

ASSEMBLY, No. 4882

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 10, 2015

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Amends State construction code for fire safety reasons.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain types of construction and
2 supplementing P.L.1975, c.217 (C.52:27D-119).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The adoption of the International Building Code, 2015, by
8 the Commissioner of Community Affairs is modified as follows:

9 a. Notwithstanding the provisions of section 510 of the
10 International Building Code, 2015, or any other provision of the
11 code allowing for a horizontal building separation allowance, a
12 building shall not be considered as separate and distinct buildings
13 for the purpose of determining the maximum building height in feet
14 or the number of stories of the building if the building, or a portion
15 of the building, is Residential Group R-1 or R-2; and involves the
16 use of Type III, Type IV, or Type V construction. The number of
17 stories to be used in determining the minimum type of construction
18 for such buildings shall be measured from the grade plane.
19 Automatic sprinkler systems may be installed in such buildings in
20 accordance with NFPA 13R, however, the sprinkler systems shall
21 protect concealed combustible spaces consistent with NFPA 13.

22 b. Whenever an automatic sprinkler system is installed in
23 accordance with NFPA 13R in a building comprised, in whole or in
24 part, of lightweight wood frame construction:

25 (1) unprotected and unheated wood-framed attic areas shall be
26 protected by a dry type sprinkler system; and

27 (2) if the building is a multiple dwelling, the sprinkler system or
28 systems shall be monitored for both supervisory and alarm
29 conditions that result in notification of the fire department.

30 c. A building, all or a portion of which is of Type V
31 construction, and equipped with an automatic sprinkler system
32 installed in accordance with NFPA 13R, which results in the
33 omission of sprinklers from concealed combustible spaces where
34 sprinklers are required under NFPA 13:

35 (1) shall not exceed two stories measured from the grade plane;
36 and

37 (2) shall not exceed a per-story floor area of 12,000 square feet,
38 except as provided in subsection e. of this section.

39 d. A building, all or a portion of which is of Type V
40 construction, and equipped with an automatic sprinkler system
41 installed in accordance with NFPA 13:

42 (1) shall not exceed three stories measured from the grade plane;
43 and

44 (2) shall not exceed a per-story floor area of 36,000 square feet,
45 except as provided in subsection e. of this section.

46 e. Square footage beyond that authorized under subsection c. or
47 d. of this section may be permitted by constructing:

48 (1) an additional detached building or buildings, or

1 (2) an attached building providing a minimum two-hour
2 masonry or concrete fire wall between each attached building.

3
4 2. The Commissioner of Community Affairs shall take
5 whatever administrative actions as may be necessary to correct code
6 adoptions to conform them with section 1 of P.L. ,
7 c. (C.) (pending before the Legislature as this bill). Whenever
8 the commissioner adopts a code or subcode pursuant to section 5 of
9 P.L.1975, c.217 (C.52:27D-123), the commissioner shall modify the
10 adoption to conform it with the provisions of section 1 of P.L. ,
11 c. (C.) (pending before the Legislature as this bill).

12
13 3. This act shall take effect immediately.

14
15 STATEMENT

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17 This bill would implement recommendations set forth in reports
18 of the Code Advisory Council of the Fire Safety Commission and
19 an ad hoc committee formed by the Fire Safety Commission to
20 review fire safety issues in multiple dwelling structures of
21 lightweight wood frame construction. On January 21, 2015, a large
22 uncontrolled fire occurred at a multiple dwelling complex in
23 Edgewater Borough, New Jersey. The fire, which burned for
24 several days before finally being extinguished, destroyed 240 of the
25 408 dwelling units and displaced over 500 residents. Another 520
26 residents in surrounding homes were temporarily displaced.

27 The reports identified a pattern of costly, catastrophic fires
28 occurring in buildings of this type of construction, and determined
29 that code provisions which allow for large buildings of Type V
30 construction to be equipped with NFPA 13R residential sprinkler
31 systems need to be changed. The National Fire Protection
32 Association (NFPA) publishes standards dealing with the
33 installation of sprinklers in buildings, which standards have been
34 incorporated by reference into the State construction code. NFPA
35 13 is the overarching standard for sprinkler system protection.
36 NFPA 13R permits sprinklers to be omitted from certain areas
37 where they are required under NFPA 13.

38 The bill imposes limits on the size of buildings that may be built
39 with Type V construction and which utilize NFPA 13R sprinkler
40 systems. The bill amends provisions of the State construction code
41 that allow for the construction of buildings on top of structures such
42 as parking garages, which provisions effectively allow the buildings
43 to be built higher than otherwise allowed.

44 According to the Code Advisory Council of the Fire Safety
45 Commission, as the height of a building increases and access to the
46 building decreases, the ability of a fire department to rescue trapped
47 occupants or to effectively apply firefighting resources is greatly
48 diminished. In the case of the January 2015 Edgewater fire,

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1 firefighters were forced to use a ground ladder to rescue other
2 trapped firefighters and occupants off of a balcony on the rear face
3 of the building after rapid fire spread cut off their path of escape
4 within the building. The rear of the building had no apparatus
5 access. Had the trapped individuals been located another floor
6 above, they would have been out of reach of ground ladders.

7 The Code Advisory Council report on lightweight construction
8 indicates that firefighters view the code provisions allowing
9 building heights to be calculated from the top of structures like
10 parking garages, often referred to as “pedestals,” as physically
11 elevating fire problems and making firefighting efforts even more
12 dangerous and difficult.

13 Other recommendations set forth in the reports, which would be
14 implemented by adoption of this bill, modify the requirements for
15 installing residential sprinkler systems in buildings comprised, in
16 whole or in part, of lightweight wood frame construction in order to
17 enhance life safety.

18 The bill balances fire safety concerns with other policy
19 considerations by affording developers an opportunity to increase
20 the floor area of developments without increasing the height of
21 buildings. The ad hoc committee report specifically states that, in
22 arriving at its recommendations, the committee balanced fire safety
23 concerns with other policy concerns, including the State’s economy
24 and the need to produce affordable housing.