



Division of Fire Safety

MEMORANDUM

To: LEA, Fire Officials
From: Louis Kilmer, Deputy Division Director
Date: April 3, 2025
Subject: Mulch Regulations

When the 2018 International Fire Code, New Jersey Edition was adopted on April 15, 2024, a new provision was added to the Code regulating combustible landscape materials. This provision, located at N.J.A.C. 5:70-3, 305.6 prohibits the use of combustible landscape materials within 18 inches of any building or structure. There are three exceptions to this requirement including building or structure exteriors that have no combustible components or trim with less than three feet clearance from grade. Pursuant to N.J.A.C. 5:70-3, 305.7, this provision becomes operative on April 15, 2025.

The Division of Fire Safety has received numerous inquiries as to whether the new mulch regulations apply to non-owner occupied one- and two-family dwellings. N.J.S.A. 52:27D-203a states that "Each enforcing agency in this State shall enforce this act in all buildings, structures and premises within its jurisdiction, except owner-occupied buildings used exclusively for dwelling purposes and containing fewer than three dwelling units". Based on the scope of the Act, and the fact that there is no exemption for non-owner-occupied dwellings, the requirements as currently written would apply.

As it was never the intent of the new mulch regulations to differentiate between owner-occupied and non-owner-occupied one- and two-family dwellings, the Division has prepared a Fire Code change proposal to exempt all one- and two-family dwellings regardless of whether they are owner-occupied. This proposal will need to go through the normal adoption process for any Code change and will take some time.

It is the recommendation of the Division of Fire Safety to keep this pending Code change in mind when performing inspections at non-owner occupied one- and two-family dwellings. Otherwise, a homeowner would be required to remove mulch, only to once again be allowed to have mulch after the regulation is formally proposed and adopted. That said, fire officials should exercise their discretion to determine whether extenuating circumstances should require the removal of mulch.

If you have any questions, please feel free to contact Daniel Timmerman of our Code Development Unit at (609) 960-3514 or by email at daniel.timmerman@dca.nj.gov.

Thank you for your ongoing support and assistance.



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INFORMATION

*****OPERATIVE ON APRIL 15, 2025*****

N.J.A.C. 5:70-3, 305.6 Landscape materials. The use of combustible landscape materials, such as wood-based mulch products, is prohibited in any of the following conditions:

1. Within 18 inches of any building or structure;
2. Within 18 inches of a deck, porch, balcony, or any other portion of the building constructed of combustible material; or
3. Within 18 inches of any designated smoking area defined in Section 310.2.

Exceptions:

1. Live plant material such as shrubs, flowers and trees provided that they are not beneath a combustible overhang with less than 6 feet of clearance.
2. Non-combustible building or structure exteriors that have no combustible components or trim with less than 3 feet clearance from grade.
3. Fire-resistant mulch.

N.J.A.C. 5:70-3, 305.7 Existing materials. This provision shall become operative on April 15, 2025, all occupancies subject to this code shall remove all combustible landscape materials that are located within 18 inches of the foundation of any building or structure or in the area of any designated smoking area. This product may be replaced with noncombustible materials such as stone or sand.