

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Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999).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.1995 d.58, effective March 6, 1995.  
 See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

#### 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;
- v. N.J.A.C. 8:43A-15.2(b) and (c);

## 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

### 5:70-1.5 Definitions

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

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

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

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

1. Is comprised of a structure originally constructed as a private residence or a bed and breakfast;
2. Includes individual sleeping accommodations for 50 or fewer guests;
3. Has at least one dwelling unit occupied by the owner of the facility as his place of residence during any time that the facility is being used for the lodging of guests;
4. Has not less than 300 square feet of common area for the exclusive use of the guests, including, but not limited to, parlors, dining rooms, libraries and solariums;
5. Prohibits cooking and smoking in guest rooms;
6. Provides a meal to the guests in the forenoon of each day but does not operate as a restaurant open to the general public;
7. Is not a "rooming house" or "boarding house" as defined in N.J.S.A. 55:13B-3; and
8. Does not allow:
  - i. More than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days or more than 30 days of any period of 60 successive days; or

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

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

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

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

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

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

1. Mobile enclosed structures used for human occupancy;
2. Tents or temporary tension membrane structures requiring a permit in accordance with N.J.A.C. 5:70-2.7(b)3iii;
3. Any use involving open flame or flame producing device(s).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. “Use Group A-1-A”: This Use Group shall include all theaters and other buildings used primarily for theatrical or operatic performances and exhibitions, arranged with a raised stage, proscenium curtain, fixed or portable scenery loft, lights, motion picture booth, mechanical appliances or other theatrical accessories and equipment, and provided with fixed seats.

2. “Use Group A-1-B”: This Use Group shall include all theaters without a stage and equipped with fixed seats used for motion picture performances.

3. “Use Group A-2”: This Use Group shall include all buildings and places of public assembly, without theatrical stage accessories, designed for use as dance halls, night clubs, and eating and/or drinking establishments, and similar occupancies, in which the established maximum permitted occupant load exceeds the number of seats provided by more than 30 percent, and shall include all rooms, lobbies and other spaces connected thereto with a common means of egress and entrance.

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

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

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

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

8. "Use Group E": This Use Group shall include all buildings and structures serving 50 or more students from kindergarten through grade 12 and also means and includes any educational building serving 50 or more students in some, but not all, of the grades from kindergarten to grade 12, inclusive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Added definition "Common areas".

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

Added new definitions.

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

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

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

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

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

School dormitories added to definition of use.

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

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

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

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

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

Added definitions of gross and net floor area and lumber.

Amended by R.1993 d.628, effective December 6, 1993.  
See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).

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

Amended by R.1995 d.59, effective March 6, 1995.  
See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).

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

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

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

#### Case Notes

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

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

Repealed by R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).  
Formerly "Operative date".

#### 5:70-1.7 Severability

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

## SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

### 5:70-2.1 Enforcement authority

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

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

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

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

she shall first make a reasonable effort to locate the owner or other persons having charge or control of the premises and demand entry.

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

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

#### Case Notes

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

#### 5:70-2.2 Responsibility for compliance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. The Department, where it serves as the enforcing agency, may, upon application by a local fire department, delegate to that fire department the responsibility and authority for issuance of the CSDC within the municipality, or portion of a municipality, served by that fire department.

(b) The owner, or the authorized agent of the owner, shall apply for a CSDC on a form provided by the enforcing agency. The application shall be accompanied by the appropriate fee as set forth in N.J.A.C. 5:70-2.9(d).

(c) A CSDC shall not be transferable. If the change of occupancy specified in the application for a CSDC does not occur within six months, a new application shall be required.

1. The enforcing agency may issue a CSDC for a seasonal rental unit for a period of up to 12 months, regardless of the number or frequency of changes in tenancy.

(d) No CSDC shall be issued until inspection of the structure indicates compliance with N.J.A.C. 5:70-4.19, except as provided in (d)1 below.

1. The enforcing agency, unless it is otherwise required to inspect the structure under a property maintenance or other municipal code, may accept, in lieu of inspection, a certification that one or more smoke detectors, as applicable, have been installed and tested in accordance with N.J.A.C. 5:70-4.19. Such certification shall be upon forms provided by the enforcing agency.

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

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

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

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

Added provision to delegate authority to issue smoke detector compliance certificates.

Recodified from 5:18-2.20 and amended by R.1995 d.58, effective March 6, 1995.

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

Prior text at 5:18-2.3, Variances, recodified as 5:18-2.14.

Administrative correction.

See: 29 N.J.R. 2551(a).

In (b), changed N.J.A.C. reference.

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

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

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

Old text deleted and new text substituted.

Administrative correction to (a)2.

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

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

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

Recodified from 5:18-2.11 and amended by R.1995, d.58, effective March 6, 1995.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 5:70-2.21 (Reserved)

### 5:70-2.22 Registration of carnivals

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

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

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

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

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

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

(d) Any application for a carnival registration certificate shall be accompanied by the fee as set forth in N.J.A.C. 5:70-2.8.

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

1. Carnival registration certificates shall not be transferable.

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

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

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

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

### SUBCHAPTER 3. STATE FIRE PREVENTION CODE

#### 5:70-3.1 Code adopted

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

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

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

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

#### Case Notes

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

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

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

#### 5:70-3.2 Modifications

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

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

##### F-101.0 Purpose and scope

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

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

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

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

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

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

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

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

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

##### F-102.0 General provisions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'Dry system,' as applied to water fire suppression systems, means a system without permanent or

automatic water supply but equipped with a fire department connection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

v. Section F-303.4 is amended to add the words "in accordance with NFPA 80 listed in Chapter 44" after the words "in good working order."

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

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

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

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

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

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

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

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

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

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

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

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

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

F-306.6.2 Natural cut trees: Natural cut trees, which include blue spruce, scotch pine, Douglas fir and other similar evergreen trees generally used in holiday displays, shall be permitted in any building covered by this code if the trees are located in areas protected by an approved automatic sprinkler system, or meet the flame resistance requirements of NFPA 701 listed in Chapter 44.

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

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

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

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

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

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

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

xii. Section F-307.0 is deleted.

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

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

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

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

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

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

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

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

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

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

"F-308.5 Portable Heaters: The following apply to portable kerosene fired and solid fuel fired heaters:

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

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

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

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

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

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

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

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

xviii. Section F-309.1 is deleted.

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

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

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

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

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

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

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

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

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

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

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

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

"F-316.0 Vacant and Abandoned Buildings and Structures

F-316.1 Abandoned buildings: All buildings or structures that are, or hereafter become vacant as a result of damage, fire, or abandonment shall be secured against unauthorized entry as ordered by the

fire official. Structures which appear to be in danger of collapse shall be referred to the construction official for remedial action in accordance with the Uniform Construction Code.

