

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 enforcing agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which a use 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. Tents and temporary tensioned membrane structures without appurtenances, such as platforms and special electrical equipment, which exceed 900 square feet or 30 feet in any dimension (excluding canopies), whether single or made up of multiple smaller units when used for purposes which would constitute a life hazard use if found in a building;

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.

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.

(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).

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.

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. 5:70-2.8.

(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 articles 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."

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 Portable Heaters: The following apply to portable kerosene fired and solid fuel fired heaters:

F-308.5.1 Portable kerosene fired and solid fuel fired heaters shall be operated and installed with at least the minimum clearance to combustibles for which the appliance has been tested.

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

F-308.5.2 Portable kerosene fired 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 Group R-3 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.”
- viii. A new Section F-504.2.1 is added as follows:

“F-504.2.1 Anyone disabling, tampering or interfering with the effectiveness of any component of a 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 non-stop 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. Sections F-701.2 and F-702.2 are amended to replace the words "code official" with the words "fire official."

iii. 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."

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

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

v. 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."

vi. 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."

vii. Sections F-703.3 and F-704.4, F-705.4, 706.1 and 706.4 are amended to replace the words "code official" with the words "fire official."

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

ix. 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."

x. 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."

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

xii. 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 whenever 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."

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 construction 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 m³)” with “25,000 cubic feet (708 m³)” 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-2001.2 is deleted.

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

iii. 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 An Affidavit or affirmation shall be submitted to the fire official and a copy 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. Sections F-3201.2.3, F-3201.2.4, F-3201.2.5, F-3201.2.6 and F-3201.2.7, F-3201.3 are deleted.

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

vi. 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."

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

viii. 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."

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

x. 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."

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

xii. 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."

xiii. 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."

xiv. 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."

xv. 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.

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

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

xviii. 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."

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

xx. 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."

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

xxii. 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.

xxiii. 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 (Liquified petroleum gases) 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-3608.1 is amended to replace the words "code official" with the words "fire official."

v. 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."

- vi. 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) #46-96; Storage of Forest Products; code sections F-1601.1 and F-2101.1.

(2) #68-94; Venting of Deflagrations; code section F-1202.1.

(3) #77-93; Static Electricity; code sections F-1101.1 and F-3201.1.

(4) #231-95; General Storage; code sections F-506.1 and F-2101.1.

(5) #231C-95; Rack Storage of Materials; code sections F-506.1 and F-2101.1.

(6) #231D-94; Storage of Rubber Tires; code sections F-506.1 and F-2101.1.

(7) #231E-96; Storage of Baled Cotton; code sections F-506.1 and F-2101.1.

(8) #231F-96; Storage of Rolled Paper; code sections F-506.1 and F-2101.1.

(9) #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.

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.