

for children, aged persons, mentally impaired and convalescents including: convalescent facilities, group homes, homes for the aged, mentally retarded care facilities, orphanages and residential care facilities. Occupancies such as the above with five or less occupants shall be classified as a residential Use Group.

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

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

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

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

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

17. "Use Group R-3": This Use Group shall include all buildings arranged for the use of detached one-and two-family dwelling units, including, but not limited to, buildings with not more than five lodgers or boarders per family, and excluding buildings designed in accordance with the one-and two-family subcode of the State Uniform Construction Code. This Use Group shall also mean and include:

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

18. "Use Group R-4": This Use Group shall include all buildings arranged for use as detached one-and two-family dwelling units, including, without limitation, buildings oc-

cupied by not more than five lodgers or boarders per family and buildings used as bed and breakfast homestays, that are designed in accordance with the one-and two-family dwelling subcode of the State Uniform Construction Code.

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

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

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

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

Added definition "Common areas".

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

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

Added new definitions.

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

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

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

Amended by R.1991 d.359, effective July 15, 1991.

See: 23 N.J.R. 1235(a), 23 N.J.R. 2122(b).

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

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

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

School dormitories added to definition of use.

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

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

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

Amended by R.1992 d.405, effective October 19, 1992.

See: 24 N.J.R. 1938(a), 24 N.J.R. 3723(b).

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

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

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

Added definitions of gross and net floor area and lumber.

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

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

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

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

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

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

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

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

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

Adopted concurrent proposal, R.2000 d.486, effective November 6, 2000.

See: 32 N.J.R. 3647(a), 32 N.J.R. 4310(a).

Readopted provisions of R.2000 d.402 with changes, effective December 4, 2000.

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

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

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

Administrative correction.

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

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

In "Use" or "Use Group", rewrote 17, added a new 18, and recodified former 18 and 19 as 19 and 20.

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

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

In "Use" or "Use Group" rewrote 8.

Amended by R.2005 d.149, effective May 16, 2005.

See: 37 N.J.R. 169(a), 37 N.J.R. 1781(a).

Added "Retreat lodging facility"; in Use or Use Group" inserted "retreat lodging facilities," following "include all hotels, motels," in 15. Amended by R.2007 d.2, effective January 2, 2007.

See: 38 N.J.R. 3377(a), 39 N.J.R. 28(b).

Added definition "Nursing home"; and in 11. of definition "Use" or "Use group", deleted "nursing homes (ambulatory)," following "mentally retarded care facilities,".

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

In paragraph 3 of definition "Use" or "Use Group", inserted "(nightclubs)", deleted "without theatrical stage accessories," following "assembly," and "and" preceding "eating", and substituted "or which affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this chapter, the nightclub" for "and".

Amended by R.2008 d.236, effective August 18, 2008.

See: 39 N.J.R. 3805(a), 39 N.J.R. 4893(a), 40 N.J.R. 4760(a).

In definition "Use" or "Use Group", inserted the last sentence.

#### Case Notes

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

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

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

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

Formerly "Operative date".

#### 5:70-1.7 Severability

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

### SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

#### 5:70-2.1 Enforcement authority

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

1. Where no local enforcing agency has been created the Division shall enforce the provisions of this Code for

life hazard uses or whenever conditions which constitute an imminent hazard are found to exist.

(b) The local enforcing agency shall periodically inspect all premises, except owner-occupied Use Group R-3 and R-4 structures used exclusively for dwelling purposes. These inspections shall be made in accordance with the schedule contained in this Code, when required under any cyclical inspection program, and as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire operations, or endanger life, or any conditions constituting violations of the provisions or intent of this Code or a locally adopted amendment. Except in the case of cyclical inspection programs or other good cause, inspections shall not include occupied dwelling units.

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

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

(d) Local enforcing agency personnel shall use this Code to enforce N.J.A.C. 5:76-1.4.

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

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

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

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

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

In (b), inserted "periodically" preceding "inspect", deleted "detached" following "owner-occupied", and inserted "and R-4" following "R-3".

Amended by R.2003 d.230, effective June 16, 2003.

See: 34 N.J.R. 3888(a), 35 N.J.R. 2639(b).

Added (d).

#### Case Notes

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

(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.

2. Use Group A-2 (nightclubs) shall be in compliance with the applicable requirements of N.J.A.C. 5:70-4.7, 4.9 and 4.11 effective on February 5, 2007 by February 5, 2009.

