

N.J.A.C. 5:70-2.7

NEW JERSEY ADMINISTRATIVE CODE
Copyright (c) 2016 by the New Jersey Office of Administrative Law

*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 48, No. 4, February 16, 2016 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 70. UNIFORM FIRE CODE
SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT

N.J.A.C. 5:70-2.7 (2016)

§ 5:70-2.7 Permits required

(a) Permits shall be required and obtained from the local enforcement agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which the use is required to be registered and regulated as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the fire official.

1. Type 4 permits shall not be required when the storage or activity is incidental or auxiliary to the agricultural use of a farm property.

2. In a public or private K-12 educational building, or in a camp accommodating six or more children of school age, when such uses are registered as life hazard uses, no permit shall be required for activities which are consistent with the designed and intended use of the building or premises or part thereof.

3. Type 1 permit:

i. Bonfires;

ii. The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;

iii. The occasional use of any non-residential occupancy other than Use Groups F, H or S for group overnight stays of persons over 2 1/2 years of age, in accordance with section F-709.0 of the Fire Prevention Code;

iv. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days, and when not covered by a Type 2 permit;

v. The use of any open flame or flame-producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation;

vi. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the fire official and is registered as a type B life hazard use;

vii. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;

viii. The use of any open flame or flame-producing device in connection with the training of non-fire service personnel in fire suppression or extinguishment procedures;

ix. The occasional use in any building of a multipurpose room, with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purposes.

x. The storage or handling of class I flammable liquids in closed containers of aggregate amounts of more than 10 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.

xi. The storage or handling of class II or IIIA combustible liquids in closed containers of aggregate amounts of more than 25 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.

xii. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:70-4.7(g) and is not defined as a life hazard use in accordance with N.J.A.C. 5:70-2.4.

xiii. The use as a place of public assembly, for a total of not more than 15 days in a calendar year, of a building classified as a commercial farm building under the Uniform Construction Code.

xiv. The temporary use of any building or portion thereof as a special amusement building for a total of not more than 15 days in a calendar year.

(1) Use of a building or portion thereof as a special amusement building for a longer period shall require the issuance of a certificate of occupancy, pursuant to the Uniform Construction Code (N.J.A.C. 5:23), for the new use.

(2) Permits issued pursuant to this section shall require compliance with the requirements for special amusement buildings at N.J.A.C. 5:70-4.16.

xv. The erection, operation, or maintenance of any tent, tensioned membrane structure, or canopy, excluding those used for recreational camping purposes, that meets the criteria in (a)3xv(1) or (2) below shall require a Type 1 permit. Tents, tensioned membrane structures, or canopies greater than 16,800 square feet in area or greater than 140 feet in any dimension, whether one unit or composed of multiple units; remaining in place for more than 180 days; used or occupied between December 1 and March 31; having a permanent anchoring system or foundation; or containing platforms or bleachers greater than 11 feet in height shall be subject to the permitting requirements of the Uniform Construction Code (N.J.A.C. 5:23-2.14).

(1) The tent, tensioned membrane structure, or canopy is greater than 900 square feet or more than 30 feet in any dimension whether it is one unit or composed of multiple units, but 16,800 square feet or less in area and 140 feet or less in any dimension, whether it is one unit or composed of multiple units.

(2) The tent, tensioned membrane structure, or canopy contains platforms or bleachers 11 feet or less in height;

xvi. The erection, operation, or maintenance of any outdoor combustible maze shall require a Type 1 permit if the outdoor combustible maze is less than six feet in height and does not contain electrical equipment. Outdoor combustible mazes that are six feet or greater in

height or contain electrical equipment shall be subject to the permitting requirements of N.J.A.C. 5:23-2.14.

(1) For the purposes of applying this requirement, an outdoor combustible maze is an attraction that lacks a roof and is designed to disorient patrons, reduce vision, present barriers, or otherwise impede the flow of traffic and does not consist solely of living rooted plants such as corn stalks or trees, but includes mazes created from plants that have been cut and attached to an object to support them.

(A) Mazes consisting solely of living, rooted plants, such as corn stalks or trees, may be repaired using cut, replacement plants that are otherwise the same as those of which the maze is created without the need for a permit.

(B) No permit shall be required for mazes up to 42 inches in height created of bales of hay or straw.

4. Type 2 permit:

i. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;

ii. Fumigation or thermal insecticide fogging;

iii. Carnivals and circuses employing mobile enclosed structures used for human occupancy;

iv. The use of a covered mall in any of the following manners:

(1) Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall;

(2) Temporarily using the mall as a place of assembly;

(3) Using open flame or flame devices;

(4) Displaying liquid or gas fuel powered equipment; or

(5) Using liquefied petroleum gas, liquefied natural gas or compressed flammable gas in containers exceeding five pound capacity.

v. Storage outside of buildings of LP-gas cylinders when a part of a cylinder exchange program.

5. Type 3 permit:

i. Industrial processing ovens or furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400 degrees Fahrenheit which are heated with oil or gas fuel or which contain flammable vapors from the product being processed;

ii. Wrecking yards, junk yards, outdoor used tire storage, waste material handling plants, and outside storage of forest products not otherwise classified; or

iii. The storage or discharging of fireworks.