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

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

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

"F-317.0 HVAC and Mechanical Equipment:

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

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

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

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

"F-318.0 Rooming and Boarding Houses:

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

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

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

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

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

"F-319.0 Doors

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

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

- i. Section F-402.3 is deleted.
- ii. Section F-402.3.1 (egress) is deleted in its entirety.
- iii. A new Section F-402.4 is added as follows:
 

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

  1. On any porch, balcony or any other portion of a building;
  2. Within any room or space of a building;
  3. Within five feet of any combustible exterior wall;
  4. Within five feet, vertically or horizontally, of an opening in any wall; or
  5. Under any building overhang.”
- iv. Section F-403.3 is amended to replace the words “code official” with the words “fire official.”
- v. Section F-403.4 is amended to replace the words “code official” with the words “fire official” and to delete the words “recognized silvicultural or range or wild life management practices, prevention or control of disease or pests, providing heat for outworkers and.”
- vi. Section F-403.4.1 is amended to replace the words “code official” with the words “fire official.”
- vii. A new Section F-403.4.2 is added as follows:
 

“F-403.4.2 Agricultural Burning Permitted: The burning of herbaceous or infested plant life, the burning of orchard prunings and cuttings, prescribed burnings and the clearing of agricultural land by burning are prohibited by this subchapter, unless in accordance with a permit issued under the provisions of N.J.A.C. 7:27-2 administered by the State Forest Fire Service in the New Jersey Department of Environmental Protection.”
- viii. Section F-403.4.3 is amended to replace the words “code official” with the words “fire official.”
- ix. Section F-403.8 is amended to replace the words “code official” with the words “fire official.”
- x. Section F-404.0 is amended to read “Use of Torches.”
- xi. Section F-404.1 is amended to add, after the words “removing paint from any structure” the words, “or for sealing of membrane roofs, or any similar use in or around any building, structure or combustible material.”

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

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

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

- i. Section F-501.1 is amended to delete the words “installation” and “new and existing.”
- ii. Section F-501.2 is amended to replace the words “code official” with the words “construction official” and to remove the second sentence.
- iii. Section F-501.2.1 is deleted.
- iv. Section F-501.3 is deleted.
- v. Section F-501.4.1 and F-501.4.3 are amended to replace the words “code official” with the words “fire official.”
- vi. Section F-503.0 is deleted.
- vii. Sections F-504.1 and F-504.2 are amended to replace the words “code official” with the words “fire official.”
- viii. A new Section F-504.2.1 is added as follows:
 

“F-504.2.1 Anyone disabling, tampering or interfering with the effectiveness of any component of a fire detection or alarm system shall be in violation of this Code.”
- ix. Section F-504.3, exceptions, is amended to replace the words “code official” with the words “fire official.”
- x. Section F-506.1 is amended to add after NFPA 25 the words “including Appendix B,” and to add NFPA 231, 231C, 231D, 231E and 231F as referenced documents.
- xi. A new Section F-508.7 (Total flooding systems) is added as follows:
 

“F-508.7 Total Flooding systems: In any use of carbon dioxide, dry chemical, or halon total flooding systems where there is a possibility that personnel will be trapped in, or enter into, an atmosphere made hazardous by a discharge, warning signs, discharge alarms and breathing apparatus, when provided, shall be maintained to insure prompt evacuation of and to prevent entry into such atmospheres and also to provide means for prompt rescue of any trapped personnel.”
- xii. A new Section F-515.2.1 is added as follows:

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

1. The owner of the building or the owner’s representative shall inspect each detector whenever a change of occupant occurs;

2. The owner of the building or the owner’s representative shall clean the detector and/or replace the batteries as necessary, but at least once a year, to assure proper operation.”

xiii. Sections F-516.1 through F-516.5 are deleted.

xiv. Section F-517.0 is amended to add the word “private” before the word “water.”

xv. Sections F-517.1 and F-517.2 are deleted.

xvi. Section F-517.3 is amended to add the word “private” at the beginning of the sentence.

xvii. Section F-518.1 is deleted.

xviii. Section F-519.2 is deleted in its entirety and is replaced with the following:

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

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

1. Theaters shall be provided with at least two approved fire extinguishers in the stage area behind the proscenium wall where movable scenery is installed; not less than one fire extinguisher on stages or platforms without scenery or stage equipment; one in each tier of dressing rooms; and one immediately outside the entrance to every motion picture booth.

2. Schools, assembly and lecture halls shall be provided with one fire extinguisher for each 2,500 square feet of floor area or fraction thereof but not less than one fire extinguisher in each laboratory, shop or other vocational room.

3. In hotels, dormitories and lodging houses, at least one fire extinguisher shall be provided on each floor at the stairway landing and in the corridor at each elevator or bank of elevators.

4. Hospitals, nursing homes, prisons and group homes shall be provided with one fire extinguisher for each 2,500 square feet of floor area but not less than one per floor, and one in each kitchen.

5. Portable fire extinguishers shall be provided as required by the fire official in accordance with NFPA 10 listed in Chapter 44, incorporated herein by reference.

6. Where required in other sections of this code as outlined by Table F-519.2 below:”

xix. Table F-519.2 is amended to delete reference to F-315.5

xx. A new Section F-520.0 is added as follows:

“F-520.0 High Level Alarms

F-520.1 Testing: All high level alarm systems installed in accordance with N.J.A.C. 5:72 shall be periodically tested in accordance with N.J.A.C. 5:72-3.2(a)4.”

xxi. A new Section F-521.0 is added as follows:

“F-521.0 Elevator Recall:

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

1. Upon simulated activation of an elevator lobby detector, the elevator controller shall cause all elevator cars that serve that lobby to return non-stop to the designated lobby, and prevent further operation of the elevators without the use of an emergency service key.

2. The emergency service keys shall be utilized to place the recalled elevators into emergency operation and to verify proper functioning of the elevator for fire service operation.”

6. Chapter 6 (Means of egress) is amended as follows:

i. Section F-601.1 is amended to delete all words following “means of egress.”

ii. Section F-601.2 is deleted.

iii. Section F-601.4 is deleted.

iv. A new Section F-601.4.1 is added as follows:

“F-601.4.1 Place of Assembly: A place of assembly shall be a room or space accommodating individuals for religious, recreational, political, social or amusement purposes or for the consumption of food and drink, including all connected rooms or spaces with a common means of egress and entrance.”

v. Section F-601.5 is amended to replace the words “code official” with the words “fire official.”

vi. Section F-601.6 is amended to delete the text in its entirety and replace with the following:

“F-601.6 Occupant load: the occupant load for structures shall be maintained pursuant to the New Jersey Uniform Construction Code provisions in effect at the time of construction. The occupant load for structures constructed under standards in force prior to adoption of the New Jersey Uniform Construction Code shall be calculated in accordance with N.J.A.C. 5:70-4.11(f)3.”

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

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

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

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

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

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

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

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

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

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

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

xvi. Section F-607.4 is deleted.

