

LexisNexis (TM) New Jersey Annotated Statutes

*** This section is current through New Jersey 216th Legislature ***
*** First Annual Session, 2014 c. 10 and J.R. 1 ***

TITLE 52. STATE GOVERNMENT, DEPARTMENTS AND OFFICERS
SUBTITLE 3. EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS
CHAPTER 27D. DEPARTMENT OF COMMUNITY AFFAIRS
ARTICLE 9. DEPARTMENT OF COMMUNITY AFFAIRS ACT

GO TO THE NEW JERSEY ANNOTATED STATUTES ARCHIVE DIRECTORY

N.J. Stat. § 52:27D-192 (2014)

§ 52:27D-192. Short title [Uniform Fire Safety Act]

This act shall be known and may be cited as the "Uniform Fire Safety Act."

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N.J. Stat. § 52:27D-193 (2014)

§ 52:27D-193. Liberal construction

This act is remedial legislation necessary to protect life and property within this State from the danger of destruction by fire and explosion and shall be liberally construed to effectuate these purposes.

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N.J. Stat. § 52:27D-194 (2014)

§ 52:27D-194. Findings and declarations

It is found and declared that:

a. Although fire safety codes have been adopted by many of New Jersey's municipalities, many others have not adopted these codes and some of the codes which do exist have defects that limit their usefulness.

b. Although some departments of State government have responsibility for fire safety inspection in certain types of buildings, other types of buildings go unregulated; no department is empowered to establish overall minimum standards; and there is therefore no State fire safety code governing all existing buildings.

c. Few municipalities have adopted fire safety codes which require the upgrading of the fire safety provisions of existing buildings; however, so long as these buildings continue to be in use, some of them need to be upgraded in order to protect occupants of the buildings, fire fighters and the general public.

d. Although many municipalities consistently and conscientiously seek to ensure compliance with fire safety codes, others do not, and all are limited in their efforts by serious financial constraints.

e. Existing enforcement processes are often cumbersome, and penalties are often insufficient to deter violations.

f. The pattern of development in the State is such that many buildings posing significant fire safety problems are located in municipalities not equipped to deal with these problems.

g. Recent multiple-death fires in this State and elsewhere indicate the need for strict fire safety codes as minimum standards for the maintenance and upgrading of existing properties, modified as may be necessary for the special requirements of this State, and for county or State enforcement of these codes in high-rise and high-hazard structures when municipalities are unable to enforce them adequately.

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N.J. Stat. § 52:27D-195 (2014)

§ 52:27D-195. Purpose

It is the purpose of this act to ensure that:

- a. All areas of this State are protected by a uniform, minimum, fire safety code which will protect the lives and property of the State's citizens.
- b. Uniform, thorough and adequately funded fire safety inspections protect the public whenever buildings which pose a serious life safety hazard are found.
- c. Penalties for violators are both swift and commensurate with the gravity of the offense.

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N.J. Stat. § 52:27D-196 (2014)

§ 52:27D-196. Definitions

As used in this act:

- a. "Commissioner" means the Commissioner of the Department of Community Affairs or his delegate.
- b. "Department" means the Department of Community Affairs.
- c. "Fire safety commission" means the fire safety commission created by section 5 of P.L. 1983, c. 382 (*C. 52:27D-25e*).
- d. "High-rise structure" means a 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.
- e. "Life hazard use" means a building or structure, or part thereof, classified in any of the following use groups in the 1981 edition of the Building Officials and Code Administrators International (BOCA) Basic Building Code: A-1, A-2, A-3, A-5, and I, a covered mall subject to section 630.0 of the 1981 edition of the BOCA Basic Building Code, and any other use which the commissioner defines by regulation as a life hazard.
- f. "Dwelling unit" means a room, suite, or apartment which is occupied or intended to be occupied for dwelling purposes by one or more persons living independently of persons in similar dwelling units.
- g. "Enforcing agency" means the department, a municipal or county department or agency, or a fire district which has been authorized by municipal ordinance to enforce this act.
- h. "Protective equipment" mean 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 other products of combustion.
- i. "Owner" means a person who owns, purports to own, manages, rents, leases or exercises control over a building, structure or premises.

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N.J. Stat. § 52:27D-197 (2014)

§ 52:27D-197. Powers of commissioner

The commissioner shall have all the powers necessary or convenient to effectuate the purposes of this act, including without limitation, the following powers:

- a. To enter and inspect, without prior notice, a building, structure or premises, other than an owner-occupied building used exclusively for dwelling purposes and containing fewer than three dwelling units, and make such investigation as is reasonably necessary to carry out the provisions of this act;
- b. To enforce and administer the provisions of this act, and to prosecute or cause to be prosecuted violators of the provisions of this act in administrative hearings and in civil proceedings in State and local courts;
- c. To assess penalties and to compromise and settle a claim for a penalty for a violation of the provisions of this act in an amount as may appear appropriate and equitable;
- d. To hold and exercise all the rights and remedies available to a judgment creditor; and
- e. To collect from units of local government and their agencies information reasonable and necessary to carry out the intent of this act.

