

(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).

#### 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).

#### 5:70-2.3 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 en-

forcement 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 exits;
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;