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

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

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

xx. Section F-609.1 is deleted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F-708.6 Casino Fire Safety Units: Every establishment licensed as a hotel-casino by the New Jersey Casino Control Commission shall establish a Fire Safety Unit consisting of trained personnel who shall be under the direct supervision of a supervisor who shall have responsibility for the operation of the Unit

and the Fire Command Center and whose sole responsibility during a fire-related emergency incident shall be the direction of the unit and center. The supervisor shall report directly to the Director of the Department under which the Fire Safety Unit is organized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Section F-801.2 is deleted.

ii. Section F-802.1 is amended to delete the word "install," and to insert the words "the maintenance provisions of" before "NFPA 407."

iii. Section F-802.3 is amended to replace the words "area in compliance with the building code listed in Chapter 44" with the words "approved area."

iv. Section F-805.5 is amended to replace the words "code official" with the words "fire official."

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

i. Section F-901.2 is deleted.

ii. Section F-902.2.1 is amended to replace the words "code official" with the words "fire official."

iii. Section F-902.3 is amended to replace the word "building" before the word "code" with the word construction and to replace the words "listed in Chapter 44" with the words "in effect at the time of first occupancy."

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

i. Section F-1001.2 is deleted.

ii. Section F-1002.1 is amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy."

iii. All text of section F-1002.2 following the word "Ethylene" is deleted.

iv. Section F-1002.3 is amended to replace the word "installed" with the word "maintained" and to delete the words "listed in Chapter 44."

v. Sections F-1002.4.2 and F-1002.4.4 are amended to insert the words "maintained as" before the word "installed" and to replace the words "the mechanical code listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."

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

i. Section F-1101.2 is deleted.

- ii. Section F-1103.1 is deleted.
  - iii. Section F-1103.4 is amended to replace the words "code official" with the words "fire official."
12. Chapter 12 (Dust explosion hazards) is amended as follows:
- i. Section F-1201.2 is deleted.
  - ii. Section F-1202.1 is amended to add a reference to NFPA 68.
  - iii. Section F-1202.2 is deleted.
  - iv. Section F-1202.4 is amended to replace the word "installed" with the word "maintained."
  - v. Section F-1202.6 is reserved and the text deleted.
  - vi. Section F-1203.1 is amended to replace the words "NFPA 70 listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."
13. Chapter 13 (Application of flammable finishes) is amended as follows:
- i. A new Section F-1301.1.1 is added as follows:
 

"F-1301.1.1 This section does not cover the outdoor spray application of buildings, tanks or other similar structures, nor does it cover small portable spraying apparatus not used repeatedly in the same location; provided, however, that the herein described fundamental safeguards pertaining to cleanliness, care of flammable liquids, dangerous vapor-air mixtures and sources of ignition shall be applicable."
  - ii. Section F-1301.2 is deleted.
  - iii. Section F-1302.1, definition of spraying area, is amended to replace the words "code official" with the words "fire official."
  - iv. Section F-1303.1 is amended to delete the entire first sentence.
  - v. Section F-1303.3 is amended to delete all words following the word "chapter."
  - vi. Sections F-1304.2, F-1304.10 and F-1305.2 are amended to replace the words "the building code listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."
  - vii. Section F-1304.3.5 is amended to replace the words "code official" with the words "construction official."
  - viii. Section F-1304.6 is amended to delete the words "in accordance with the building code listed in Chapter 44."
  - ix. Sections F-1304.8 and F-1305.1 are amended to replace the words "code official" with the words "fire official."

- x. Section F-1304.8 is amended to delete the entire first sentence.
  - xi. Section F-1304.10 is amended to replace the words "the mechanical code listed in Chapter 44" with the words "code in effect at the time of first occupancy."
  - xii. Section F-1304.10.3, item 5. is amended to delete the words "and NFPA 70 listed in Chapter 44."
  - xiii. Section F-1305.2 is amended to delete the word "building" before the word "code" and to delete the words "listed in Chapter 44" and replace them with the words "in effect at the time of first occupancy."
  - xiv. Section F-1305.3 is amended to delete the words "and the mechanical code listed in Chapter 44."
  - xv. Section F-1305.10.4 is amended to replace the words "in accordance with Section F-1305.8.1" with the words "by an approved automatic fire suppression system pursuant to N.J.A.C. 5:70-4.7(e)2iii."
  - xvi. Sections F-1305.8.1 and F-1305.8.2 are deleted.
14. Chapter 14 (Fumigation and thermal insecticidal fogging) is amended as follows:
- i. Sections F-1401.2 and F-1403.3 are amended to replace the words "code official" with the words "fire official." Section F-1401.2 is further amended to replace the word "approval" with the words "a permit."
15. Chapter 15 (Hazardous production material facilities) is amended as follows:
- i. Section F-1501.1 is amended to replace the words "Tables 307.8(1) and 307.8(2) in the building code listed in Chapter 44" with the words "the Uniform Construction Code requirements in effect at the time of approval."
  - ii. Section F-1501.2 is deleted.
  - iii. Sections F-1501.3 and F-1503.1 are amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy." Section 1501.3 is further amended to delete the words "Section 416.0 of."
  - iv. Section F-1503.4 is amended to add the words "process equipment" after the words "excess flow."
  - v. Sections F-1503.5, F-1504.3, F-1504.3.1, F-1504.3.1.1, F-1504.3.1.2, F-1504.3.1.3, F-1504.3.1.4, F-1504.3.2 and F-1504.4 are deleted.
  - vi. Section F-1504.1 is amended to delete the words "and, where metal, shall not be less than 0.0478-inch (No. 18 Gage) steel."
  - vii. Sections F-1504.5, F-1505.2 and F-1508.2.2 are amended to delete, after NFPA 70, the words "listed in Chapter 44." In addition, Section F-1504.5 is further amended to delete the words "Work stations shall not

be energized without first activating the exhaust ventilation.”

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

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

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

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

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

ii. Section F-1601.2 is deleted.

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

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

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

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

i. Section F-1701.2 is deleted.

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

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

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

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

i. Section F-1901.2 is deleted.

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

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

iv. Section F-1904.1 is deleted.

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

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

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

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

i. Section F-2001.2 is deleted.

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

iii. New Sections F-2001.7 and F-2001.8 are added as follows:

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

F-2001.8 An Affidavit or affirmation shall be submitted to the fire official and a copy retained on the premises on which the membrane or air-supported structure is located, attesting to the following information relative to the flame resistance of the fabric:

1. The names and addresses of the owners of the membrane or air-supported structure;

2. The date fabric was last treated with flame resistant solution;

3. The trade name or kind of chemical used in treatment;

4. The name of the person or firm treating the material; and

5. The name of the testing agency and test standard by which the fabric was tested.”

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

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

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

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

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

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

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

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

i. Section F-2201.2 is deleted.

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

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

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

v. Section F-2205.2 is deleted.

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

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

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

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

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

i. Section F-2301.2 is deleted.

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

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

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

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

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

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

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

ix. Section F-2307.1 is deleted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"F-2321.0 Hazardous material tank vehicles

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

F-2321.2 Vehicles shall be operated as follows:

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

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

F-2321.3. The driver, operator or attendant of any vehicle shall not leave the vehicle while it is being filled or discharged. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. When making or breaking hose connections, the motors of tank trucks or tractors shall be shut down. If loading or unloading is done without the use of power pump, the tank truck or tractor motor shall be shut down throughout such operations."