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).

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

Added (b)2.

#### 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)5 and (a)7 below.

1. Exception to (a) above: A building or portion thereof of Use Group A-2 nightclub shall be required to conform to the more restrictive requirements established by this subchapter unless the building is in full compliance with the Building Officials and Code Administrators National Building Code, 1990 edition or a later edition of the building subcode of the Uniform Construction Code, and possesses a valid certificate of occupancy.

2. A variation issued in writing pursuant to the Uniform Construction in connection with the construction of a building shall remain in force and effect provided that all of the conditions of the variation continue to be met and shall not be reversed or modified for purposes of establishing compliance with this subchapter.

3. 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.

4. The requirements of N.J.A.C. 5:70-4.19 shall apply to all Use Group R-3 structures other than newly con-

structed buildings at the time of initial occupancy, regardless of their state of compliance with the Uniform Construction Code or any other code.

5. 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.

6. The requirements of N.J.A.C. 5:70-4.7(c) shall apply to all nursing homes, as defined in this Code, unless the provisions of (b) below are applicable.

7. The requirements of N.J.A.C. 5:70-4.20 shall apply to all casino hotel buildings, 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.

Amended by R.2007 d.2, effective January 2, 2007.

See: 38 N.J.R. 3377(a), 39 N.J.R. 28(b).

In introductory paragraph of (a), substituted "(a)2 through 4" for "(a)3"; and added (a)4.

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

In the introductory paragraph of (a), substituted "5" for "3"; added new (a)1 and (a)2; and recodified former (a)1 through (a)4 as (a)3 through (a)6.

Amended by R.2007 d.339, effective November 5, 2007.

See: 39 N.J.R. 1550(a), 39 N.J.R. 4570(a).

In the introductory paragraph of (a), inserted "and (a)7"; and added (a)7.

#### 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.

required for individual properties covered by such general determination.

ii. If a determination is made that full compliance with the ordinance is an acceptable substitute for partial compliance with the requirements of this section, the fire official shall specify all respects in which a building fully complying with the ordinance must be made to comply with this section.

7. In all buildings used as child day care centers, regardless of Use Group.

8. In all buildings of Use Group E up to and including the 12th grade, the system shall consist of:

i. An approved system of automatic smoke detectors; or

ii. An approved automatic fire suppression system equipped with automatic fire alarm devices; or

iii. An approved system which combines the following elements shall be acceptable when devices are located as indicated below:

(1) Combination fixed temperature/rate-of-rise detectors in classrooms and ancillary spaces; and

(2) Photoelectric or projected-beam smoke detectors in exit access corridors and at the top of the exit stair enclosures.

(3) Fixed temperature detectors in such a system shall be accepted in locations such as boiler rooms, garage areas and other spaces in which conditions render other detectors inappropriate.

iv. Existing fire detection systems, installed and maintained in accordance with the manufacturer's recommendations, and meeting the intent of current standards for automatic fire alarms, shall be acceptable, provided:

(1) The existing system is tested, in accordance with the provisions of N.J.A.C. 5:70-3.4(c)6, by an approved service agency competent in the manufacturing system, in the presence of the fire official or his designated representative. The fire official may accept a written report of test results in lieu of witnessing the test.

(2) Where a portion of an existing system is not serviceable and cannot be repaired, the existing system shall be replaced in accordance with the provisions of this Code.

9. In all buildings or portions thereof of Use Group A-2 (nightclubs) with an occupant load of 100 or more that are not otherwise required to have an automatic fire suppression system.

i. If the alarm is activated by smoke detectors, it shall be activated by either two cross-zoned smoke de-

tectors within a single protected area or a single smoke detector monitored by an alarm verification zone or an approved equivalent method and the smoke detectors shall be of a type designed to reduce the possibility of false notifications based on the conditions present in the area protected.

ii. The automatic fire alarm system shall be tied to the performance sound system and to the house lights in such a way that activation of the fire detection system mutes the performance sound system and restores the intensity of illumination to that required by N.J.A.C. 5:70-4.11(i)2.

(b) An automatic fire alarm system shall not be required in buildings, other than boarding homes of Use Group I-1, equipped throughout with an automatic fire suppression system, a manual fire alarm system and single station smoke detectors located in the immediate vicinity of sleeping areas in accordance with NFIPA 72E or 74 as applicable.

