

CHAPTER 70

UNIFORM FIRE CODE

Authority

N.J.S.A. 52:27B-139.12 and 52:27D-24hh, 25d, 25k, 25gg, 124, 198 and 219.

Source and Effective Date

R.2005 d.225, effective June 14, 2005.
See: 36 N.J.R. 3652(a), 37 N.J.R. 2674(a).

Chapter Expiration Date

Chapter 70, Uniform Fire Code, expires on June 14, 2010.

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Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999).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: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Chapter 70, Uniform Fire Code, was readopted as R.2005 d.225, effective June 14, 2005. See: Source and Effective Date.

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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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 new text.

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).

Rewrote (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).

Substituted "Prevention" for "Protection".

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

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

Case Notes

Property owner's duties, imposed by New Jersey's Uniform Fire Code, formerly N.J.A.C. 5:18-1.1 through 5:18-4.19, now recodified as N.J.A.C. 5:70-1.1 through 5:70-4.19, the implementing regulations of the Uniform Fire Safety Act, N.J.S.A. 52:27D-192 through 52:27D-213, which included the duty to obtain a permit prior to the voluntary installation of a fire safety system, and to arrange for inspection of the system by the municipal fire sub-code official after completion of installation and annually, are nondelegable to an independent contractor/installer. *Baboghlian v. Swift Elec. Supply*, 393 N.J. Super. 187, 922 A.2d 860, 2007 N.J. Super. LEXIS 158 (App.Div. 2007).

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.

"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).

"Nursing home" means a building used for nursing or custodial care on a 24-hour basis for more than five persons where evacuation is impractical (a group that, even with staff assistance, cannot reliably move to a point of safety in a timely manner) as defined in Section 22-1.3 of NFPA 101-97.

This shall include intermediate care facilities, skilled nursing facilities and long term care facilities.

"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.

"Retreat lodging facility" means a building or structure, including, but not limited to, any related structure, accessory building, and land appurtenant thereto, and any part thereof, owned by a nonprofit corporation or association which has tax-exempt charitable status under the Federal Internal Revenue Code and which has sleeping facilities used exclusively on a transient basis by persons participating in programs of a religious, cultural or educational nature, conducted under the sole auspices of one or more corporations or associations having tax-exempt charitable status under the Federal Internal Revenue Code, which are made available without any mandatory charge to such participants.

"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.

"State Fire Prevention Code" means the model code of the Building Officials and Code Administrators International, Inc., known as the "BOCA National Fire Prevention Code/1996," adopted by reference in N.J.A.C. 5:70-3.1(a) as the State Fire Prevention Code for New Jersey, subject to the modifications set forth in N.J.A.C. 5:70-3.2.

"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 (nightclubs)”: This Use Group shall include all buildings and places of public assembly, designed for use as dance halls, nightclubs, 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 or which affords less than 12 square feet net area per occupant. For purposes of determining the net area per occupant, only the actual public assembly room or rooms shall be considered. For purposes of applying the requirements of this chapter, the nightclub 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 used for educational purposes serving six or more students in any or all of the grades from kindergarten through grade 12.

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, homes for the aged, mentally retarded care facilities, orphanages and residential care facilities. Occupancies such as the above with five or less occupants shall be classified as a residential Use Group.

12. “Use Group I-2”: This Use Group shall include all buildings used for housing people suffering from physical

limitations because of health or age, including, among others, day nurseries, hospitals, sanitariums, infirmaries, orphanages and homes for aged and infirm.

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

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

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

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

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

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

18. "Use Group R-4": This Use Group shall include all buildings arranged for use as detached one- and two-family dwelling units, including, without limitation, buildings occupied by not more than five lodgers or boarders per family and buildings used as bed and breakfast homestays, that are designed in accordance with the one- and two-family dwelling subcode of the State Uniform Construction Code.