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

i. Sections F-2401.1 and F-2401.2 are deleted.

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

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

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

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

i. Section F-2601.2 is deleted.

ii. Section F-2601.3 and Table F-2601.3 are reserved and the text deleted.

iii. Sections F-2603.3 and F-2603.4 are amended to delete the words "constructed in accordance with the building code listed in Chapter 44."

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

i. Section F-2701.1 is amended to replace the word "building" following the word "code" with the word "construction" and add, following "code" the words "in effect at the time of first occupancy."

ii. Section F-2701.2 is deleted.

iii. Section F-2701.3 and Table F-2701.3(1) are reserved and the text deleted.

iv. Sections F-2704.1.5, F-2704.2.7 and the exceptions, F-2704.2.8 and F-2705.3 are deleted.

v. Section F-2704.1.8 is amended to replace the word "building" following the word "code" with the word "construction."

vi. Sections F-2704.4.5 and F-2704.4.6 are reserved and the text deleted.

vii. Section F-2705.2 is amended to delete the words "installed and."

viii. Sections F-2706.3 and F-2707.2 are amended to delete the words "installed and." Section F-2706.3 is further amended to insert the words "and maintained" following the word "utilized."

ix. Sections F-2710.1.3 and F-2710.1.4 are deleted.

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

i. Section F-2801.2 is deleted.

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

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

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

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

i. Section F-2901.2 is deleted.

ii. Section F-2901.3 and Table F-2901.3 are reserved and the text deleted.

iii. Sections F-2903.0 through F-2903.3.2 are reserved and the text deleted.

iv. Section F-2905.3 is deleted.

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

i. Section F-3001.2 is deleted.

ii. Section F-3001.2.1 is amended to replace the words "Nonattainable approvals" with the words "The following explosives shall not be permitted:"

iii. Section F-3001.2.2 is deleted.

iv. Section F-3001.3 is deleted and replaced with a new section as follows:

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

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

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

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

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

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

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

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

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

ix. A new section is added as follows:

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

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

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

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

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

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

and use of fireworks for such display shall be lawful for that purpose only.

F-3103.3.1 Application: Application for permits for display or discharge shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein. All applications for permits shall set forth the date, the hour, the place of making such display, and the place for storing of fireworks prior to the display. The application shall also contain the names of the person, persons, firm, partnership, corporation, association, or group of individuals making the display, and the name of the person or persons in charge of the igniting, firing, setting-off, exploding or causing to be exploded such fireworks. The location of the storage place shall be subject to the approval of the fire official of the jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

iii. Section F-3201.2.1 is deleted.

iv. Sections F-3201.2.3, F-3201.2.4, F-3201.2.5, F-3201.2.6 and F-3201.2.7, F-3201.3 are deleted.

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

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

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

viii. Two new sections are added as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Section F-3301.2 and Table F-3301.3 are deleted.

ii. Section F-3301.3 is reserved and the text deleted.

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

i. Section F-3401.2 and Table F-3401.3 are deleted.

ii. Section F-3401.3 is reserved and the text deleted.

iii. Section F-3403.0 is amended to read: "High hazard requirements."

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

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

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

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

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

36. Chapter 36 (Liquified petroleum gases) is amended as follows:

i. Sections F-3601.2, F-3601.2.1 and F-3603.1 are deleted.

ii. Section F-3601.3 and Table F-3601.3 are reserved and the text deleted.

iii. Section F-3603.2 is amended to replace the words "designed and installed" with the word "maintained."

iv. Section F-3608.1 is amended to replace the words "code official" with the words "fire official."

v. Section F-3608.2.3 is amended to replace all text following the word "property" with the words "and the site restored in an approved manner in accordance with the uniform construction code."

vi. A new section is added as follows:

"F-3610.0 container and site requirements:

F-3610.1 Container markings: Containers of 125 gallons or more water capacity shall be legibly marked with a warning followed by the name of the gas contained. The warning label shall read "Flammable Gas" followed by the name of the gas, such as "Propane" or "Butane."

F-3610.2 Storage area signs: Storage areas having containers exceeding 125 gallons aggregate water capacity shall be posted with adequate "NO SMOKING" and "FLAMMABLE GAS" signs legibly marked. The warning "FLAMMABLE GAS" shall be followed by the name of the gas stored on the site, such as "PROPANE" or "BUTANE."

F-3610.3 Marker plates: All LP-Gas installations exceeding 250 gallons individual or aggregate water capacity shall be provided with a marker plate or sign indicating who should be called in the event of an emergency involving the LP-Gas installation. The marker or sign shall include the following:

1. The name of the gas supplier, plant installer, owner, or operator who will respond to the emergency; and
2. The telephone number of that person.

F-3610.4 Notification response: The LP-Gas supplier, plant installer, owner or operator indicated on the marker plate or sign required in F-3610.3 above shall respond when notified to all LP-Gas emergencies occurring at the installation and shall maintain a 24-hour phone service.

F-3610.5 Fire or explosion: Whenever there is a fire or explosion or accident involving serious injury or loss of life as a result of an incident involving an LP-Gas installation, the responsible party as identified per F-3610.3 above shall promptly notify the fire official of its occurrence."

37. Chapter 37 (Liquid and solid organic peroxides) is amended as follows:

- i. Section F-3701.2 is deleted.
- ii. Section F-3701.3 and Table F-3701.3 are reserved and the text deleted.
- iii. Section F-3703.0 is amended to replace the word "Retroactive" with the words "High hazard."
- iv. Section F-3703.1 is deleted in its entirety and the following text inserted:

"F-3703.1 General: The provisions of this section shall apply to the storage, handling and use of unclassified detonatable organic peroxides exceeding the exempt amounts per control area, unless otherwise specified. The storage of Class I organic peroxides shall comply with Sections F-3703.2.1 and be maintained in accordance with NFPA 43B listed in Chapter 44."

v. Section F-3703.2.2 is amended to delete all language following the words "Table F-3703.2.2."

vi. Section F-3703.2.5 is amended to delete all language following the word "emergency."

vii. Section F-3703.2.6 is amended to delete all language following the words "organic peroxides."

viii. Section F-3703.2.10 is deleted.

38. Chapter 38 (Liquid and solid oxidizers) is amended as follows:

i. Sections F-3801.2 and F-3803.2.7 are deleted.

ii. Section F-3801.3 and Tables F-3801.3(1) and F-3801.3(2) are reserved and the text deleted.

iii. Section F-3803.1 is amended to read as follows: "the provisions of this section shall apply to the handling, use and storage of Class 4 oxidizers exceeding the exempt amounts per control area."

iv. Section F-3803.2.4 is amended to delete all language after the word "emergency."

v. Section F-3803.2.5 is amended to delete all language after the word "oxidizers."