6. Type 4 permit:

- i. Storage or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas;
- ii. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of nonflammable, non-toxic cryogenic liquids;
- iii. The storage, handling, and processing of flammable, combustible, and unstable liquids in closed containers and portable tanks in aggregate amounts of more than 660 gallons;
- iv. To store or handle (except medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices):
 - (1) More than 55 gallons of corrosive liquids;
 - (2) More than 500 pounds of oxidizing materials;
 - (3) More than 10 pounds of organic peroxides;
 - (4) More than 500 pounds of nitromethane;
 - (5) More than 1,000 pounds of ammonium nitrate;
 - (6) More than one microcurie of radium not contained in a sealed source;
 - (7) More than one millicurie of radium or other radiation material in a sealed source or sources;
 - (8) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required; or
 - (9) More than 10 pounds of flammable solids.
- v. The melting, casting, heat treating, machining or grinding of more than 10 pounds of magnesium per working day.

7. Type 5 permit:

i. (Reserved)

(b) Application for a permit required by this Code shall be made to the fire official in such form and detail as the fire official shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the fire official for evaluation of the application.

(c) Before a permit is issued, the fire official or the fire official's designated representative shall make or cause to be made such inspections or tests as necessary to assure that the use and activity for which application is made complies with the provisions of this Code.

(d) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

equipment used in connection with such activities in accordance with the provisions of this Code. Such permissions shall not be construed as authority to violate, cancel or set aside any of the provisions of this Code.

(e) Plans approved by the fire official are approved with the intent they comply in all respects to this Code. Any omission or error on the plans does not relieve the applicant of complying with all applicable requirements of this Code.

(f) The fire official may revoke a permit or approval issued under the provisions of this Code if upon inspection any violation of the Code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

(g) A permit shall remain in effect until revoked, or for one year unless a shorter period of time is otherwise specified. Permits shall not be transferable and any change in use, operation or tenancy shall require a new permit.

1. Exceptions:

i. A type 1 permit for welding or cutting shall be effective throughout the local enforcing agency's jurisdiction and shall be issued on an annual basis;

ii. A Type 1 permit for use of a commercial farm building as a place of public assembly shall be issued for each event; and

iii. A Type 1 permit for group overnight stays shall be required for each non-consecutive overnight stay.

iv. A Type I permit for the temporary use of any building as a special amusement building shall be issued for each event.

(h) Any permit issued shall become invalid if the authorized work or activity is not commenced within six months after issuance of the permit, or if the authorized work or activity is suspended or abandoned for a period of six months after the time of commencement.

(i) A permit shall not be issued until the designated fees have been paid.

1. There shall be no fee for a permit required by this subchapter if a municipality has by ordinance established a periodic inspection and fee schedule for a use substantially similar to the permit requirement.

(j) No permit(s) shall be issued for a carnival, as defined in N.J.A.C. 5:70-1.5, if the carnival has not been registered in accordance with N.J.A.C. 5:70- 2.22.

HISTORY:

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

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

Substantially amended.

Amended by R.1987 d.247, effective June 15, 1987.

See: 18 N.J.R. 1225(a), 19 N.J.R. 1078(a).

Deleted the word "fireworks" from (b)2vii.

See correction notice in July 20, 1987 Register.

Administrative Correction to (e).

See: 21 N.J.R. 3085(a).

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 2 under (b) and renumbered existing 2-6 as 3-7.

Amended by R.1990 d.325, effective July 2, 1990.

See: 21 N.J.R. 1654(a), 22 N.J.R. 2001(a).

Text at (b)2iii amended to decrease tent area to 900 square feet; text at (b)3iii deleted.

Amended by R.1991 d.504, effective October 7, 1991.

See: 23 N.J.R. 2234(a), 23 N.J.R. 2999(a).

Text deleted at (b)5ii and 6v.

Amended by R.1992 d.385, effective October 5, 1992.

See: 24 N.J.R. 2654(a), 24 N.J.R. 3519(a).

Text added at (b)3x and xi, 5ii, 6iii; deleted at 6v.

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

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

Permit required for cooking operations using a fire suppression system, if not already registered; fee for fire official allowed, if not already provided for.

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

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

Amended by R.1995 d.59, effective March 6, 1995.

See: 26 N.J.R. 4249(a), 27 N.J.R. 891(a).

Administrative correction.

See: 27 N.J.R. 2886(b).

Amended by R.1996 d.164, effective April 1, 1996.

See: 27 N.J.R. 2654(a), 28 N.J.R. 1833(a).

Added (a)3xiii and (g)1ii.

Amended by R.1996 d.485, effective October 21, 1996.

See: 28 N.J.R. 2109(b), 28 N.J.R. 4577(b).

Amended by R.1996 d.501, effective October 21, 1996.

See: 28 N.J.R. 3853(a), 28 N.J.R. 4578(a).

Amended by R.1998 d.495, effective October 5, 1998.

See: 30 N.J.R. 2328(a), 30 N.J.R. 3641(a).

In (a)3, inserted text of viii.

Amended by R.2000 d.30, effective January 18, 2000.

See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Amended by R.2001 d.134, effective May 7, 2001.

See: 32 N.J.R. 4163(a), 33 N.J.R. 1402(a).

Rewrote (a)3iii; in (g), added 1iii.

Amended by R.2002 d.372, effective November 18, 2002.

See: 34 N.J.R. 2636(a), 34 N.J.R. 3958(a).

In (a), added 4v.

Administrative correction.

See: 35 N.J.R. 219(d).

Amended by R.2004 d.423, effective November 15, 2004.

See: 36 N.J.R. 3004(a), 36 N.J.R. 5090(a).

In (a), added 3xiv; in (g), added 1iv.

Administrative correction.

See: 36 N.J.R. 5098(a).

Amended by R.2006 d.157, effective May 1, 2006.

See: 37 N.J.R. 3108(a), 38 N.J.R. 1824(a).

Added (a)3xv and xvi.

Administrative correction.

See: 38 N.J.R. 4693(b).

Administrative correction.

See: 44 N.J.R. 1971(b).