19. "Use Group S-1": All buildings and structures, or parts thereof, which are used primarily for the storage of moderate hazard contents which are likely to burn with moderate rapidity, but which do not produce either poison-

ous gases, fumes or explosives; including, among others, warehouses, storehouses and freight depots.

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

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

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

Added definition "Common areas".

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

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

Added new definitions.

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

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

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

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

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

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

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

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

School dormitories added to definition of use.

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

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

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

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

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

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

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

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

Added definitions of gross and net floor area and lumber.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Administrative correction.

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

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

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

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

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

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

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

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

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

Added "Retreat lodging facility"; in Use or Use Group" inserted "retreat lodging facilities," following "include all hotels, motels," in 15.

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

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

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

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

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

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

Case Notes

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

5:70-1.6 (Reserved)

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

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

Formerly "Operative date".

5:70-1.7 Severability

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

SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

5:70-2.1 Enforcement authority

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

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

(b) The local enforcing agency shall periodically inspect all premises, except owner-occupied Use Group R-3 and R-4 structures used exclusively for dwelling purposes. These inspections shall be made in accordance with the schedule contained in this Code, when required under any cyclical inspection program, and as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire,

interfere with fire operations, or endanger life, or any conditions constituting violations of the provisions or intent of this Code or a locally adopted amendment. Except in the case of cyclical inspection programs or other good cause, inspections shall not include occupied dwelling units.

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

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

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

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

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

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

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

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

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

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

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

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

Added (d).

Case Notes

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

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.

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:

1. 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.

1. 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:

1. Fire protection of structural elements.
2. Isolation of hazardous operations.

3. 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 1/2 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 housekeeping 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" and Section F-303.4.1 is amended to replace the words "building code listed in Chapter 44" with the words "New Jersey Uniform Construction Code."

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 flame-proofed 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 Space Heaters: The following apply to space heaters:

F-308.5.1 Space heaters shall be operated and installed with at least the minimum clearance to combustibles for which the appliance has been listed.

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

F-308.5.2 Portable kerosene fire 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 Groups R-3 and R-4 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." In addition, the second sentence of Section F-504.1 is amended to replace the words "An owner or occupant" with the words "No one" and to delete the word "not" following the word "shall."

viii. A new Section F-504.2.1 is added as follows:

"F-504.2.1 Anyone disabling, tampering with or interfering with the effectiveness of a fire suppression, 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 nonstop 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. Section F-702.4 is amended to insert, after the words "Employees or attendants of assembly occupancies," the words "who have been assigned such duties."

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

iv. 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."

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

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

vi. 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 six or more."

vii. Section F-703.2 is replaced with the following:

"F-703.2 Frequency: Every principal of a school of two or more rooms, or of a school of one room when located above the first story of a building, shall have at least two fire drills each month within school hours. There shall be at least two fire exit drills during the first two weeks of a school term. Where the weather is severe, drills may be curtailed during the winter months. Where school buildings have been provided with fire escapes, they shall be used by a

part or by all of the pupils performing every fire drill."

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

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

ix. Sections F-703.3 and F-704.4, F-705.4 and 706.4 are amended to replace the words "code official" with the words "fire official" and are further amended to replace the words "persons responsible for such occupancies shall file written reports with the fire official not less than twice a year" with the words "shall be provided to the fire official upon request."

x. Add a new Section F-703.5 as follows:

"F-703.5 Exit and classroom doors: Every principal of a school shall require all teachers, whether occupying buildings of one or more stories, to keep all doors and exits to their respective rooms and buildings unlocked and unobstructed during school hours to prevent interference with exiting in case of an emergency."

xi. Add a new Section F-703.6 as follows:

"F-703.6 Fire and smoke doors: Every principal and janitor of a school building having furnace room, hallway, or stair-tower fire or smoke doors shall keep them closed during the time the building is occupied by teachers and pupils.

