

CHAPTER 70

UNIFORM FIRE CODE

Authority

N.J.S.A. 52:27D-198.

Source and Effective Date

R.2000 d.30, effective December 22, 1999.
See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Executive Order No. 66(1978) Expiration Date

Chapter 70, Uniform Fire Code, expires on December 22, 2004.

Chapter Historical Note

Chapter 70, Congregate Housing Services Program, was adopted as R.1982 d.272, effective August 16, 1982. See: 14 N.J.R. 609(b), 14 N.J.R. 912(b). Pursuant to Executive Order No. 66(1978), Chapter 70, Congregate Housing Services Program, was readopted as R.1987 d.315, effective July 9, 1987. See: 19 N.J.R. 678(a), 19 N.J.R. 1430(a). Pursuant to Executive Order No. 66(1978), Chapter 70, Congregate Housing Services Program, was readopted as R.1992 d.214, effective April 22, 1992. See: 24 N.J.R. 513(c), 24 N.J.R. 1880(a). Pursuant to Executive Order No. 66(1978), Chapter 70, Congregate Housing Services Program, expired on April 22, 1997.

Chapter 70, Uniform Fire Code, was originally codified in Title 5 as Chapter 18, Uniform Fire Code. Chapter 18 was adopted as R.1985 d.66, effective February 19, 1985. See: 16 N.J.R. 3339(b), 17 N.J.R. 394(a).

Subchapter 4, Fire Safety Code, was adopted as R.1986 d.214, effective June 16, 1986. See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1990 d.72, effective January 4, 1990. See: 21 N.J.R. 3344(a), 22 N.J.R. 337(b).

Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992. See: 23 N.J.R. 3554(a), 24 N.J.R. 740(a).

Pursuant to Executive Order No. 66(1978), Chapter 18, Uniform Fire Code, was readopted as R.1995 d.58, effective January 3, 1995. See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Pursuant to Reorganization Plan No. 002-1998, Chapter 18, Uniform Fire Code, was recodified as N.J.A.C. 5:70, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999). See: 30 N.J.R. 1466(a), 30 N.J.R. 3068(c).

Pursuant to Executive Order No. 66(1978), Chapter 70, Uniform Fire Code, was readopted as R.2000 d.30, effective December 22, 1999. See: Source and Effective Date. See, also, section annotations.

Cross References

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility and life-safety requirements, see N.J.A.C. 10:124-5.1 et seq.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

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Amended by R.1985 d.611, effective December 2, 1985.
 See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).
 Substituted "Prevention" for "Protection".
 Amended by R.1995 d.58, effective March 6, 1995.
 See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

SUBCHAPTER 1. GENERAL PROVISIONS

5:70-1.1 Title; division into subchapters

(a) The regulations contained in this chapter shall be known as the "New Jersey Uniform Fire Code" and are referred to herein as the Code.

(b) The Code is divided into four subchapters:

1. N.J.A.C. 5:70-1, entitled "General Provisions";
2. N.J.A.C. 5:70-2, entitled "Administration and Enforcement";
3. N.J.A.C. 5:70-3, entitled "State Fire Prevention Code"; and
4. N.J.A.C. 5:70-4, entitled "State Fire Safety Code."

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

(b)3 substituted "1984" for "latest".
 Amended by R.1986 d.214, effective June 16, 1986.
 See: 17 N.J.R. 1161(a), 18 N.J.R. 1260(b).

(b)4 deleted "(Reserved)" and added text "is entitled "Fire ... as this subchapter."

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

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

5:70-1.2 Authority

This Code is promulgated by the Commissioner of the Department of Community Affairs pursuant to authority of the "Uniform Fire Safety Act" (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.).

5:70-1.3 Intent and purpose

(a) It is the intent of this Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(b) Where no specific standards or requirements are specified in this Code, or contained within other applicable laws (or adopted codes) or ordinances, compliance with the standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the fire official shall be deemed as prima facie evidence of compliance with the stated intent of this Code.