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N.J. Stat. § 52:27D-198 (2014)

§ 52:27D-198. Regulations to provide reasonable degree of safety from fire, explosion

a. The commissioner shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c. 410 (*C. 52:14B-1 et seq.*), and after consulting with the fire safety commission, regulations to insure the maintenance and operation of buildings and equipment in such a manner as will provide a reasonable degree of safety from fire and explosion.

Regulations promulgated pursuant to this section shall include a uniform fire safety code primarily based on the standards established by the Life Safety Code (National Fire Protection Association 101) and any other fire codes of the National Fire Protection Association and the Building Officials and Code Administrators International (BOCA) Basic Fire Prevention Code, both of which may be adopted by reference. The regulations may include modifications and amendments the commissioner finds necessary.

b. The code promulgated pursuant to this section shall include the requirements for fire detection and suppression systems, elevator systems, emergency egresses and protective equipment reasonably necessary to the fire safety of the occupants or intended occupants of new or existing buildings subject to this act, including but not limited to electrical fire hazards, maintenance of fire protection systems and equipment, fire evacuation plans and fire drills, and all components of building egress. In addition, the regulations issued and promulgated pursuant to this section which are applicable to new or existing buildings shall include, but not be limited to fire suppression systems, built-in fire fighting equipment, fire resistance ratings, smoke control systems, fire detection systems, and fire alarm systems including fire service connections.

c. When promulgating regulations, the commissioner shall take into account the varying degrees of fire safety provided by the different types of construction of existing buildings and the varying degrees of hazard associated with the different types and intensity of uses in existing buildings. When preparing regulations which require the installation of fire safety equipment and devices, the commissioner shall consult with the fire safety commission and shall take into account, to the greatest extent prudent, the economic consequences of the regulations and shall define different use groups and levels of hazard within more general use groups, making corresponding distinctions in fire safety requirements for these different uses and levels of hazard. The commissioner shall also take into account the desirability of maintaining the integrity of historical structures to the extent that it is possible to do so without endangering human life and safety. The regulations established pursuant to this subsection shall apply to secured vacant buildings only to the extent necessary to eliminate hazards affecting adjoining properties.

d. Except as otherwise provided in this act, including rules and regulations promulgated hereunder, all installations of equipment and other alterations to existing buildings shall be made in accordance with the technical standards and administrative procedures established by the commissioner pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (*C. 52:27D-119 et seq.*) and shall be subject to plan review and inspection by the local construction and subcode officials having jurisdiction over the building, who shall enforce the regulations established pursuant to this act applicable to the installation or other alteration along with the regulations established pursuant to the "State Uniform Construction Code Act."

e. (Deleted by amendment, P.L.2001, c.289.)

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N.J. Stat. § 52:27D-198.1 (2014)

§ 52:27D-198.1. Residential structures to have smoke-sensitive alarm devices, portable fire extinguishers

A structure used or intended for use for residential purposes by not more than two households shall have a smoke-sensitive alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling in accordance with National Fire Protection Association Standard No. 74-1984 for the installation, maintenance, and use of household fire warning equipment. The installation of battery operated smoke-sensitive alarm devices shall be accepted as meeting the requirements of this section. The smoke-sensitive device shall be tested and listed by a product certification agency recognized by the Bureau of Fire Safety.

Each structure, other than a seasonal rental unit, shall also be equipped with at least one portable fire extinguisher in conformance with rules and regulations promulgated by the Commissioner of Community Affairs pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (*C. 52:14B-1 et seq.*). For the purposes of this section, "portable fire extinguisher" means an operable portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is: (1) rated for residential use consisting of an ABC type; (2) no larger than a 10 pound rated extinguisher; and (3) mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency. "Seasonal rental unit" means a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere, but shall not include use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed.

This section shall not be enforced except pursuant to sections 2 and 3 of P.L. 1991, c. 92 (*C. 52:27D-198.2 and 52:27D-198.2*).

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N.J. Stat. § 52:27D-198.2 (2014)

§ 52:27D-198.2. Municipal officer, agency to determine compliance

a. In any case where a change of occupancy of any building subject to the requirements of section 1 of P.L. 1991, c. 92 (*C. 52:27D-198.1*) is subject to a municipal ordinance requiring the issuance of a certificate of occupancy, certificate of inspection or other documentary certification of compliance with laws and regulations relating to safety, healthfulness and upkeep of the premises, no such certificate shall issue until the municipal officer or agency responsible for its issuance has determined that the building is equipped with an alarm device or devices and a portable fire extinguisher as required by section 1 of P.L. 1991, c. 92 (*C. 52:27D-198.1*).

b. In the case of change of occupancy of any building subject to the requirements of section 1 of P.L. 1991, c. 92 (*C. 52:27D-198.1*) to which the provisions of subsection a. of this section do not apply, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining from the relevant enforcement agency under the "Uniform Fire Safety Act," P.L. 1983, c. 383 (*C. 52:27D-192 et seq.*) a certificate evidencing compliance with the requirements of P.L. 1991, c. 92 (*C. 52:27D-198.1 et seq.*). The local governing body having jurisdiction over the said enforcing agency or, where the Bureau of Fire Safety is the enforcing agency, the Commissioner of Community Affairs shall establish a fee which covers the cost of inspection and of issuance of the certificate.