(c) Automatic fire alarm systems required to be supervised by this Code shall employ one of the following methods as determined by the fire official:

1. Approved central station system in accordance with NFIPA 71;

2. Approved proprietary system in accordance with NFIPA 72D;

3. Approved remote station system of the jurisdiction in accordance with NFIPA 72C;

4. Approved local alarm service which will cause the sounding of an alarm in accordance with NFIPA 72A.

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

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

(a)2 through (a)4 added.

Amended by R.1987 d.373, effective September 21, 1987.

See: 19 N.J.R. 1023(a), 19 N.J.R. 1720(a).

Deleted day nursery exception at (a)1i(1); added (a)2vi.

Administrative correction to (a)2iv(12).

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

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

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

Exception established at (b).

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

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

Citation corrected at (a)4iv(1).

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

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

Amended by R.1996 d.549, effective December 2, 1996.

See: 28 N.J.R. 2111(a), 28 N.J.R. 5070(a).

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

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

In (a), added 1ii, amended the N.J.A.C. reference in 2i and 3v and added 3vi.

Administrative correction.

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

Amended by R.2006 d.74, effective February 21, 2006.

See: 37 N.J.R. 3877(a), 38 N.J.R. 1182(a).

Added (a)3vii.

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

Added (a)9.

**Case Notes**

Apartment building three and one-half stories high was required to have manual fire alarm system. 80-2 De Hart Place v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 61.

Unabated fire-safety and other violations warranted imposition of \$6,750 in penalties against landlord. 804 Ocean v. Community Affairs, 95 N.J.A.R.2d (CAF) 17.

Failure to install a smoke detector violated Uniform Fire Code. Bureau of Housing Inspection, Dept. of Community Affairs v. Taylor, 92 N.J.A.R.2d (CAF) 63.

**5:70-4.10 Manual fire alarms**

(a) A manual fire alarm system, designed and installed in accordance with the Uniform Construction Code, shall be required:

1. In all buildings more than three stories in height having an occupant load of 25 or more;
2. In all buildings of Use Group E up to and including the 12th grade; and
3. In all buildings required to have an automatic fire alarm system in accordance with N.J.A.C. 5:70-4.9, except hotels and multiple dwellings having an occupant load of less than 25 and having less than 10 dwelling units.

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

**Case Notes**

Failure to install fire alarms and enclose open stairwells was violative of fire codes warranting issuance of abatement order. 111 Halstead Street v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 77.

Apartment building three and one-half stories high was required to have manual fire alarm system. 80-2 De Hart Place v. Department of Community Affairs, 95 N.J.A.R.2d (CAF) 61.

**5:70-4.11 Means of egress**

(a) Every story utilized for human occupancy having an occupant load of 500 or less shall be provided with a minimum of two exits, except as provided in (b) below. Every story having an occupant load of 501 to 1,000 shall have a minimum of three exits. Every story having an occupant load of more than 1,000 shall have a minimum of four exits.

1. Each mezzanine with an occupant load of more than 50 and in which the travel distance to an exit exceeds 75 feet shall have access to at least two independent means of egress by November 6, 1990.
2. When more than one exit is required, an existing fire escape shall be accepted as providing one of the required means of egress unless judged to be dangerous for use under emergency exiting conditions.
3. Any new fire escapes shall be constructed and installed in accordance with the Uniform Construction Code Formal Technical Opinion No. FTO-3 dated June 2001.

i. Access to a fire escape shall be through a door, except that window access shall be permitted from single dwelling units or guestrooms in Use Groups R-1, R-2 and I-1 or when serving spaces having a maximum occupant load of 10 in other use groups.

4. In all buildings of Use Group A, Use Group E, up to and including the 12th grade, buildings of Use Group I, rooming houses and child care centers, ladders of any type are prohibited on all new and existing fire escapes used as a required means of egress.

5. All occupants shall have unobstructed access to all new and existing fire escapes without having to pass through a room subject to locking.

6. In all bed and breakfast homestays, every sleeping room shall be provided with an approved window having sill height of not more than 44 inches.

7. In dwelling units in basements or stories below grade in buildings of Use Group R-2 that are not equipped throughout with an automatic fire sprinkler system, there shall be at least two exits from each dwelling unit.

i. An approved window providing a clear opening of at least five square feet in area, a minimum net clear opening of 24 inches in height and 20 inches in width, and a sill height of not more than 44 inches above the finished floor, shall be acceptable as one of the required exits.

(b) In buildings having only one exit, the single exit condition shall be permitted to continue as follows:

1. In buildings of Use Group R-3;
2. In all buildings, in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet;
  - i. Exception to (b)2 above: In buildings of Use Group I and in rooming houses and child care centers, regardless of Use Group, two means of egress shall be required.
3. In buildings of Use Groups R-1 and R-2, from floors that are not more than 16 feet above exterior grade.
  - i. In community residences for the developmentally disabled, the maximum occupant load, excluding staff, is 12.
4. In buildings of Use Groups R-1 and R-2, not more than two stories in height, from floors that are not more than 16 feet above exterior grade, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet. The minimum fire resistance rating of the exit enclosure and of the opening protection shall be one hour.

i. Exit signs shall not be required in buildings of Use Groups I-1, R-2 and R-3 having a total occupant load, excluding staff, of 20 or less.

ii. Exit signs shall not be required when the second means of egress is a fire escape that is accessed directly from the individual sleeping rooms.

iii. Approved main exterior doors that are clearly identified as exits are not required to have "Exit" signs.

2. "Exit" signs shall have red or green letters at least six inches high and the minimum width of each stroke shall be three-quarter inch on a white background or in other approved distinguishable colors. If an arrow is provided as part of an "Exit" sign, the construction shall be such that the arrow direction cannot be readily changed. The word "Exit" shall be clearly discernible when the internally illuminated sign is not energized.

3. Each sign shall be illuminated by a source providing not less than five foot candles at the illuminated surface.

i. Exception to (k)3 above: Approved self-luminous signs which provide evenly illuminated letters shall have a minimum luminance of 0.06 foot lamberts.

4. All "Exit" signs shall be illuminated at all times when the building is occupied. To assure continued illumination for a duration of not less than one hour in case of primary power loss, the "Exit" signs shall be connected to an emergency electrical system.

i. Exception to (k)4 above: Approved self-luminous signs which provide continuous illumination independent of external power sources need not be connected to an emergency electrical system.

(l) Means of egress doors shall conform to the following:

1. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel;

2. In building of Use Groups R-1 and R-2 all doors opening onto a passageway at grade or exit stair shall be self-closing or automatic closing by listed closing devices.

3. All dwelling unit, guest room or rooming unit corridor doors in buildings of Use Groups R-1, R-2, and I-1 shall be at least 1 $\frac{3}{4}$  inch solid core wood or approved equal with approved door closers and shall not have any glass panels, other than approved wire glass in metal frames. Corridor doors shall not be constructed of hollow core wood, shall not contain louvers and shall not be of panel construction. Doors shall fit both plumb and level in frames, and be reasonably tight fitting. All replacement doors shall be 1 $\frac{3}{4}$  inch solid core wood or approved equal, unless existing frame will accommodate only a 1 $\frac{3}{8}$  inch door.

i. Existing doors meeting the requirements of Federal Housing and Urban Development Rehabilitation Guidelines No. 8 or of Section 5 of Appendix B of the

BOCA Basic/National Existing Structures Code, 1984 Ed. for a rating of 15 minutes or better shall be accepted as meeting the provisions of this requirement.

(1) Modifications made to existing doors to achieve the required rating shall be conducted in accordance with the Uniform Fire Code.

ii. Existing doors in buildings provided with approved, complete automatic suppression shall be required only to provide a smoke barrier; shall not contain louvers; shall fit plumb and level; and be reasonably tight fitting.

iii. In group homes with a maximum of 15 occupants, and which are protected with an approved automatic detection system, closing devices may be omitted.

4. Buildings of Use Group I-3 having remote power unlocking capability on more than 10 doors shall be provided with an emergency power source for such locks. Power shall be arranged to automatically operate upon failure of normal power within 10 seconds and for a duration of not less than one hour.

5. All required exit doors equipped with latching devices in buildings or portions thereof of Use Group A with an occupant load greater than 100 shall be equipped with approved panic hardware by November 6, 1990.

