

CHAPTER 70
UNIFORM FIRE CODE

Authority

N.J.S.A. 52:27B-139.12, 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Subchapter 3, State Fire Prevention Code, was repealed, and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1992 d.105, effective March 2, 1992.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Subchapter 3, State Fire Prevention Code, was repealed and Subchapter 3, State Fire Prevention Code, was adopted as new rules by R.1998 d.424, effective August 17, 1998 (operative January 2, 1999).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).

5:70-1.4 Applicability

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

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

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

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

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

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

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

- i. N.J.A.C. 5:10-25;
- ii. N.J.A.C. 5:27-5;
- iii. N.J.A.C. 5:23-2.23(i)7 and 9;
- iv. N.J.A.C. 8:43-3;
- v. N.J.A.C. 8:43A-15.2(b) and (c);
- vi. N.J.A.C. 8:43B-3.2;
- vii. N.J.A.C. 8:39-41.3 and 41.4;
- viii. N.J.A.C. 8:42A-23.7;
- ix. N.J.A.C. 10:44A-6.1(e) through (w);
- x. N.J.A.C. 10:44B-6.2;
- xi. N.J.A.C. 10A:31-3.1(b)1-3 and 11-13;
- xii. N.J.A.C. 10A:32-4.4 and 4.5;
- xiii. N.J.A.C. 10A:34-2.13;
- xiv. N.J.A.C. 12:100-4.2(a)10 (incorporating Subparts E, L and S of 29 C.F.R. Part 1910);
- xv. N.J.A.C. 5:11; and
- xvi. N.J.A.C. 5:18.

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

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

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

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

safety of persons upon the premises, firefighters or the general public.

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

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

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

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

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

Added "New Jersey Department of Transportation" to (b).

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

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

Added new (d) regarding superseding of rules.

Amended by R.1991 d.570, effective November 18, 1991.

See: 23 N.J.R. 2813(a), 23 N.J.R. 3444(a).

Added new (h).

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

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

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

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

Case Notes

Local ordinance could impose more stringent fire safety requirements on summer rental units than were imposed by the Uniform Fire Code. *United Property Owners Association of Belmar v. Borough of Belmar*, 777 A.2d 950 (2001).

5:70-1.5 Definitions

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

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

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

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

1. Is comprised of a structure originally constructed as a private residence or a bed and breakfast;
2. Includes individual sleeping accommodations for 50 or fewer guests;
3. Has at least one dwelling unit occupied by the owner of the facility as his place of residence during any time that the facility is being used for the lodging of guests;

4. Has not less than 300 square feet of common area for the exclusive use of the guests, including, but not limited to, parlors, dining rooms, libraries and solariums;

5. Prohibits cooking and smoking in guest rooms;

6. Provides a meal to the guests in the forenoon of each day but does not operate as a restaurant open to the general public;

7. Is not a "rooming house" or "boarding house" as defined in N.J.S.A. 55:13B-3; and

8. Does not allow:

i. More than 15 percent of the guests to remain more than 30 successive days or more than 30 days of any period of 60 successive days or more than 30 days of any period of 60 successive days; or

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

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

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

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

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

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

1. Mobile enclosed structures used for human occupancy; or

2. Tents or temporary membrane structures requiring a permit in accordance with N.J.A.C. 5:23-3.14(b)22ii.

"Commissioner" means the Commissioner of the Department of Community Affairs or his delegate.

"Common Areas", when used with reference to a covered mall building, shall include all areas not included within any retail establishment and shall also include the required means of egress from all retail establishments. When used with reference to buildings of use groups R-1 and R-2 shall mean all areas accessible to, and which may be utilized by, either the building occupants or the general public and shall include, but not be limited to, vestibules, hallways, stairways, landings

and occupiable rooms and spaces not part of any dwelling unit; and shall also include any area accessible to the owner or manager or any person employed in the maintenance of the building which area is not part of any dwelling unit.

"Day" means a calendar day, unless otherwise specified.

"Department" means the New Jersey Department of Community Affairs.

"Director" means the Director of the Division of Fire Safety.

"Division" means the Division of Fire Safety of the Department of Community Affairs.

"Dormitory" means a building, or portion thereof, containing rooms which are provided as residences or for overnight sleeping for individuals or groups, and includes those residences utilized by fraternities or sororities which are recognized by or owned by a school or institution of higher education, but does not include those residences or multiple dwellings utilized by students which are not recognized by or owned by a school or institution of higher education. "Dormitory" is not to include a building used primarily to house faculty or a multiple dwelling in which occupancy of each dwelling unit is limited to persons who are members of a single family group.

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

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

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

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

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

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

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

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

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

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

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

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

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

"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

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

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

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

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

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

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

5:70-2.3 Certificate of smoke detector and carbon monoxide alarm compliance

(a) Before any Use Group R-3 or R-4 structure is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector and carbon monoxide alarm compliance CSDCMAC, evidencing compliance with N.J.A.C. 5:70-4.19, from the appropriate enforcing agency.