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N.J. Stat. § 52:27D-198.3 (2014)

§ 52:27D-198.3. Fine for noncompliance

An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of P.L. 1991, c. 92 (*C. 52:27D-198.1 et seq.*) when the premises do not comply with the requirements of section 1 of P.L. 1991, c. 92 (*C. 52:27D-198.1*), or without complying with the inspection and certification requirements of section 2 of P.L. 1991, c. 92 (*C. 52:27D-198.2*), shall be subject to a fine of not more than \$ 500.00 in the case of a violation for an alarm device, or a fine of not more than \$ 100 in the case of a violation for a portable fire extinguisher, which may be collected and enforced by the local enforcing agency as defined in subsection g. of section 5 of P.L. 1983, c. 383 (*C. 52:27D-196*) by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, C. 274 (*C. 2A:58-1 et seq.*).

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N.J. Stat. § 52:27D-198.4 (2014)

§ 52:27D-198.4. Identifying emblem to be affixed to front of structures with truss construction

a. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (*C.52:27D-192 et seq.*), promulgate rules and regulations to require that an identifying emblem be affixed to the front of structures with truss construction.

The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem: "F" to signify a floor with truss construction; "R" to signify a roof with truss construction; or "F/R" to signify both a floor and roof with truss construction.

The emblem shall be permanently affixed to the left of the main entrance door at a height between four to six feet above the ground and shall be installed and maintained by the owner of the building.

The act shall be enforced in accordance with enforcement procedures set forth in P.L.1983, c.383 (*C.52:27D-192 et seq.*).

b. Detached one and two family residential structures with truss construction which are not part of a planned real estate development shall be exempt from the provisions of this act; however, the governing body of a municipality may require by ordinance that emblems be affixed on structures with truss construction.

Individual structures and dwelling units with truss construction which are part of a planned real estate development as defined in section 3 of P.L.1977, c.419 (*C.45:22A-23*) shall not be required to have an identifying emblem if there is an emblem affixed at each entranceway to the development.

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N.J. Stat. § 52:27D-198.5 (2014)

§ 52:27D-198.5. Regulations to designate time to correct violations, range of penalties

The Commissioner of Community Affairs, after consulting with the fire safety commission, shall promulgate regulations in accordance with the powers granted by P.L.1983, c.383 (*C.52:27D-192 et seq.*) to list violations of the uniform fire safety code as promulgated pursuant to section 7 of P.L.1983, c.383 (*C.52:27D-198*), designate the period of time within which each such violation is to be corrected by the owner pursuant to a written order issued and served by an enforcing agency, and establish a range of monetary penalties which may be imposed for violations pursuant to paragraph (2) of subsection b. of section 19 of P.L.1983, c.383 (*C.52:27D-210*). In addition, the regulations shall specify those violations which by their nature constitute an imminent hazard to the health, safety or welfare of the occupants, intended occupants, firefighters, or the general public and require the building, structure or premises to be vacated, closed or removed pursuant to section 17 of P.L.1983, c.383 (*C.52:27D-208*).

These regulations shall be adopted by the commissioner within 180 days after the effective date of P.L.1991, c.489 (*C.52:27D-210 et al.*).

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N.J. Stat. § 52:27D-198.6 (2014)

§ 52:27D-198.6. Conditions for display of certain holiday vegetation

Notwithstanding the provisions of any law, rule or regulation to the contrary, trees and wreaths used in holiday displays may be exhibited in all buildings covered by the "Uniform Fire Safety Act," P.L.1983, c.383 (*C.52:27D-192 et seq.*) under the following conditions:

- a. Natural cut trees shall be permitted in any building if the trees:
 - 1) Are located in areas protected by an approved automatic sprinkler system, or
 - 2) Meet the flame-retardant requirements of the "Uniform Fire Safety Act," P.L.1983, c.383 (*C.52:27D-192 et seq.*) provided that the trees are watered daily.
- b. Living trees in a balled condition with their roots protected by an earth ball, maintained in a fresh condition and not allowed to become dry, shall be permitted in any building.
- c. Holiday wreaths not in excess of 10 percent of the aggregate wall area of any room or space shall be permitted in any building.
- d. The appropriate enforcing agency may limit the number of trees in any building.
- e. Trees shall not be allowed to obstruct corridors, exits or other means of egress.
- f. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near trees or holiday wreaths.
- g. Nothing herein shall apply to, or be construed as extending the jurisdiction of, the "Uniform Fire Safety Act," P.L.1983, c.383 (*C.52:27D-192 et seq.*) to residential buildings.