5:70-1.4 Applicability

(a) The provisions of this Code shall apply to new and existing buildings, uses and conditions, as hereinafter provided.

(b) The provisions contained in this Code shall not be construed as applying to the transportation of any article or substance shipped under the jurisdiction of and in compliance with the regulations prescribed by the military forces of the United States or the transportation of flammable or combustible liquids or hazardous materials or chemicals subject to the regulation and control of the New Jersey Department of Transportation or the United States Department of Transportation or other Federal Agency having jurisdiction.

1. The fire official shall have jurisdiction to order the correction of any dangerous condition created by any transportation conveyance.

2. The right of any local government to adopt ordinances governing the routing of vehicles transporting flammable or combustible liquids or hazardous materials or chemicals shall not be deemed to be limited by anything contained in this section.

(c) Nothing in this Code shall be construed, interpreted or applied to abrogate, nullify or abolish any law, ordinance or code adopted by any local government regulating the repair, removal, demolition, use, location, occupancy or maintenance of buildings and property as specifically provided herein. When any provision of this Code is found to be in conflict with any zoning, safety, health or other applicable law, ordinance or code of the jurisdiction existing on the effective date of this Code or hereafter adopted, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

(d) All regulations, other than this Code, promulgated by any State agency with regard to fire safety in existing buildings, structures and premises subject to this Code shall, to the extent of any inconsistency with this Code, be deemed to have been superseded by this Code.

1. Regulations determined by the Department of Community Affairs to be affected by this subsection include the following:

- i. N.J.A.C. 5:10-25;
- ii. N.J.A.C. 5:27-5;
- iii. N.J.A.C. 5:23-2.23(i)7 and 9;
- iv. N.J.A.C. 8:43-3;

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

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

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

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

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

1. Eating and/or drinking establishments with a maximum permitted occupancy of 50 or more but fewer than 100 persons;

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

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

4. After-school programs, in buildings or portions thereof of other than Use Group E, accommodating 50 or more children of school age.

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

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

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

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

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

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

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

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

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

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

1. (Reserved)

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

New Rule, R.1987 d.508, effective December 7, 1987.

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

Subsection (b)-(e) from old section 2.4.

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

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

Added 4. under (e); K-12 educational buildings.

Amended by R.1991 d.50, effective October 7, 1991.

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

Text at (j)1 deleted.

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

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

Text on school dormitories and guest houses added.

Administrative Correction.

See: N.J.R. April 20, 1992.

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

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

Hardware store added at (i)2.

Amended by R.1995 d.57, effective March 6, 1995.

See: 26 N.J.R. 4254(a), 27 N.J.R. 878(a).

Amended by R.1996 d.485, effective October 21, 1996.

See: 28 N.J.R. 2109(b), 28 N.J.R. 4577(b).

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

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

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

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

Rewrote (c)4, (f)5 and (h)3.

Administrative correction.

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

Administrative correction.

See: 35 N.J.R. 1267(a).

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 (a), added 4; in (c), added 6 and 7; in (d), added 6; in (e), added 4; and in (g), added 4.

Case Notes

Church school could properly have imposed against it life hazard registration fee. *New Life Gospel Church v. State*, Dept. of Community Affairs, Div. of Housing Bureau of Fire Safety, 257 N.J.Super. 241, 608 A.2d 397 (A.D.1992) certification denied 133 N.J. 429, 627 A.2d 1136.

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

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

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

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

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

1. (Reserved)

2. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

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

4. Transfer from one container to another of liquefied petroleum gas or liquefied natural gas at any location, other than motor vehicle or marine motor craft service stations, not registered for storage and use.

5. Spraying or dip operations, as regulated by the State Fire Prevention Code, Chapter 13, as amended by N.J.A.C. 5:70-3.2(a)13i through xvi, in all approved areas of less than 100 square feet, as defined in the State Fire Prevention Code, Section F-1302.1.

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

1. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 200 or more but fewer than 500 persons.