1. Where a municipality has existing inspection or approval requirements under a property maintenance or other municipal code, a CSDCMAC shall not be required; provided, however, that the agency responsible for the enforcement of that code shall not issue any certificate of inspection or occupancy or other approval under such municipal code until it has determined that the dwelling complies with the requirements of N.J.A.C. 5:70-4.19.

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

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

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

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

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

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

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

(c) No CSDCMAC or municipal certificate of occupancy shall be issued for any Use-Group R-3 or R-4 structure, or unit therein, as the case may be, unless the structure or unit contains a carbon monoxide detector meeting the requirements of UL Standard 2034; provided, however, that no carbon monoxide alarm shall be required in any building that does not contain any fuel-burning appliances and does not have an attached garage. An "open parking structure," as defined in the building subcode of the State Uniform Construction Code, shall not be deemed to be an attached garage.

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

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

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

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

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

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

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

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

Administrative correction.

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

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

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

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

Rewrote the section.

5:70-2.4 Scope and classification of life hazard uses

(a) The premises and uses identified as life hazard uses shall be divided into four basic groups designated as types "A", "B", "C", and "D." The premises and uses included in each of these types are set forth in N.J.A.C. 5:70-2.4A, 2.4B, 2.4C and 2.4D, respectively. This designation is for reference purposes only and shall not be determinative of the degree of hazard associated with them. Within each group, the various uses shall be specifically identified or described and subdivided by the use of lower case letters.

(b) Premises that are incidental or auxiliary to the agricultural use of a farm property shall not be classified as life hazard uses.

(c) Each individual life hazard use shall be registered separately and treated as separate and distinct for the administrative purposes of this Code whether or not there are other life hazard uses at the same premises.

(d) Wherever used in N.J.A.C. 5:70-2.4A, 2.4B, 2.4C and 2.4D, the following words shall have the meanings indicated:

"Day care center" shall include any facility licensed by the Department of Human Services as a day care center, regardless of the ages of the persons in the care of the center.

"Day nursery" shall include any facility licensed by the Department of Human Services as a day nursery.

"Hardware store" shall mean a building or location of less than 12,000 square feet offering for sale a variety of merchandise including, but not restricted to, limited amounts of tools and associated equipment, garden supplies and paints, and also offering limited quantities of building materials including, but not limited to, plumbing, electrical and carpentry supplies. The establishment may also provide services such as glazing, sharpening and repairs.

"K-12 educational building" shall mean an educational building serving 50 or more students from kindergarten through grade 12 and also means and includes any educational building serving 50 or more students in some, but not all, of the grades from kindergarten to grade 12, inclusive.

"Motor vehicle" shall include all motor-powered means of transportation, including, without limitation, boats and airplanes.

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

Added text (c)4 "and intermediate-care facilities."
Amended by R.1987 d.508, effective December 7, 1987.
See: 19 N.J.R. 1680(a), 19 N.J.R. 2266(a).

(b)-(e) is now in section 2.4A.
Amended by R.1993 d.197, effective May 3, 1993.
See: 25 N.J.R. 393(a), 25 N.J.R. 1868(a).

References to life hazard uses added.
Amended by R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:70-2.4A Type Aa through Aj life hazard uses

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

1. Day nurseries with a maximum permitted occupancy of six or more but fewer than 50 persons;
2. Day care centers with a maximum permitted occupancy of six or more but fewer than 50 persons;
3. Camps accommodating six or more, but fewer than 50, children of school age.
4. Public and private Use Group E buildings or parts thereof with a maximum permitted occupancy of six or more but no greater than 50 persons.

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

1. Day nurseries with a maximum permitted occupancy of 50 or more but fewer than 100 persons;
2. Day care centers with a maximum permitted occupancy of 50 or more but fewer than 100 persons;
3. Camps accommodating 50 or more, but fewer than 100, children of school age.

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

1. Hotels, motels and retreat lodging facilities of two or three stories and under 25 rooms, with any interior exitways;
2. Rooming and boarding homes of one story;
3. Eating and/or drinking establishments with a maximum permitted occupancy of fewer than 50 persons in which alcoholic beverages may be consumed.
4. Dormitories of one story not to include fraternity and sorority houses registered pursuant to (c)2 above.
5. Guest houses, as defined in N.J.A.C. 5:70-1.5, regardless of number of stories.
6. (Reserved)
7. Recreation centers and multipurpose rooms used for adult day-care with a maximum permitted occupancy of six or more but fewer than 50 persons.

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

1. All buildings or structures used for the service of motor vehicles including aircraft and marine motor craft;
2. All buildings or locations where flammable and/or combustible fuels are stored and dispensed to motor vehicles, including aircraft and marine motor craft;
3. Halfway houses, group homes, community residences, residential child care facilities and residential health care facilities, alcohol and drug treatment centers, youth hostels, homeless shelters and other similar facilities