

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: