



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 809
TRENTON, NJ 08625-0809

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

June 5, 2018

Dear Fire Official:

The New Jersey Division of Fire Safety would like to take this opportunity to remind Fire Officials of the necessity to perform annual inspections of all commercial farm buildings. The Uniform Fire Safety Act N.J.S.A.52:27D-192 et seq. (P.L. 1983, CHAPTER 383, approved November 12, 1983) applies to all buildings, structures and premises, other than an owner-occupied building used exclusively for dwelling purposes and containing fewer than three dwelling units. Accordingly, annual fire inspections of commercial farm buildings by the local enforcing agency and abatement of any violations cited is required.

A commercial farm is defined by the Department of Agriculture as:

- A farm management unit of five or more acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for the Farmland Assessment Act; or
- A farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for the Farmland Assessment Act; or
- A beekeeping operation farm management unit that produces honey or apiary-related products, or provides crop pollination services, worth \$10,000 or more annually.

A commercial farm may comprise multiple parcels, whether contiguous or non-contiguous, provided they are operated together as a single enterprise. All of these parcels together are the commercial farm's "farm management unit".

Pursuant to N.J.A.C. 5:70-2.4(b) Premises that are incidental or auxiliary to the agricultural use of a farm property shall not be classified as life hazard uses. Additionally, N.J.A.C. 5:70-2.7(a)1. States "Type 4 permits shall not be required when the storage or activity is incidental or auxiliary to the agricultural use of a farm property". When a farm property is utilized for a non-agricultural use such as a wedding hall or warehouse storing non-farm products the registration exemption is not applicable.



In order to maintain an accurate database of all commercial farms inspected, Fire Officials are requested to enter into RIMS all commercial farm inspections as Non-Life Hazard Uses, utilizing the designation of NL09.

One of the areas of primary fire safety concern is farm labor housing. The buildings that are housing workers must comply with the Fire Code. If the building was built prior to 1977 and does not possess a valid Certificate of Occupancy issued under the Uniform Construction Code (UCC) then it must comply with Subchapter 4 Retrofit Code requirements of the Uniform Fire Code. Either smoke alarms or an approved smoke detection system will be required depending on the layout of the structure. Emergency lighting, exit signs and discharge lighting may also be required based on building size and layout. If any fuel burning equipment is present, carbon monoxide alarms will also be required. All other buildings that are part of the commercial farm must also be inspected and comply with all applicable provisions of the Fire Code.

Buildings built under the Uniform Construction Code must possess a valid Certificate of Occupancy for the use that they are being utilized for. Structures built after 1977 that either do not possess a valid Certificate of Occupancy or possess a Certificate of Occupancy for a use different than the current use, must be referred to your local Construction Official for appropriate follow up. It is requested that a copy of that referral be forwarded to the Division. Attached, please find a copy of guidance that has been issued to all local Construction Officials by the Division of Codes and Standards concerning how to handle a change of use with commercial farm buildings.

Local Fire Officials will need to work with commercial farm owners to ensure that their buildings are maintained and operated in accordance with the Uniform Fire Code. As we are entering the busy season for the farm owners, Fire Officials should make sure that imminent hazards such as locked exits and lack of smoke alarms where required are corrected immediately, while sufficient time to abate other violations is provided.

The Division of Fire Safety is available to answer any questions or concerns that you may have. I may be contacted at 609.633.6106 or by e-mail at louis.kilmer@dca.nj.gov.

We look forward to partnering with you to ensure the safety of this important and vital part of our State.

Sincerely,

A handwritten signature in blue ink that reads "Louis Kilmer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Louis Kilmer, Chief
Bureau of Fire Code Enforcement
New Jersey Division of Fire Safety

Encl: Codes and Standards Memo