.2.3 Signs: Whenever flammable liquids or kerosene are dispensed into or offered for sale in containers, there shall be a prominent sign located in a conspicuous location indicating the required color and construction of this container for each product sold. The sign shall not be less than 12 inches in the least dimension."

x. Section F-3203.7 is amended to delete the words "constructed in accordance with the building code listed in Chapter 44."

xi. Section F-3203.7.2 is amended to replace the words "mechanical code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."

xii. Sections F-3203.9 and F-3206.6 are amended to replace the words "code official" with the words "fire official."

xiii. Sections F-3204.1, F-3205.6, F-3206.4, F-3206.8 and F-3207.5 are amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."

xiv. Section F-3204.1 is amended to delete the words "The tanks shall comply with one of the standards listed in Table F-3204.1."

xv. Section F-3205.2 is deleted and the following is substituted in lieu thereof:

"F-3205.2 Installation: All fuel-dispensing systems, including gaseous motor fuel dispensing, shall be installed in accordance with the construction code in effect at the time of first occupancy."

xvi. Sections F-3205.6, F-3206.4 and F-3206.8 are amended to replace the words "mechanical code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy." Section F-3205.6 is further amended to delete the last sentence.

xvii. Section F-3206.1 is amended to delete all text following the words "this code."

xviii. The final sentence of Section F-3206.6 is amended to replace the word "code" with the word "fire."

xix. Section F-3207.2 is amended to delete the first and last sentences and to replace the term "code official" with the words "fire official."

xx. Section F-3207.4 is amended to delete all language following the words "Use Group H."

xxi. Section F-3207.5 is amended to replace all language following "in accordance with" with the words "construction code in effect at the time of first occupancy."

xxii. Section F-3208.0 is amended to read "Underground storage tank maintenance."

xxiii. Sections F-3208.1, F-3208.2, F-3208.3, F-3208.4, F-3208.4.1, F-3208.4.2, F-3208.5, F-3208.6, F-3208.7, F-3208.8 and exceptions, F-3208.8.1, F-3208-8.2, F-3208.10, F-3208.10.1 and F-3208.11 are deleted.

xxiv. Section F-3208.11.3 is amended to delete all text, including items 1 through 4, and replace it with the following: "Any tank abandoned for a period of one year shall be abandoned in place or removed from the premises in an approved manner, and the site restored in an approved manner, in accordance with the Uniform Construction Code and the applicable requirements of the Department of Environmental Protection."

33. Chapter 33 (Flammable solids) is amended as follows:

- i. Section F-3301.2 and Table F-3301.3 are deleted.
ii. Section F-3301.3 is reserved and the text deleted.

34. Chapter 34 (Liquid and solid highly toxic and toxic materials) is amended as follows:

- i. Section F-3401.2 and Table F-3401.3 are deleted.
ii. Section F-3401.3 is reserved and the text deleted.
iii. Section F-3403.0 is amended to read: "High hazard requirements."

iv. Section F-3403.1 is amended to delete all text and replace it with the following:

"F-3403.1 General: The provisions of this section shall apply to storage, handling and use of highly toxic solids and liquids in excess of the exempt amounts, unless otherwise specified."

v. Sections F-3403.2 through F-3403.2.5 and F-3403.3 through 3403.3.2 are reserved and the text deleted.

35. Chapter 35 (Liquid and solid irritants, sensitizers and other health hazards) is amended as follows:

- i. Sections F-3501.0, F-3501.1 and F-3501.2 are deleted.

36. Chapter 36 (Liquefied petroleum gas) is amended as follows:

- i. Sections F-3601.2, F-3601.2.1 and F-3603.1 are deleted.
ii. Section F-3601.3 and Table F-3601.3 are reserved and the text deleted.
iii. Section F-3603.2 is amended to replace the words "designed and installed" with the word "maintained."

iv. Section F-3605.4.1 is deleted and new sections F-3605.4.1 and F-3605.4.2 are added as follows:

F-3605.4.1 Impact protection: Protection against impact from motor vehicles or other heavy objects shall be provided where there is a possibility of damage to stored containers. This protection shall meet the following minimum requirements:

- 1. Crash posts are to be a minimum of four inch diameter schedule 40 pipe and painted yellow;
2. Crash posts are to be buried three feet six inches deep, extend three feet above grade and filled with concrete;
3. Posts are to be encased in concrete 18 inches in diameter by three feet six inches in depth for minimum standards;
4. Posts are to be set at four feet six inches maximum centers; and
5. The crash protection shall be installed a minimum of 24 inches from the LP-gas container(s).