(m) Every required exit stairway having three or more risers and not provided with handrails or in which the existing handrails are judged to be in danger of collapsing when used under emergency exiting conditions, shall be provided with handrails for the full length of the run of steps on at least one side. All exit stairways more than 66 inches wide and subject to the maximum designed occupancy load shall have handrails on both sides. Where there are no handrails or where the existing handrails must be replaced in order to correct a hazardous condition, the handrails shall be designed and installed in accordance with the provisions of the New Jersey Uniform Construction Code.

(n) Every open portion of a stair, landing, or balcony which is more than 30 inches above the floor or grade below and not provided with guards or those in which the existing guards are judged to be in danger of collapsing when used under emergency exiting conditions, shall be provided with guards. Where there are no guards or where the existing guards must be replaced in order to correct a hazardous condition, the guards shall be designed and installed in accordance with the New Jersey Uniform Construction Code.

(o) In all buildings of Use Group R-1 and R-2 all transoms shall be either glazed with  $\frac{1}{4}$ " wire glass set in metal frames and permanently secured in the closed position or sealed with materials consistent with the corridor construction. Any other sash, grill or opening in a corridor, and any window in a corridor not opening to the outside air, shall be sealed with materials consistent with the corridor construction.

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

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

Substantially amended.

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

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

Changes made at (a)1 and (f)2, 3, and new 5.

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

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

Text on transoms added at (o).

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

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

Added (a)3, Table (f)3 and (g); occupant load specified at (f)3.

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

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

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

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

In (b)4, inserted "not" following "that are" in the first sentence.

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

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

In (f), rewrote 3i.

Administrative correction.

See: 35 N.J.R. 222(a).

Amended by R.2007 d.51, effective February 5, 2007.

See: 38 N.J.R. 375(a), 39 N.J.R. 371(a).

In (f)3i, substituted "Except in Use Group A-2 (nightclubs), the" for "The"; added (g)1 and (g)2; in (i)3, inserted "and in buildings or spaces of Use Group A-1 or A-2 (nightclubs) used for performances," deleted "of aisles" following "illumination" and "such" following "during", substituted "periods" for "period" and inserted "or performance"; in (i)3i, substituted "aisles, auditoriums and other assembly spaces" for "aisles and auditoriums" and inserted "or lighting booth, if any"; and added (i)3ii.

Amended by R.2007 d.60, effective February 20, 2007.

See: 38 N.J.R. 3727(a), 39 N.J.R. 651(a).

In (a)3, substituted "June 2001" for "March 1985"; and in (a)4, inserted "Use Group A,".

#### Case Notes

Owner of three-unit building would be required to bring her property into compliance with fire safety regulations. *Iadipaoli v. Bureau of Housing Inspection*, 96 N.J.A.R.2d (CAF) 115.

Unabated fire-safety and other violations warranted imposition of \$6,750 in penalties against landlord. *804 Ocean v. Community Affairs*, 95 N.J.A.R.2d (CAF) 17.

2. Access to all floors shall be provided by at least one elevator equipped with Phase II Emergency In-Car Operation, as required by ASME A17.1, Rule 211.3c listed in Appendix 3-A to N.J.A.C. 5:70-3; and

3. All designated attendant elevators having a travel of 25 feet or more above or below the designated level shall be equipped with emergency controls, as required by ASME A17.1 Rule 211.4 listed in Appendix 3-A to N.J.A.C. 5:70-3.

(f) In all high rise buildings of Use Groups R-1 and R-2, smoke barriers conforming to N.J.A.C. 5:70-4.15(a) shall be provided around all elevator landings on every floor above the main floor level, with the following exceptions:

1. Such lobbies are not required in buildings provided with a complete automatic fire suppression system.
2. The smoke barrier shall be permitted to terminate at the ceiling, provided the ceiling membrane provides resistance to the passage of smoke equivalent to that provided by smoke barriers.

New Rule R.1987 d.247, effective June 15, 1987.

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

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

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

Text at (e) deleted and replaced with text referencing ASME standards.

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

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

Added requirements for recall operation for automatic elevators at (e)1.

Amended by R.2007 d.339, effective November 5, 2007.

See: 39 N.J.R. 1550(a), 39 N.J.R. 4570(a).

In (d), deleted "or exhaust" following "air".

#### 5:70-4.18 Boiler/furnace equipment rooms

(a) Boiler/furnace equipment rooms shall be enclosed by one hour fire rated construction in the following facilities: day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2½ years, and which are classified as Use Group I-2 in accordance with the Uniform Construction Code, shelter facilities, residences for the developmentally disabled, group homes, teaching family homes, transitional living homes, rooming and boarding houses, hotels and multiple dwellings.