F-703.6.1 Fire and smoke doors may be automatic-closing upon the activation of the building fire alarm system, upon detection of smoke, or upon the loss of power to an approved hold-open device."

xii. Add a new Section F-703.7 as follows:

"F-703.7 Notification: Each school district and each private or parochial school shall immediately notify the appropriate local fire department of any fire which occurs in a school building or on school property. The local fire department shall immediately notify the local fire official and forward the data concerning such fires to the Division of Fire Safety at least annually."

xiii. Section F-706.1 is amended to replace the words "code official" with the words "fire official."

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

xv. 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."

xvi. 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."

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

xviii. 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."

xix. A new section F-709.0 is added as follows:

"F-709.0 Group Overnight Stays.

F-709.1 Permit required: A separate permit shall be obtained for each non-consecutive group overnight stay, not to exceed six (6) nights in any calendar year. A facility that holds seven (7) or more non-consecutive group overnight stays within a calendar year shall be considered to have changed the use of the building or portion thereof if the activity involves planned periods of sleep and it shall be necessary to apply for and be issued a certificate of occupancy under the Uniform Construction Code for the new use.

F-709.2 Application: Each application for a permit shall include a fire safety and evacuation plan which shall include, but not be limited to, the following information:

1. Number and age of planned participants;
2. Number of adult supervisors;
3. Fire drill procedures;
4. Procedure for accounting for participants after evacuation has been completed;
5. The preferred means, and any alternative, for notifying participants of a fire or other emergency;
6. The preferred means, and any alternative, for reporting fires or other emergencies to the fire department or emergency response organization;
7. The type of fire protection system(s) provided; and
8. Floor plan per section F-709.3.

F-709.3 Floor plan: A floor plan of the building, or portion thereof, to be occupied, which identifies the locations of the following:

1. Exits;
2. Proposed sleeping area, if any;

3. Primary evacuation route;
4. Secondary evacuation route;
5. Accessible egress route(s), if available;
6. Fire alarm enunciator and control panel, if any; and
7. Manual fire alarm pull stations, if any.

F-709.4 Means of egress: The means of egress for the sleeping area shall comply with sections F-709.4.1 through F-709.4.4.

F-709.4.1 Exits: Two exits shall be required for stories with less than 500 occupants. Three exits shall be required for stories with 501 to 1,000 occupants. Four exits shall be required for stories with more than 1,000 occupants. A single exit is permitted for the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet.

F-709.4.2 Means of egress doorways: A minimum of two egress doorways shall be required for all rooms and spaces with an occupant load greater than 50 or in which the travel distance exceeds 75 feet. All egress doors serving an occupant load greater than 50 shall swing in the direction of exit travel.

F-709.4.3 Means of egress lighting: Artificial lighting with an intensity of not less than one foot candle at floor level shall be available during all times that the conditions of occupancy of the building require that the exits be available. In all buildings, rooms or spaces required to have more than one exit or exit access, means of egress lighting shall be connected to an emergency electrical system conforming to NFPA 70 (National Electrical Code) except that continued illumination shall be required to be provided for not less than one hour in the case of primary power loss.

F-709.4.4 Illuminated exit signs: Illuminated exit signs shall be provided for all required means of egress in all buildings, rooms or spaces required to have more than one exit or exit access. Exit signs shall be visible from the exit access and supplemented by directional signs when necessary.

Exception: Approved main exterior doors that are clearly identified as exits are not required to have exit signs.

F-709.5 Automatic alarms: The building or area containing the overnight stay shall be provided with an approved automatic fire detection system consisting of smoke detectors installed in accordance with the Uniform Construction Code.

F-709.6 Fire drill: A fire drill shall be conducted in accordance with the approved fire safety and evacuation plan upon arrival of all participants.

F-709.7 Sleeping area restrictions: Sleeping in rides, jungle mazes, or other amusement-type equipment or other confined areas shall be prohibited.