F-3605.4.2 High speed or heavy traffic areas: In areas where high speed or heavy duty traffic occurs the following shall be the requirements for motor vehicle protection:

- 1. Posts are to be a minimum of six inch diameter schedule 40 pipe and painted yellow;
2. Posts are to be buried a minimum of 48 inches deep and extend a minimum of 48 inches above grade and be filled with concrete;
3. Posts are to be set at four feet maximum centers;
4. Posts are to be encased in concrete of 24 inches diameter and 48 inches in depth for minimum standards; and
5. The crash protection shall be installed a minimum of 24 inches from the LP-gas container(s).

- v. Section F-3605.5 is deleted.
vi. Section F-3605.6 is deleted and a new section F-3605.6 is added, as follows:

F-3605.6 Outside storage: Storage outside of buildings, for containers awaiting use, resale or part of a cylinder exchange program, shall be located not less than 20 feet (6096mm) from openings into buildings, 20 feet (6096mm) from any motor vehicle fuel dispenser and 10 feet (3048mm) from any combustible material and in accordance with Table F-3605.6.

TABLE F-3605.6

LOCATION OF CONTAINERS AWAITING USE, RESALE OR EXCHANGE STORED OUTSIDE OF A BUILDING

Table with 2 columns: Quantity of LP-Gas Stored and Distances to a Building or Group of Buildings, Public Way, or Lot Line of Property That Can Be Built Upon (Feet). Rows include 720 pounds or less, 721 to 2,500 pounds, 2,501 to 6,000 pounds, and 6,001 to 10,000 pounds.

|   |   |
|---|---|
| Quantity of LP-Gas Stored<br>Over 10,000 pounds | Distances to a Building or<br>Group of Buildings, Public Way, or<br>Lot Line of Property That Can<br>Be Built Upon (Feet)<br>25 |
| For SI: 1 foot = 304.8 m, 1 pound = 0.454 kg.   |   |

vii. Section F-3608.1 is amended to replace the words "code official" with the words "fire official."

viii. Section F-3608.2.3 is amended to replace all text following the word "property" with the words "and the site restored in an approved manner in accordance with the uniform construction code."

ix. A new section is added as follows:

"F-3610.0 container and site requirements:

F-3610.1 Container markings: Containers of 125 gallons or more water capacity shall be legibly marked with a warning followed by the name of the gas contained. The warning label shall read "Flammable Gas" followed by the name of the gas, such as "Propane" or "Butane."

F-3610.2 Storage area signs: Storage areas having containers exceeding 125 gallons aggregate water capacity shall be posted with adequate "NO SMOKING" and "FLAMMABLE GAS" signs legibly marked. The warning "FLAMMABLE GAS" shall be followed by the name of the gas stored on the site, such as "PROPANE" or "BUTANE."

F-3610.3 Marker plates: All LP-Gas installations exceeding 250 gallons individual or aggregate water capacity shall be provided with a marker plate or sign indicating who should be called in the event of an emergency involving the LP-Gas installation. The marker or sign shall include the following:

1. The name of the gas supplier, plant installer, owner, or operator who will respond to the emergency; and
2. The telephone number of that person.

F-3610.4 Notification response: The LP-Gas supplier, plant installer, owner or operator indicated on the marker plate or sign required in F-3610.3 above shall respond when notified to all LP-Gas emergencies occurring at the installation and shall maintain a 24-hour phone service.

F-3610.5 Fire or explosion: Whenever there is a fire or explosion or accident involving serious injury or loss of life as a result of an incident involving an LP-Gas installation, the responsible party as identified per F-3610.3 above shall promptly notify the fire official of its occurrence."

37. Chapter 37 (Liquid and solid organic peroxides) is amended as follows:

i. Section F-3701.2 is deleted.

ii. Section F-3701.3 and Table F-3701.3 are reserved and the text deleted.

iii. Section F-3703.0 is amended to replace the word "Retroactive" with the words "High hazard."

iv. Section F-3703.1 is deleted in its entirety and the following text inserted:

"F-3703.1 General: The provisions of this section shall apply to the storage, handling and use of unclassified detonatable organic peroxides exceeding the exempt amounts per control area, unless otherwise specified. The storage of Class I organic peroxides shall comply with Sections F-3703.2.1 and be maintained in accordance with NFPA 43B listed in Chapter 44."

v. Section F-3703.2.2 is amended to delete all language following the words "Table F-3703.2.2."

vi. Section F-3703.2.5 is amended to delete all language following the word "emergency."

vii. Section F-3703.2.6 is amended to delete all language following the words "organic peroxides."

viii. Section F-3703.2.10 is deleted.