39. Chapter 39 (Pesticide display and storage) is amended as follows:

i. Section F-3901.2 is deleted.

ii. Section F-3902.12 is amended to replace "Chapter 5" with the words "the construction code in effect at the time of first occupancy."

40. Chapter 40 (Liquid and solid pyrophoric materials) is amended as follows:

i. Section F-4001.2 and Table F-4001.3 are deleted.

ii. Sections F-4001.3, and F-4002.0 through F-4002.3 are reserved and the text deleted.

41. Chapter 41 (Radioactive materials) is amended as follows:

i. Section F-4101.2 is deleted.

ii. Sections F-4101.3 and F-4103.0 are reserved and the text deleted.

42. Chapter 42 (Liquid and solid unstable (reactive) materials) is amended as follows:

i. Section F-4201.2 is deleted.

ii. Sections F-4201.3, Table F-4201.3(1), Table F-4201.3(2) and F-4202.0 through F-4202.3 are reserved and the text deleted.

43. Chapter 43 (Liquid and solid water-reactive materials) is amended as follows:

i. Section F-4301.2 and Table F-4301.3 are deleted.

ii. Sections F-4301.3 and F-4303.0 through F-4303.3.1 are reserved and the text deleted.

44. Chapter 44 (Referenced standards) is amended as follows:

i. Under the major heading of CODES, delete reference to Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795; standard reference number BNBC; Title: BOCA National Building Code, including all section numbers in which the BOCA National Building Code is referenced.

ii. Under the major heading of CODES, delete reference to standard reference number IMC-96; Title: ICC International Mechanical Code, including all section numbers in which the ICC International Mechanical Code is referenced.

iii. Under the major heading of CODES, delete reference to standard reference number IPC-95; Title: ICC International Plumbing Code—with 1996 Supplement, including all section numbers in which the ICC International Plumbing Code is referenced.

iv. Under the major heading of CODES, add a reference to New Jersey Department of Community Affairs, Division of Codes and Standards, PO Box 802, Trenton, New Jersey 08625-0802; standard reference number UCC; Title: New Jersey Uniform Construction Code; Referenced in Code Section Numbers as follows: F-101.1.1, F-201.3, F-202.0, F-301.2, F-308.4, F-308.5.2, F-316.1, F-521.1, F-601.6, F-603.2, F-608.3.3, F-609.3, F-610.3, F-706.5, F-706.6, F-708.7.9, F-2001.3, Table F-2307.3 note b and note e, F-3208.11.3 and F-3608.2.3.

v. Under the major heading of NFPA add the following standard reference numbers, titles and code sections in which the standard is referenced:

(1) #46-96; Storage of Forest Products; code sections F-1601.1 and F-2101.1.

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

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

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

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

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

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

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

(9) #1126-96; Use of Pyrotechnics Before a Proximate Audience; code section F-3103.1.

Amended by R.1998 d.588, effective December 21, 1998 (operative January 2, 1999).

See: 30 N.J.R. 3127(a), 30 N.J.R. 4349(b).

In (a)3, inserted a new xi, and recodified former xi through xxxi as xii through xxxii.

Amended by R.1999 d.59, effective March 1, 1999.

See: 30 N.J.R. 3994(a), 31 N.J.R. 676(a).

Rewrote (a).

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

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

In (a)7., added new i, iii, viii and ix; recodified existing i as ii, existing ii through v as iv through vii and existing vi through viii as x through xii.

## SUBCHAPTER 4. FIRE SAFETY CODE

### 5:70-4.1 Code adopted; scope

(a) Pursuant to authority of the Uniform Fire Safety Act (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.), the Commissioner hereby adopts this subchapter as the State Fire Safety Code.

(b) All buildings for which requirements are established in this subchapter shall be in compliance with such applicable requirements of this subchapter, unless a date for compliance is set forth in this subchapter.

1. Use Group R-3 structures used exclusively for dwelling purposes shall not be subject to any requirements of this subchapter other than N.J.A.C. 5:70-4.19.

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

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

(c), (d), and (e) added. Correction to rule, see July 6, 1987 Register at 19 N.J.R. 1190(a).

Amended by R.1987 d.388, effective October 5, 1987.

See: 19 N.J.R. 1263(a), 19 N.J.R. 1792(a).

Deleted text in (d)1 "which are classified . . . Uniform Construction Code" and substituted "used exclusively for . . . three dwelling units".

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

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

At (b) cross referenced definitions; at (c)7 established date of applicability and deleted 12 and renumbered 13-15 as 12-14 and referenced dates for compliance in (d).

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

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

Text at (b) and (c) deleted; text at (d) recodified to (b).

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

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

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

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

### 5:70-4.2 Compliance with the State Fire Prevention Code and other fire safety regulations

(a) The requirements established by this subchapter are in addition to, and not in lieu of, requirements established by the State Fire Prevention Code (N.J.A.C. 5:70-3).

(b) All buildings which are specifically listed as under the scope of this subchapter as denoted in N.J.A.C. 5:70-4.1 and

which are subject to requirements previously established including, without limitation, any requirement of the State Fire Prevention Code (N.J.A.C. 5:70-3), shall be in compliance with those requirements as of the effective date of this subchapter and shall remain in compliance throughout the life of the structure.

(c) All buildings which are not specifically listed as under the scope of this subchapter as denoted in N.J.A.C. 5:70-4.1 shall continue to be subject to the provisions of applicable existing fire safety requirements as promulgated by the State or local agency having jurisdiction and shall remain in compliance with those requirements throughout the life of the structure.

(d) Existing fire suppression and detection systems that were installed in accordance with the Uniform Construction Code, the Uniform Fire Code or which met the intent of the applicable NFPA standards at the time of installation shall be accepted as meeting the requirements of this Code, except as otherwise specifically provided in this Code.

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

#### 5:70-4.3 Relationship to Uniform Construction Code

(a) A building in full compliance with the subcodes adopted pursuant to the Uniform Construction Code Act and regulations in force at the time of its construction and possessing a valid certificate of occupancy shall not be required to conform to the more restrictive requirements established by this subchapter except as may be required by (a)3 below.

1. In accordance with N.J.A.C. 5:23-6.2, certificates of occupancy for projects in compliance with the requirements of the Rehabilitation Subcode of the New Jersey Uniform Construction Code (N.J.A.C. 5:23-6 are specific to the work undertaken and shall not obviate the need for a building to be brought into compliance with this subchapter.

i. In accordance with N.J.A.C. 5:23-6.2(g)3i, a variation issued in writing pursuant to the Uniform Construction Code in connection with a rehabilitation project shall remain in force and effect, provided that all of the conditions of the variation continue to be met, and shall be accepted for purposes of establishing compliance with this subchapter for the portion of the building to which the variation applies.

ii. In accordance with N.J.A.C. 5:23-6.2(i), for variation requests involving provisions of this subchapter which have been incorporated into the Rehabilitation Subcode, the construction official is required to consult with the fire official. If the fire official is also licensed as a fire protection subcode official under the Uniform Construction Code, then the approval of the fire official shall be required on such variation requests.