F-709.8 Supervision: For all overnight stays involving persons under the age of eighteen (18), adult supervision consisting of persons at least twenty-one (21) years of age shall be provided as follows:

<u>One supervisor required:^a</u>	<u>Age group of children</u>
for every 2 children	Greater than 2½ years of age to less than 4 years of age
for every 4 children	4 years of age to less than 7 years of age
for every 8 children	7 years of age to less than 18 years of age

Note a: For groups of children of mixed ages:

1. A minimum of one supervisor is required, unless the threshold for a specific age group requires additional supervisors and
2. When the total number of children of any age exceeds 8 or when the total number of children less than 7 years of age exceeds 4 an additional supervisor shall be required. This condition applies even if the threshold of a specific age group has not been met.
3. For groups consisting of children of high school age, where the activity involves no planned period of sleep, supervision may be reduced to one adult for each twenty-five children, provided no separate group of children, regardless of number, is without adult supervision."
8. Chapter 8 (Airports, heliports and helistops) is amended as follows:
 - i. Section F-801.2 is deleted.
 - ii. Section F-802.1 is amended to delete the word "install," and to insert the words "the maintenance provisions of" before "NFPA 407."
 - iii. Section F-802.3 is amended to replace the words "area in compliance with the building code listed in Chapter 44" with the words "approved area."
 - iv. Section F-805.5 is amended to replace the words "code official" with the words "fire official."
9. Chapter 9 (Bowling establishments) is amended as follows:
 - i. Section F-901.2 is deleted.
 - ii. Section F-902.2.1 is amended to replace the words "code official" with the words "fire official."

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

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

i. Section F-1001.2 is deleted.

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

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

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

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

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

i. Section F-1101.2 is deleted.

ii. Section F-1103.1 is deleted.

iii. Section F-1103.4 is amended to replace the words "code official" with the words "fire official."

12. Chapter 12 (Dust explosion hazards) is amended as follows:

i. Section F-1201.2 is deleted.

ii. Section F-1202.1 is amended to add a reference to NFPA 68.

iii. Section F-1202.2 is deleted.

iv. Section F-1202.4 is amended to replace the word "installed" with the word "maintained."

v. Section F-1202.6 is reserved and the text deleted.

vi. Section F-1203.1 is amended to replace the words "NFPA 70 listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."

13. Chapter 13 (Application of flammable finishes) is amended as follows:

i. A new Section F-1301.1.1 is added as follows:

"F-1301.1.1 This section does not cover the outdoor spray application of buildings, tanks or other similar structures, nor does it cover small portable spraying apparatus not used repeatedly in the same

location; provided, however, that the herein described fundamental safeguards pertaining to cleanliness, care of flammable liquids, dangerous vapor-air mixtures and sources of ignition shall be applicable."

ii. Section F-1301.2 is deleted.

iii. Section F-1302.1, definition of spraying area, is amended to replace the words "code official" with the words "fire official."

iv. Section F-1303.1 is amended to delete the entire first sentence.

v. Section F-1303.3 is amended to delete all words following the word "chapter."

vi. Sections F-1304.2, F-1304.10 and F-1305.2 are amended to replace the words "the building code listed in Chapter 44" with the words "the construction code in effect at the time of first occupancy."

vii. Section F-1304.3.5 is amended to replace the words "code official" with the words "construction official."

viii. Section F-1304.6 is amended to delete the words "in accordance with the building code listed in Chapter 44."

ix. Sections F-1304.8 and F-1305.1 are amended to replace the words "code official" with the words "fire official."

x. Section F-1304.8 is amended to delete the entire first sentence.

xi. Section F-1304.10 is amended to replace the words "the mechanical code listed in Chapter 44" with the words "code in effect at the time of first occupancy."

xii. Section F-1304.10.3, item 5. is amended to delete the words "and NFPA 70 listed in Chapter 44."

xiii. Section F-1305.2 is amended to delete the word "building" before the word "code" and to delete the words "listed in Chapter 44" and replace them with the words "in effect at the time of first occupancy."

xiv. Section F-1305.3 is amended to delete the words "and the mechanical code listed in Chapter 44."

xv. Section F-1305.10.4 is amended to replace the words "in accordance with Section F-1305.8.1" with the words "by an approved automatic fire suppression system pursuant to N.J.A.C. 5:70-4.7(e)2iii."

xvi. Sections F-1305.8.1 and F-1305.8.2 are deleted.