38. Chapter 38 (Liquid and solid oxidizers) is amended as follows:

i. Sections F-3801.2 and F-3803.2.7 are deleted.

ii. Section F-3801.3 and Tables F-3801.3(1) and F-3801.3(2) are reserved and the text deleted.

iii. Section F-3803.1 is amended to read as follows: "the provisions of this section shall apply to the handling, use and storage of Class 4 oxidizers exceeding the exempt amounts per control area."

iv. Section F-3803.2.4 is amended to delete all language after the word "emergency."

v. Section F-3803.2.5 is amended to delete all language after the word "oxidizers."

39. Chapter 39 (Pesticide display and storage) is amended as follows:

i. Section F-3901.2 is deleted.

ii. Section F-3902.12 is amended to replace "Chapter 5" with the words "the construction code in effect at the time of first occupancy."

40. Chapter 40 (Liquid and solid pyrophoric materials) is amended as follows:

i. Section F-4001.2 and Table F-4001.3 are deleted.

ii. Sections F-4001.3, and F-4002.0 through F-4002.3 are reserved and the text deleted.

41. Chapter 41 (Radioactive materials) is amended as follows:

- i. Section F-4101.2 is deleted.
  - ii. Sections F-4101.3 and F-4103.0 are reserved and the text deleted.
42. Chapter 42 (Liquid and solid unstable (reactive) materials) is amended as follows:
- i. Section F-4201.2 is deleted.
  - ii. Sections F-4201.3, Table F-4201.3(1), Table F-4201.3(2) and F-4202.0 through F-4202.3 are reserved and the text deleted.
43. Chapter 43 (Liquid and solid water-reactive materials) is amended as follows:
- i. Section F-4301.2 and Table F-4301.3 are deleted.
  - ii. Sections F-4301.3 and F-4303.0 through F-4303.3.1 are reserved and the text deleted.
44. Chapter 44 (Referenced standards) is amended as follows:
- i. Under the major heading of CODES, delete reference to Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; standard reference number BNBC; Title: BOCA National Building Code, including all section numbers in which the BOCA National Building Code is referenced.
  - ii. Under the major heading of CODES, delete reference to standard reference number IMC-96; Title: ICC International Mechanical Code, including all section numbers in which the ICC International Mechanical Code is referenced.
  - iii. Under the major heading of CODES, delete reference to standard reference number IPC-95; Title: ICC International Plumbing Code—with 1996 Supplement, including all section numbers in which the ICC International Plumbing Code is referenced.
  - iv. Under the major heading of CODES, add a reference to New Jersey Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802; standard reference number UCC; Title: New Jersey Uniform Construction Code; Referenced in Code Section Numbers as follows: F-101.1.1, F-201.3, F-202.0, F-301.2, F-308.4, F-308.5.2, F-316.1, F-521.1, F-601.6, F-603.2, F-608.3.3, F-609.3, F-610.3, F-706.5, F-706.6, F-708.7.9, F-2001.3, Table F-2307.3 note b and note e, F-3208.11.3 and F-3608.2.3.
  - v. Under the major heading of NFPA add the following standard reference numbers, titles and code sections in which the standard is referenced:

(1) #25-98 Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems, including Tentative Interim Amendment (TIA) 98-1; code sections #F-506.1, F-516.6, F-517.3, F-518.2.

(2) #46-96; Storage of Forest Products; code sections F-1601.1 and F-2101.1.

(3) #68-94; Venting of Deflagrations; code section F-1202.1.

(4) #77-93; Static Electricity; code sections F-1101.1 and F-3201.1.

(5) #231-95; General Storage; code sections F-506.1 and F-2101.1.

(6) #231C-95; Rack Storage of Materials; code sections F-506.1 and F-2101.1.

(7) #231D-94; Storage of Rubber Tires; code sections F-506.1 and F-2101.1.

(8) #231E-96; Storage of Baled Cotton; code sections F-506.1 and F-2101.1.