1. Exception to (a) above: Furnace and boiler equipment of low pressure type (operating at pressures of 15 psig or less for steam equipment or 160 psig or less for hot water equipment) when installed in accordance with manufacturer recommendations or furnace and boiler equipment of residential (R-3) type (200,000 BTU per hour input rating or less) is not required to be enclosed.

(b) Emergency controls shall be provided in all structures classified as day nurseries, children's shelter facilities, residential child care facilities and similar facilities with children below the age of 2 1/2 years, and which are classified as Use Group I-2 in accordance with the Uniform Construction Code

and in group homes, teaching family homes, and supervised transitional living homes in accordance with the following:

1. Emergency shutoff switches for furnaces and boilers in basements must be at the top of the stairs leading to the basement;
2. Emergency shutoff switches for furnaces and boilers in other enclosed rooms must be located outside of the room.

Administrative correction to (a) and (b).

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

#### 5:70-4.19 Smoke detectors for one- and two-family dwellings; carbon monoxide detectors

(a) In Use Group R-3 and R-4 dwellings subject to the requirements of N.J.A.C. 5:70-2.3, smoke detectors shall be installed as follows:

1. On each level of the premises; and
2. Outside of each separate sleeping area.

(b) The smoke detectors required in (a) above shall be located in accordance with NFPA 74-1984, incorporated herein by reference, and maintained in working order.

1. The detectors shall not be required to be interconnected.

(c) Smoke detectors may be battery powered and shall be listed in accordance with ANSI/UL 217, incorporated herein by reference.

1. A/C-powered smoke detectors shall be accepted as meeting the requirements of this section.

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3 and R-4, except for units in buildings that do not contain a fuel-burning device or have an attached garage, as follows:

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area(s).

2. Carbon monoxide alarms may be battery-operated, hard-wired or of the plug-in type and shall be listed and labeled in accordance with UL-2034 and shall be installed in accordance with the requirements of this section and NFPA-720.

3. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Housing Inspection, carbon monoxide detectors may be installed in any building required to be registered as a hotel or multiple dwelling in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

4. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Rooming and Boarding House Standards, carbon monoxide alarms may

be installed in any rooming or boarding house in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

New Rule, R.1992 d.11, effective January 6, 1992.

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

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

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

Added reference to Appendix 3A.

Administrative change.

See: 27 N.J.R. 2387(a).

Administrative change.

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

Administrative change.

See: 31 N.J.R. 35(b).

Amended by R.2003 d.137, effective April 7, 2003.

See: 34 N.J.R. 4277(a), 35 N.J.R. 1558(c).

In (a), inserted "and R-4" preceding "dwellings" in the introductory paragraph; added (d).

#### 5:70-4.20 Casino hotels

(a) By November 5, 2009, all illuminated signs, amplification systems, turn tables, or sound-producing equipment located on or open and adjacent to the casino floor(s) shall be interlocked with the fire alarm system so that activation of the fire alarm system results in disconnection of electrical power to the device(s).

1. This requirement does not apply to exit signs or emergency communications systems.

2. This requirement shall not apply to slot machines or similar gaming equipment.

(b) By November 5, 2009, on casino gaming floors and adjacent spaces open to the casino gaming floor, all house lighting shall return to normal lighting levels or all emergency lights shall be activated upon activation of the fire alarm system. For the purpose of applying this requirement, normal lighting level shall mean an illumination level of not less than one foot-candle (11 lux) at the floor level.

(c) By November 5, 2009, all casino hotel standpipe connections throughout the building shall be identified by a constantly lit four-inch round blue light connected to an emergency electrical system located no less than 24 inches and not more than 48 inches above the hose connection. In all cases, the light shall be visible above the highest obstruction on the floor. Standpipe connections located on columns shall be marked on all four sides of the column as described above.

1. This requirement shall not apply to standpipe hose connections in buildings or portions thereof of Group R-1 that are located in or within 10 feet of an approved exit stairway enclosure.

2. This requirement shall not apply to standpipe hose connections located in open parking structures.

New Rule, R.2007 d.339, effective November 5, 2007.

See: 39 N.J.R. 1550(a), 39 N.J.R. 4570(a).