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

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

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

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

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

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

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

6. Funeral homes, funeral parlors and mortuaries providing access to the public with a maximum permitted occupancy of 100 or more but fewer than 200 persons;

7. Spraying or dip operations, as regulated by the State Fire Prevention Code, Chapter 13, as amended by N.J.A.C. 5:70-3.2(a)13i through xvi, in all approved areas of 100 or more but less than 250 square feet, as defined in the State Fire Prevention Code, Section F-1302.1.

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

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

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

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

3. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 500 or more but fewer than 1,000 persons.

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

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

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

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

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

5.-6. (Reserved)

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

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

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

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

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

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

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

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

15. (Reserved)

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

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

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

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

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

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

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

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

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

24. Funeral homes, funeral parlors and mortuaries providing access to the public with a maximum permitted occupancy of 200 or more persons.

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

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

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

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

4. Motion picture theaters, and theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 200 or more but fewer than 400 persons;

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

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

7. Hotels or motels which exceed five stories, and which have 50 or more but fewer than 100 rooms, with any interior exit-ways;

8. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 1,000 or more but fewer than 3,000 persons;

9. Transportation terminals with a maximum permitted occupancy of 100 or more persons;

10. Spraying or dip operations, as regulated by the State Fire Prevention Code, Chapter 13, as amended by N.J.A.C. 5:70-3.2(a)13i through xvi, in all approved areas of 250 or more but less than 500 square feet, as defined in the State Fire Prevention Code, Section F-1302.1;

11. Equipment, processes, and operations involving dust which, if mixed with air, become explosive including, but not limited to, grain bleachers or elevators; flour, starch or feed mills; malt houses; wood flour manufacturing plants; or plants that pulverize aluminum, coal, cocoa, magnesium, spices, or sugar in all buildings or structures of 50,000 or more but less than 100,000 square feet;

12. Crop ripening or coloring processes in all buildings or structures of 50,000 or more but less than 100,000 square feet;

13. Lumber yards and/or woodworking plants in which 250,000 or more but less than 500,000 board feet of lumber is to be stored;

14. Tire recapping or rebuilding plants in buildings or structures of 50,000 or more but less than 100,000 square feet;

15. Organic coating manufacturing operations making one gallon or more of an organic coating in a working day;

16. Manufacturing of articles of cellulose nitrate plastics including the use of cellulose nitrate plastics in the manufacture or assembly of other articles in all buildings or structures of 50,000 or more but less than 100,000 square feet;

17. Processing, handling or use of 100 or more but less than 500 cubic feet of loose combustible vegetable or animal fibers, including, but not limited to, readily ignitable and free burning fibers such as cotton, sisal, henequen, xitel, jute, hemp, tow, cocoa fiber, oakum, baled waste, baled waste paper, kapok, hay, straw, Spanish moss, excelsior, certain synthetic fibers, and cloth in the form of scraps and clippings;

18. The manufacture of matches in all buildings or structures of 50,000 or more but less than 100,000 square feet;

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

20.-22. (Reserved)

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

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

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

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

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

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

28.-29. (Reserved)

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

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

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

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

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

3. The manufacture, processing or blending of more than 10,000 but less than 100,000 gallons of Class II and/or IIIA combustible liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

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

5. Motion picture theaters, and theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 400 or more but fewer than 700 persons.

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

1. Prisons and other facilities of 200 or more but fewer than 300 beds where residents, occupants or inmates are kept under restraint;

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

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

4. Motion picture theaters, and theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 700 or more but fewer than 1,000 persons.