14. Chapter 14 (Fumigation and thermal insecticidal fogging) is amended as follows:

i. Sections F-1401.2 and F-1403.3 are amended to replace the words "code official" with the words "fire

official." Section F-1401.2 is further amended to replace the word "approval" with the words "a permit."

15. Chapter 15 (Hazardous production material facilities) is amended as follows:

i. Section F-1501.1 is amended to replace the words "Tables 307.8(1) and 307.8(2) in the building code listed in Chapter 44" with the words "the Uniform Construction Code requirements in effect at the time of approval."

ii. Section F-1501.2 is deleted.

iii. Sections F-1501.3 and F-1503.1 are amended to replace the words "building code listed in Chapter 44" with the words "construction code in effect at the time of first occupancy." Section 1501.3 is further amended to delete the words "Section 416.0 of."

iv. Section F-1503.4 is amended to add the words "process equipment" after the words "excess flow."

v. Sections F-1503.5, F-1504.3, F-1504.3.1, F-1504.3.1.1, F-1504.3.1.2, F-1504.3.1.3, F-1504.3.1.4, F-1504.3.2 and F-1504.4 are deleted.

vi. Section F-1504.1 is amended to delete the words "and, where metal, shall not be less than 0.0478-inch (No. 18 Gage) steel."

vii. Sections F-1504.5, F-1505.2 and F-1508.2.2 are amended to delete, after NFPA 70, the words "listed in Chapter 44." In addition, Section F-1504.5 is further amended to delete the words "Work stations shall not be energized without first activating the exhaust ventilation."

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

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

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

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

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

ii. Section F-1601.2 is deleted.

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

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

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

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

i. Section F-1701.2 is deleted.

ii. Section F-1702.3 is amended to change "10 feet (3048 mm)" to "18 feet (5486 mm)," to replace "1,500 cubic feet (42 m³)" with "25,000 cubic feet (708 m³)" and to change "8 feet (2438 mm)" to "4 feet (1219 mm)."

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

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

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

i. Section F-1901.2 is deleted.

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

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

iv. Section F-1904.1 is deleted.

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

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

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

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

i. Section F-2001.1 is amended to remove the words "requiring a permit pursuant to N.J.A.C. 5:70-2.7."

ii. Section F-2001.2 is deleted.

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

iv. 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 A copy of an affidavit or affirmation shall be 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. Section F-3201.2.3 is amended to add "but not exceeding 660 gallons (2497L)" following the words "in a structure" and to delete the words "except for fuel oil utilized in connection with oil burning equipment in single family residential occupancies" at the end of the sentence.

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

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

vii. 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."

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

ix. 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."

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

xi. 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."

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

xiii. 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."

xiv. 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."

xv. 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."

xvi. 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.

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

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

xix. 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."

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

xxi. 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."

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

xxiii. 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.

xxiv. 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 require-

ments 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 (Liquefied petroleum gas) 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-3605.4.1 is deleted and new sections F-3605.4.1 and F-3605.4.2 are added as follows:

F-3605.4.1 Impact protection: Protection against impact from motor vehicles or other heavy objects shall be provided where there is a possibility of damage to stored containers. This protection shall meet the following minimum requirements:

1. Crash posts are to be a minimum of four inch diameter schedule 40 pipe and painted yellow;
2. Crash posts are to be buried three feet six inches deep, extend three feet above grade and filled with concrete;