2. The requirements of N.J.A.C. 5:70-4.19 shall apply to all Use Group R-3 structures other than newly constructed buildings at the time of initial occupancy, regardless of their state of compliance with the Uniform Construction Code or any other code.

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

(b) A building in full compliance with the current fire safety requirements of the Uniform Construction Code, as determined by the construction official with the concurrence of the fire subcode official and in consultation with the fire official, shall not be required to conform to more restrictive requirements established by this subchapter.

1. A determination as to whether a Uniform Construction Code requirement involves fire safety shall, in a disputed case, be determined by the Division of Codes and Standards after consultation with the Division of Fire Safety, the construction official and the fire official and, if necessary, with the concurrence of the Assistant Commissioner, Department of Community Affairs, responsible for overseeing the Divisions of Fire Safety and Codes and Standards.

2. For purposes of this subsection, "current fire safety requirements" means requirements set forth in the New Jersey Uniform Construction Code in effect at the time of adoption of the requirement as part of this subchapter.

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

Added "in consultation with" to (b).

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

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

Exception for R-3 structures added.

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

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

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

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

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

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

Rewrote (a).

#### 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.

(b) A variation previously granted to a provision of an existing code, which provision contains requirements substantially the same as the comparable provision of this subchapter, shall remain valid, subject to the following conditions:

1. To be accepted the variation must have been:
  - i. Granted in writing;
  - ii. Granted through a formal process or procedure; and
  - iii. Granted upon a finding that equivalent life safety was provided.

(c) Nothing in this Code shall be construed as preventing any State agency from exceeding provisions of this Code in making improvements to buildings under their jurisdiction, ownership or control when such changes are mandated by or through Federal law or Federal regulations as a condition of funding such agency. Such action shall not reduce the requirements of these regulations.

(d) The provisions of N.J.A.C. 5:70-4.1 through 4.3 shall not prevent the fire official from making a finding of imminent hazard pursuant to N.J.A.C. 5:70-2.16 or the construction official from making a finding of unsafe building pursuant to the Uniform Construction Code and requiring correction of such hazard or unsafe condition in accordance with those regulations.

Repeal and New Rule, R.1995 d.58, effective March 6, 1995.  
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Formerly "Relation to State Fire Prevention Code".

#### 5:70-4.5 Fire protection and dormitory suppression plans

(a) A comprehensive facility fire protection plan may be submitted for facilities located within the jurisdiction of more than one local enforcing agency which are under single facilities management, ownership and operational control.

1. The plan shall be submitted to the Division for approval and shall include an original and one copy plus a copy for each local enforcing agency in which the subject facilities are located. The plan shall include the following:
  - i. All buildings which are part of the facilities at every location included in the plan and for each building, the use group and an evaluation of the fire protection, including all requirements established in this subchapter;
  - ii. A timetable for compliance with the requirements of this subchapter; and
  - iii. A written application for a variance submitted in accordance with N.J.A.C. 5:70-2.14 for any proposed deviations from this subchapter.

2. The Division shall consult with each local enforcing agency in which facilities included on the plan are located before taking any final action.

3. Within 60 days after receiving the plan, the Division shall approve or disapprove it in writing. If the plan is disapproved, then the written statement shall include the reason(s) for the disapproval.

i. A plan which is not approved within 60 days shall be deemed to have been disapproved unless the 60 day period is extended by mutual agreement of the Division and the applicant;

ii. A disapproval may be appealed as provided in N.J.A.C. 5:70-2.19;

iii. No owner shall be required to retrofit a facility pending approval or disapproval of the plans by the Division.

4. The original approved plan shall be maintained on file by the Division. One copy of the approved plan shall be returned to the applicant and one copy shall be supplied to each local enforcing agency in which facilities included on the plan are located.

5. Any deviation from the plan as approved must be submitted to the Division for approval in accordance with the procedure established herein for the submission and approval of plans.

6. Inspections for compliance with the plans as approved shall be conducted by the local enforcing agency in which facilities are located.

(b) All public or private boarding schools and institutions of higher education which utilize dormitories or similar occupancies for the housing of students, as well as all owners of residences being utilized as dormitories, shall submit to the Division an action plan for the installation within those occupancies of complete automatic fire sprinkler systems, as required by N.J.A.C. 5:70-4.7(j). Projects shall not include new construction for which suppression is required by the Uniform Construction Code.

1. The action plan shall be submitted for approval no later than November 3, 2000. Submittal shall include an original plan and a copy, plus a copy for the local enforcing agency having code enforcement jurisdiction of the subject facility. The action plan shall outline the total fire protection project, including automatic fire sprinkler system installation and the best estimate of cost provided by a professional engineer who is independent of the school or institution. For purposes of the Dormitory Safety Trust Fund and Life Safety Improvement Loan programs, automatic fire sprinkler system components shall be limited to those covered by National Fire Protection Association Standards 13, 13R and 13D, as applicable. The action plan shall also include:

i. All buildings within the facility which are to be protected, as well as a description of all buildings of

similar occupancy which are considered to be in compliance with the current fire safety requirements of the Uniform Construction Code;

ii. For each facility, a timetable of compliance specifying projected dates of completion in accordance with the following schedule:

(1) At least 25 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2001;

(2) At least 50 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2002;

(3) At least 75 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2003; and

(4) All of the buildings identified in (b)1i above shall be equipped throughout with an operational automatic fire sprinkler system no later than July 31, 2004;

iii. A schedule for submitting a complete application for a construction permit to the agency having Uniform Construction Code jurisdiction;

iv. Installation projects which were begun within the 12 month period prior to July 5, 2000 may be included in the plan for purposes of funding only to the extent that their components are covered by National Fire Protection Association Standards 13, 13R and 13D.

(1) Projects begun within that same 12 month period, for which a Certificate of Occupancy or Certificate of Acceptance had not been issued prior to July 5, 2000, may also be included in the initial 25 percent of total square footage identified in (b)1ii above; and

v. Quarterly progress reports shall be submitted to the Division to arrive within the two week period following the first business day of the months of January, April, July and October of each year. Such reports shall include, but shall not be limited to, the following:

(1) Documentation of the date(s) on which requests have been distributed for bids on work contained in the approved plan;

(2) Dates on which bids have been accepted and contracts awarded for work covered under the approved plan;

(3) Amounts of awards;

(4) Dates on which applications for construction permits have been submitted and permits issued; and

(5) Dates on which the percentage of work required by the timetable of compliance in ii above shall have been completed.

2. Upon review of an application for extension from an entity responsible for submitting a plan, and following consultation with the local enforcing agency having code enforcement jurisdiction, the Commissioner may extend the timetable for compliance upon a showing:

i. That the timetable poses an unreasonable hardship; or

ii. That installation is not possible by the dates established in this subsection for reasons beyond the control of the entity.

iii. In the case of a hardship related to asbestos which will be disturbed by the work or to an historic building, there shall be a presumption of granting the extension.