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

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

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

3. (Reserved)

4. Retail stores and other mercantile uses of 48,000 square feet or more but less than 100,000 square feet in gross floor area;

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

6. Spraying or dip operations, as regulated by the State Fire Prevention Code, Chapter 13, as amended by N.J.A.C. 5:70-3.2(a)13i through xvi, in all approved areas of 1,000 square feet or more, as defined in the State Fire Prevention Code, Section F-1302.1;

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

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

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

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

11. Manufacturing of articles of cellulose nitrate plastics including the use of cellulose nitrate plastics in the manufacture or assembly of other articles in all buildings or structures of 100,000 square feet or more;

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

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

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

15. The manufacture, processing or blending of more than 10,000 but less than 100,000 gallons of Class II flammable liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

16.-18. (Reserved)

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

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

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

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

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

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

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

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

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

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

7. Motion picture theaters, and theaters incorporating a legitimate, regular or thrust stage without any scenery or prop storage area behind a proscenium arch, with a maximum permitted occupancy of 1,000 persons or more.

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

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

2. The manufacture, processing or blending of more than 100,000 but less than 1,000,000 gallons of Class II and/or IIIA combustible liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery.

3. Factories and other industrial uses of Use Group F-1, not otherwise classified, of 150,000 or more, but less than 200,000 square feet in gross floor area.

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

5. Retail stores and other mercantile uses of 100,000 or more but less than 200,000 square feet in gross floor area; and

6. Prisons and other facilities of 300 or more but fewer than 1,000 beds where residents, occupants or inmates are kept under restraint.

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

1. Stadiums, race tracks and other similar exterior places of amusement with enclosed interior spaces, with a

maximum permitted occupancy of 5,000 or more but fewer than 10,000 persons;

2. The manufacture, processing or blending of more than 100,000 but less than 1,000,000 gallons of Class I flammable liquids in any one working day. Blending must be in a vessel, not in piping at or near the point of delivery;

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

4. Factories and other industrial uses of Use Group F-1 of 200,000 or more but less than 350,000 square feet in gross floor area;

5. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials of 200,000 or more but less than 350,000 square feet in gross floor area; and

6. Prisons and other facilities of 1,000 or more but fewer than 2,000 beds where residents, occupants or inmates are kept under restraint.

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

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

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

3. Retail stores and other mercantile uses of 200,000 or more but less than 400,000 square feet in gross floor area;

4. Factories and other industrial uses of Use Group F-1 of 350,000 or more but less than 500,000 square feet in gross floor area;

5. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials of 350,000 or more but less than 500,000 square feet in gross floor area; and

6. Prisons and other facilities of 2,000 or more but fewer than 3,000 beds where residents, occupants or inmates are kept under restraint.

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

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

2. Refining of flammable and combustible liquids.

3. Retail stores and other mercantile uses of 400,000 square feet or more in gross floor area;

4. Factories and other industrial uses of Use Group F-1 of 500,000 or more but less than 750,000 square feet in gross floor area;

5. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials of 500,000 or more but less than 750,000 square feet in gross floor area; and

6. Prisons and other facilities of 3,000 beds or more where residents, occupants or inmates are kept under restraint.

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

1. Spraying or dip operations, as regulated by the State Fire Prevention Code, Chapter 13, as amended by N.J.A.C. 5:70-3.2(a)13i through xvi, in all approved areas of 500 square feet or more, but less than 1,000 square feet, as defined in the State Fire Prevention Code, Section F-1302.15.

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

(q) Type Bq life hazard uses are as follows:

1. Factories and other industrial uses of Use Group F-1 of 750,000 square feet or more in gross floor area; and

2. Warehouses, storehouses and freight depots, used for the storage and handling of ordinary combustible materials of 750,000 square feet or more in gross floor area.

New Rule, R.1987 d.508, effective December 7, 1987.

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

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

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

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

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

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

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

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

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

Administrative correction.

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

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).

Rewrote the section.

Case Notes

Life hazard use registration fee could properly be imposed on church school. *New Life Gospel Church v. State*, Dept. of Community Affairs, Div. of Housing Bureau of Fire Safety, 257 N.J.Super. 241, 608 A.2d 397 (A.D.1992), certification denied 133 N.J. 429, 627 A.2d 1136.

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

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

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch and having a maximum permitted occupancy of fewer than 100 persons;

2. (Reserved)

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

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch and having a maximum permitted occupancy of 100 or more but fewer than 200 persons.