3. Posts are to be encased in concrete 18 inches in diameter by three feet six inches in depth for minimum standards;

4. Posts are to be set at four feet six inches maximum centers; and

5. The crash protection shall be installed a minimum of 24 inches from the LP-gas container(s).

F-3605.4.2 High speed or heavy traffic areas: In areas where high speed or heavy duty traffic occurs the following shall be the requirements for motor vehicle protection:

1. Posts are to be a minimum of six inch diameter schedule 40 pipe and painted yellow;

2. Posts are to be buried a minimum of 48 inches deep and extend a minimum of 48 inches above grade and be filled with concrete;

3. Posts are to be set at four feet maximum centers;

4. Posts are to be encased in concrete of 24 inches diameter and 48 inches in depth for minimum standards; and

5. The crash protection shall be installed a minimum of 24 inches from the LP-gas container(s).

v. Section F-3605.5 is deleted.

vi. Section F-3605.6 is deleted and a new section F-3605.6 is added, as follows:

F-3605.6 Outside storage: Storage outside of buildings, for containers awaiting use, resale or part of a cylinder exchange program, shall be located not less than 20 feet (6096mm) from openings into buildings, 20 feet (6096mm) from any motor vehicle fuel dispenser and 10 feet (3048mm) from any combustible material and in accordance with Table F-3605.6.

TABLE F-3605.6

LOCATION OF CONTAINERS AWAITING USE, RESALE OR EXCHANGE STORED OUTSIDE OF A BUILDING

Quantity of LP-Gas Stored	Distances to a Building or Group of Buildings, Public Way, or Lot Line of Property That Can Be Built Upon (Feet)
720 pounds or less	0
721 to 2,500 pounds	10
2,501 to 6,000 pounds	10
6,001 to 10,000 pounds	20
Over 10,000 pounds	25
For SI: 1 foot = 304.8 mm, 1 pound = 0.454 kg.	

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

viii. 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."

ix. 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) #25-98 Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems, including Tentative Interim Amendment (TIA) 98-1; code sections #F-506.1, F-516.6, F-517.3, F-518.2.

(2) #46-96; Storage of Forest Products; code sections F-1601.1 and F-2101.1.

(3) #68-94; Venting of Deflagrations; code section F-1202.1.

(4) #77-93; Static Electricity; code sections F-1101.1 and F-3201.1.

(5) #231-95; General Storage; code sections F-506.1 and F-2101.1.

(6) #231C-95; Rack Storage of Materials; code sections F-506.1 and F-2101.1.

(7) #231D-94; Storage of Rubber Tires; code sections F-506.1 and F-2101.1.

(8) #231E-96; Storage of Baled Cotton; code sections F-506.1 and F-2101.1.

(9) #231F-96; Storage of Rolled Paper; code sections F-506.1 and F-2101.1.

(10) #701-89 Methods of Fire Tests for Flame-Resistant Textiles and Films; code section F-306.3, F-306.5.

(11) #701-95 Methods of Fire Tests for Flame-Resistant Textiles and Films; code sections F-306.1, F-306.4.

(12) #1126-96; Use of Pyrotechnics Before a Proximate Audience; code section F-3103.1.

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

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

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

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

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

Rewrote (a).

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

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

In (a)7., added new i, iii, viii and ix; recodified existing i as ii, existing ii through v as iv through vii and existing vi through viii as x through xii. Adopted concurrent proposal, R.2000 d.486, effective November 6, 2000.

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

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

Amended by R.2001 d.134, effective May 7, 2001.

See: 32 N.J.R. 4163(a), 33 N.J.R. 1402(a).

Rewrote the section.

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

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

Rewrote the section.

Administrative correction.

See: 34 N.J.R. 4195(b).

Administrative correction.

See: 35 N.J.R. 221(a).

Amended by R.2003 d.30, effective January 21, 2003.

See: 34 N.J.R. 2639(a), 35 N.J.R. 403(a).

In (a)7, substituted "six" for "50" in vi, added a new vii and recodified the existing vii and viii as viii and ix, added a new x through xii and recodified existing ix through xv as xiii through xix.

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.