(9) #231F-96; Storage of Rolled Paper; code sections F-506.1 and F-2101.1.

(10) #701-89 Methods of Fire Tests for Flame-Resistant Textiles and Films; code section F-306.3, F-306.5.

(11) #701-89 Methods of Fire Tests for Flame-Resistant Textiles and Films; code sections F-306.1, F-306.4.

(12) #1126-96; Use of Pyrotechnics Before a Proximate Audience; code section F-3103.1.

Amended by R.1998 d.588, effective December 21, 1998 (operative January 2, 1999).

See: 30 N.J.R. 3127(a), 30 N.J.R. 4349(b).

In (a)3, inserted a new xi, and recodified former xi through xxxi as xii through xxxii.

Amended by R.1999 d.59, effective March 1, 1999.

See: 30 N.J.R. 3994(a), 31 N.J.R. 676(a).

Rewrote (a).

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

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

In (a)7., added new i, iii, viii and ix; recodified existing i as ii, existing ii through v as iv through vii and existing vi through viii as x through xii. 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.2001 d.134, effective May 7, 2001.

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

Rewrote the section.

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

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

Rewrote the section.

Administrative correction.

See: 34 N.J.R. 4195(b).

## SUBCHAPTER 4. FIRE SAFETY CODE

**5:70-4.1 Code adopted; scope**

(a) Pursuant to authority of the Uniform Fire Safety Act (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.), the Commissioner hereby adopts this subchapter as the State Fire Safety Code.

(b) All buildings for which requirements are established in this subchapter shall be in compliance with such applicable 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.

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).

**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)3 below.

1. 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.

2. 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, regardless of their state of compliance with the Uniform Construction Code or any other code.

3. 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.

(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.

#### Case Notes

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, as outlined in Section 513.0 of the Building Officials and Code Administrators, Inc. (BOCA) Basic/National Building Code, 1984 edition.

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

(a) All buildings of Use Group A-2 or portions thereof when separated in accordance with (l) below with a permitted occupant load of 50 or more 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 paragraph (a) above:

i. Buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

ii. Buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade.

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

(d) All buildings of Use Group I-3 or portions thereof when separated in accordance with (l) 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 defined by N.J.A.C. 5:70-3.7(a) shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

2. Dipping operations as defined by N.J.A.C. 5:70-3.7(d)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 be at least:

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

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

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.

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 suppression 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. 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 li 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.

#### Case Notes

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)5, F-515.0.

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)5, F-515.0.

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

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.

(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.

#### Case Notes

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 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.

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.

3. Any new fire escapes shall be constructed and installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3, dated March 1985.

- 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.

4. In all buildings of 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<br>Number of occupants |                               | With fire suppression system<br>Number of occupants |                               |
|-----------|--|-------------------------------|---|-------------------------------|
|           | Stairways  | Doors, Ramps<br>and Corridors | Stairways   | Doors, Ramps<br>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 5:70.11(f)3.

i. 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 |
|---|--|
| <b>Assembly</b>                                 |  |
| 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  |
| <b>Bowling centers</b>                          |  |
| Lanes   | 5 persons  |
| Other areas                                     | per assembly above                               |
| <b>Business</b>                                 | 100 gross  |
| <b>Educational</b>                              |  |
| Fixed seating                                   | Note 1   |
| Classrooms                                      | 20 net   |
| Shops and vocational areas                      | 50 net   |
| <b>Industrial</b>                               | 100 gross  |
| <b>Institutional</b>                            |  |
| Inpatient treatment                             | 240 gross  |
| Outpatient                                      | 100 gross  |
| Sleeping rooms                                  | 120 gross  |
| <b>Library</b>                                  |  |
| Reading room                                    | 50 net   |
| Stack area                                      | 100 gross  |
| <b>Mercantile</b>                               |  |
| Grade floor or basement                         | 30 gross   |
| All other floors                                | 60 gross   |
| Storage, stock, shipping                        | 300 gross  |
| <b>Parking garages</b>                          | 200 gross  |
| <b>Residential</b>                              | 200 gross  |
| <b>Storage areas, mechanical equipment room</b> | 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.

(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, the illumination of aisles may be reduced during such period of projection to not less than 0.2 foot candle.

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

(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  $\frac{1}{4}$ " 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 (l)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.

#### Case Notes

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.