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

1. (Reserved)

2. Institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have fewer than 100 beds.

3. Eating and/or drinking establishments with a maximum permitted occupancy of 300 or more but fewer than 500 persons.

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

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch and having a maximum permitted occupancy of 200 or more but fewer than 300 persons;

2. Institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have 100 or more but fewer than 200 beds.

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

1. Theaters incorporating a legitimate, regular or thrust stage having any scenery or prop storage area behind a proscenium arch with a maximum permitted occupancy of 300 or more persons;

2. (Reserved)

3. Institutional and similar facilities including, but not limited to, hospitals and long term care facilities which house people suffering from physical limitation due to age, health, or handicaps which have 200 beds or more;

4. (Reserved)

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

1. Places of amusement which are designed to disorient the occupant, reduce vision, present barriers or otherwise impede the free flow of traffic such as haunted houses, fun houses, tunnels of love and similar uses.

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

1. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 3,000 or more but fewer than 8,000 persons;

2. (Reserved)

3. Eating and/or drinking establishments with a maximum permitted occupancy of 500 or more but less than 750 persons.

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

1. Eating and/or drinking establishments with a maximum permitted occupancy of 750 or more but fewer than 1,000 persons.

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

1. Eating and/or drinking establishments with a maximum permitted occupancy of 1,000 or more persons.

2. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 8,000 or more but fewer than 12,000 persons.

New Rule, R.1987 d.508, effective December 7, 1987.

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

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

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

Text at (c)3, (g)3, (h), (i) added; text at (a)2, (c)1, (e)2 and 4, (g)1 deleted.

Amended by R.1997 d.247, effective June 16, 1997.

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

In (f)1, deleted reference to a maximum permitted occupancy of fewer than 200 persons; and deleted (g)2, relating to places of amusement.

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 (g), added 1; in (i), added 2.

5:70-2.4D Type Da through Dc life hazard uses

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

1. Covered mall buildings with a mall portion of 12,000 or more but less than 50,000 square feet.

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

1. Covered mall buildings with a mall portion of 50,000 or more but less than 100,000 square feet.

2. Recreation centers, multi-purpose rooms, lecture halls, art galleries, exhibition halls and similar uses where persons assemble other than for religious services with a maximum permitted occupancy of 12,000 or more persons.

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

1. Covered mall buildings with a mall portion of 100,000 or more square feet.

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

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

Da revised, Db and Dc added.

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).

Added (b)2.

5:70-2.5 Required inspections

(a) All life hazard uses shall be inspected for compliance with the provisions of this Code periodically but not any less often than specified herein:

1. Type Aa through Aj life hazard uses: once every 12 months, except day nurseries and daycare centers with a maximum permitted occupancy of 100 or more which shall be inspected once every six months.
2. Type Ba through Bp life hazard uses: once every 12 months.
3. Type Ca through Ci life hazard uses: once every three months.
4. Type Da through Dc life hazard uses: one every three months.
 - i. The periodic inspection of a covered mall may be limited to the common areas.

(b) Where a life hazard use is operated on a seasonal basis, the number of required annual inspections shall not be reduced. Inspections of type Ca through Ci and type Da through Dc life hazard uses which are in operation for only a portion of the year shall be conducted immediately prior to opening and closing and twice during operation of the use.

(c) Within 30 days following each annual and every other quarterly inspection of a life hazard use, the owner shall file an application for a certificate of inspection on forms provided by the local enforcing agency. Forms shall be provided either before or at the time of inspection. The form shall be returned to the local enforcing agency.

(d) Upon completion of a required inspection, the local enforcing agency shall issue a certificate of inspection. A certificate of inspection shall not be issued until all violations cited have been corrected. The certificate of inspection shall be posted by the owner of the use in a conspicuous location therein.

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

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

Added (b)i.

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

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

Old (c) deleted and new text substituted; (d) added.

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

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