3. A written application for a variance may be submitted to the Division in accordance with N.J.A.C. 5:70-2.14, for any proposed deviation from these requirements or from the requirements of N.J.A.C. 5:70-4.7(j).

Repeal and New Rule, R.1995 d.58, effective March 6, 1995.

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

Formerly "Modifications".

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

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

Added (b).

#### 5:70-4.6 Pre-existing violations

No violation committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred, prior to the repeal or revision of any regulation or any part thereof by the enactment of this subchapter, shall be discharged, released or affected by the repeal or revision of the regulation or part thereof under which such offense, liability, penalty or forfeiture was incurred, and indictments, prosecutions and actions for such offenses, liabilities, penalties or forfeitures committed or incurred, prior to the effective date of this subchapter, shall be commenced or continued and be proceeded with in all respects as if the regulation or part thereof had not been repealed or revised.

#### Case Notes

Safety violations in multiple dwelling continued to exist where repairs did not meet state standards. 101 Lincoln Street, Jersey City v. Bureau of Housing Inspection, 96 N.J.A.R.2d (CAF) 87.

#### 5:70-4.7 Fire suppression systems

(a) All buildings of Use Group A-2 or portions thereof when separated in accordance with (l) below with a permitted occupant load of 50 or more shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. The following are exceptions to paragraph (a) above:

i. Buildings with a permitted occupancy of fewer than 300 having all components of the required means of egress on the same level as the use and having all such exits discharging not more than five feet above, nor more than two feet below, the adjacent grade;

ii. Buildings with a permitted occupancy of fewer than 200 having no portion of the required means of egress located more than one level above, or more than two feet below, the adjacent grade.

(b) All buildings of Use Group I-1 or portions thereof when separated in accordance with (l) below greater than two stories in height above grade or having an occupant load greater than 20 excluding staff shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

(c) All buildings of Use Group I-2 or portions thereof when separated in accordance with (l) below shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. The following are exceptions to (c) above:

i. Buildings of Type 1 or Type 2A construction of any height or of Type 2B construction not over one story in height as defined in the Uniform Construction Code.

ii. Day nurseries serving children below 2½ years of age, provided that all the children under 2½ years of age are cared for on the first floor in a room(s) having direct access to approved exits discharging directly to the exterior.

(d) All buildings of Use Group I-3 or portions thereof when separated in accordance with (l) below with an occupant load of six or more shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code or shall be in compliance with all applicable provisions of Chapter 15 "Existing Detention and Correctional Occupancies" of the Life Safety Code, NFIPA 101, 1985 edition.

1. Exception to (d) above: All buildings of Use Group I-3 not required to be equipped throughout with suppression by these provisions shall be equipped with suppression in all padded cells, boiler rooms, storage and workshop rooms 24 square feet and larger, mechanical equipment and similar rooms.

(e) All buildings of Use Group H or portions thereof when separated in accordance with (l) below shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. All spraying operations as defined by N.J.A.C. 5:70-3.7(a) shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

2. Dipping operations as defined by N.J.A.C. 5:70-3.7(d)1 and as outlined in (e)2i through iii below shall be equipped with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

i. Dip tanks of over 150 gallons capacity or 10 square feet liquid surface area;

ii. Dip tanks containing a liquid with a flash point below 110 degrees F., when used in such manner that the liquid temperature may equal or be greater than its flash point from artificial or natural causes when having both a capacity of more than 10 gallons and a liquid surface area of more than four square feet; and

iii. Hardening and tempering tanks of over 500 gallons capacity or 25 square feet liquid surface area.

(f) All ballrooms, exhibit areas and accessory spaces of Use Group A-3 which exceed 12,000 square feet and are located in buildings of Use Groups R-1 and R-2, shall be equipped with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. The following are exceptions to (f) above:

i. Such assembly uses may be subdivided into fire areas not exceeding 12,000 square feet using permanent two-hour fire separation walls with 1½ hour opening protectives. Such walls shall be continuous from the floor to the deck above except that the wall may terminate at the ceiling if the ceiling is part of a fire-resistance rated floor/ceiling or roof/ceiling assembly.

ii. A-3 uses which are completely separated both horizontally and vertically from R-1 and R-2 uses by fire separation walls and floor/ceiling assemblies having a fire-resistance rating of not less than two hours with approved opening protectives having a fire-resistance rating of not less than 1½ hours. Walls shall be continuous from the floor to the deck above except that the walls shall be permitted to terminate at the ceiling if the ceiling is part of a fire-resistance rated assembly.

(g) All cooking operations that produce grease laden vapors shall be equipped with a ventilating hood, duct, and automatic fire suppression system designed and installed in accordance with the New Jersey Uniform Construction Code.

1. This subsection shall not apply to buildings in Use Groups R-2 or R-3.

2. Exception to (g) above: Ventilating hoods, ducts, and suppression shall not be required for completely

enclosed ovens, steam tables, or auxiliary equipment that does not produce grease laden vapors.

(h) In all buildings, any windowless basement or story located below the seventh story shall be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code.

1. Stories or basements shall not be considered windowless when there is provided on at least one side of such story or basement fire fighter access through openings, such as windows, doors or access panels, that are located entirely above the adjoining grade level.

2. Such openings shall be at least:

i. 32 inches by 48 inches in size, spaced not more than 100 feet apart in each story or basement; or

ii. 22 inches by 42 inches in size, spaced not more than 30 feet apart in each story or basement.

3. All openings for fire fighter access shall conform to all the following:

i. Openings shall be unobstructed to allow fire fighting and rescue operations from the exterior; and

ii. Openings in stories at or above grade shall have a sill height of not more than 36 inches as measured from the finished floor level. Openings in basements shall have no sill height restrictions; and

iii. Openings shall be readily identifiable and openable from the outside or shall be glazed with plain flat glass.

4. When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet from such openings, the story shall be considered windowless unless openings as specified above are provided on at least two sides of the exterior walls of the story.

5. If any portion of a basement is located more than 75 feet from openings as specified above, the basement shall be considered windowless.

6. Windowless basements not exceeding 3,000 square feet in area shall be exempt from this automatic suppression requirement, provided a supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code.

7. In windowless basements greater than 3,000 square feet, but not exceeding 10,000 square feet in area, the required suppression system need not be connected to a water supply other than an existing domestic supply if the following conditions are met:

i. The suppression system shall be provided with a fire department connection, which shall be marked with a sign reading "Basement Area Sprinkler Water Supply"; and

ii. A supervised automatic fire alarm system shall be installed in accordance with the New Jersey Uniform Construction Code.

(i) In all buildings of Use Group R-1 or portions thereof when separated in accordance with (l) below, not required by N.J.A.C. 5:70-4.17 to have a complete automatic fire suppression system, all storage and workshop rooms and rubbish, laundry and similar rooms shall be equipped with a suppression system or smoke detector system connected to an approved continuously staffed location in the building. Such systems shall be installed in accordance with the New Jersey Uniform Construction Code.

(j) All dormitories, as defined in this chapter at N.J.A.C. 5:70-1.5, or portions thereof when separated in accordance with (l) below, shall be equipped throughout with an automatic fire sprinkler system installed in accordance with the New Jersey Uniform Construction Code.

(k) Fire suppression systems required by this Code shall be supervised by one of the following methods as determined by the fire official:

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

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

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

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

5. The following are exceptions to (k) above:

i. Underground gate valves with roadway boxes;

ii. Halogenated extinguishing systems;

iii. Carbon dioxide extinguishing systems;

iv. Dry chemical extinguishing systems; and

v. Limited area sprinkler systems.

(l) In buildings containing mixed uses, one or more of which requires automatic suppression in accordance with this section, suppression will not be required throughout the building, provided that the uses requiring suppression are separated from those not requiring suppression by fire resistive construction having a minimum one hour rating. In Use Group H, the rating is to be increased to two hours.

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

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

New (b) through (k) added with (h) reserved.

Correction to rule, see 19 N.J.R. 1190(a).

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

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

(b): deleted condition concerning resident access to rooms above second story.

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

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

New (h) and (k) added.  
 Amended by R.1992 d.104, effective March 2, 1992.  
 See: 23 N.J.R. 3552(a), 24 N.J.R. 739(a).  
 Ventilating hood and duct added at (g), supervised system installation requirements added at (h).  
 Amended by R.1992 d.405, effective October 19, 1992.  
 See: 24 N.J.R. 1938(a), 24 N.J.R. 3723(b).  
 Exceptions to A-2 with load over 50 added at 1i and ii.  
 Amended by R.1993 d.197, effective May 3, 1993.  
 See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).  
 Added (a)2; deleted (c)9 and added new text.  
 Emergency amendment, R.2000 d.402, effective September 8, 2000 (to expire November 7, 2000).  
 See: 32 N.J.R. 3647(a)  
 Added (j); recodified former (j) and (k) as (k) and (l); and amended internal references throughout.

#### Case Notes

New construction code requirement for automatic fire suppression system applies to automotive spray paint booth. *Sweeney's Auto Body Inc. v. Division of Fire Safety*, 96 N.J.A.R.2d (CAF) 37.

### 5:70-4.8 Standpipe system

(a) All buildings having floors used for human occupancy located more than six stories above grade shall be equipped with wet standpipes. Standpipes shall be located and installed in accordance with the New Jersey Uniform Construction Code except as follows:

1. Standpipes shall be capable of accepting a delivery by fire department apparatus of a minimum of 250 gpm at 65 psi to the topmost remote standpipe outlet in buildings equipped throughout with an automatic fire suppression system or a minimum of 500 gpm at 65 psi to the topmost remote standpipe outlet in all other buildings.
2. Hose and hose cabinets shall not be required.

### 5:70-4.9 Automatic fire alarms

(a) An automatic fire alarm system shall be installed as required below in accordance with the New Jersey Uniform Construction Code.

1. In all buildings of Use Group I;
  - i. Alarm systems in buildings of Use Group I must be supervised.
2. In all buildings of Use Group R-1 and in R-3 bed and breakfast homestays;
  - i. In dwelling units or guestrooms, battery-powered single station detectors may be installed, provided that the detectors are maintained in accordance with N.J.A.C. 5:70-3.4(g)2.
  - ii. In bed and breakfast homestays of Use Group R-3, the system shall not be required to be supervised or connected to an emergency power supply.
  - iii. All buildings of Use Group R-1, regardless of the number of units, shall have available at least one portable visual alarm type smoke detector for the deaf or hearing impaired for each 50 units or fraction thereof. The owner may require a refundable deposit for

such portable smoke detector not to exceed the value of the smoke detector. Notification of the availability of such devices shall be provided to each occupant.

3. In all buildings of Use Group R-2 as follows:

- i. All buildings of Use Group R-2, including multiple dwellings and rooming houses with six or more occupants, shall have approved smoke detection systems located in all interior common areas. Such systems shall be powered by an alternating current (AC) constantly active electric circuit that cannot be deactivated by the operation of any interconnected switching device and shall comply with NFPA 70-93 (National Electrical Code) requirements, except as otherwise provided in this section. Such systems shall be on circuitry that is connected into the building owner's electric meter.

(1) In multiple dwellings six stories or more in height and having 30 or more dwelling units, such systems:

(A) Shall be connected to a supervisory type listed control panel conforming to U.L. 864 requirements and NFPA 72-90 standards, except as otherwise provided in this section;

(B) Shall be powered by an approved emergency power source installed in conformance with NFPA 70-93 (National Electrical Code); and

(C) Shall have a control panel of the multi-zoned type that will visually indicate the floor or zone from which the alarm is activated, which panel shall be located in accordance with NFPA 72-90 standards or as directed by the local fire subcode official.

ii. A pre-signal alarm feature is not permitted.

iii. The separate zoning of floors in high rise buildings for selective floor evacuation is permitted at the discretion of the fire official.

iv. Alarms shall be located so as to be effectively heard above all other sounds, by all the occupants, in every occupied space within the building not separated by fire walls having a fire-resistance rating of at least two hours.

v. In dwelling units, approved battery-powered single station detectors may be installed, provided that the detectors are maintained in accordance with N.J.A.C. 5:70-3.4(g)2.

4. With the approval of the fire protection subcode official, fixed temperature or combination rate-of-rise and fixed temperature heat detectors may be substituted for smoke detectors in those locations where frequent nuisance alarms would be likely to occur. Such building spaces include, but are not limited to, garages, crawl spaces, uninhabitable attics, heater and boiler rooms, laundry rooms, kitchens, restaurant service areas, and

other rooms where the ambient temperatures are below 40 degrees Fahrenheit or are above 100 degrees Fahrenheit and/or have a relative humidity either below 20 percent or above 85 percent or where environmental conditions are likely to produce nuisance alarms.

5. Existing common area smoke detection systems that were installed in compliance with this subchapter or with the Regulations Governing Rooming and Boarding Houses or Regulations for the Maintenance of Hotels and Multiple Dwellings and maintained in accordance with N.J.A.C. 5:70-3, for which a construction permit was issued subject to plan review approval, shall be accepted as conforming to this section.

6. In any municipality that enacted an ordinance requiring the installation of smoke detectors in multiple dwellings prior to November 11, 1980, a building fully conforming to the requirements of such ordinance prior to November 12, 1980, shall be deemed to be in either full or partial compliance with the requirements of this section if the fire official determines that the provisions of such ordinance provide reasonable life safety protection to the occupants and that replacement of equipment already installed in conformity with such ordinance would be an undue hardship for property owners.

i. A general determination pursuant to this subsection shall be made by the fire official upon review of the ordinance and separate exceptions shall not then be required for individual properties covered by such general determination.

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

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

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

i. An approved system of automatic smoke detectors; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a)2 through (a)4 added.

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

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

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

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

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

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

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

Exception established at (b).

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

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

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

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

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

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

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