

# ASSEMBLY, No. 5196

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 30, 2017

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**  
**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Establishes fire safety standards and protocols for certain light frame residential construction; requires placards identifying primary structural systems of buildings.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning certain light frame residential construction,  
2 supplementing P.L.1975, c.217 (C.52:27D-119 et seq.), and  
3 amending P.L.1991, c.188.

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

7  
8 1. (New section) a. A new residential use structure containing  
9 more than two dwelling or sleeping units may only be constructed  
10 utilizing light frame construction if the following requirements are  
11 satisfied:

12 (1) An automatic sprinkler system shall be installed throughout  
13 the structure in accordance with the requirements of National Fire  
14 Protection Association (NFPA) 13, Standard for the Installation of  
15 Sprinkler Systems.

16 (2) The number of stories permitted in the structure shall be  
17 measured from grade plane and includes any pedestal or podium.

18 (3) Each fire partition shall:

19 (a) be constructed of noncombustible materials;

20 (b) be constructed as a fire barrier with a fire-resistance rating of  
21 at least two hours;

22 (c) extend from the foundation to the roof; and

23 (d) comply with all other requirements for fire barriers under the  
24 code.

25 (4) Each horizontal separation installed between floors  
26 separating dwelling or sleeping units shall:

27 (a) be constructed of noncombustible materials;

28 (b) be constructed as a horizontal assembly with a fire-resistance  
29 rating of at least two hours; and

30 (c) comply with all other requirements for horizontal assemblies  
31 under the code.

32 (5) Each fire wall shall:

33 (a) be constructed of noncombustible materials;

34 (b) not be adversely affected by moisture; and

35 (c) be capable of passing the hose stream test in accordance with  
36 the code.

37 (6) (a) If any light framing of the structure is unprotected, the  
38 structure shall not have more than three stories and shall not exceed  
39 60 feet above grade plane.

40 (b) If all light framing of the structure is protected, the structure  
41 shall not have more than four stories and shall not exceed 70 feet  
42 above grade plane.

43 (7) If the structure has five or more dwelling or sleeping units, a  
44 horizontal assembly shall not be considered to create separate and  
45 distinct structures for the purposes of determining area limitations,

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 continuity of fire walls, limitation of number of stories, and type of  
2 construction as provided under this subsection and the code.

3 b. The construction of a new residential use structure  
4 containing more than two dwelling or sleeping units utilizing light  
5 frame construction shall not commence unless a fire watch warden  
6 who meets the requirements of paragraph (1) of this subsection is  
7 present 24 hours a day to monitor the construction and alert  
8 firefighters, medical, rescue, or law enforcement personnel if a fire  
9 or other emergency occurs.

10 (1) A person shall be eligible to be a fire watch warden if the  
11 person is qualified pursuant to N.J.S.40A:14-9 and is an active or  
12 retired firefighter, or is a fire inspector who is certified pursuant to  
13 subsection c. of section 12 of P.L.1983, c.383 (C.52:27D-203).

14 (2) A developer or owner of a construction project subject to the  
15 provisions of this subsection shall be responsible for hiring,  
16 training, and compensating the fire watch wardens, and any expense  
17 to ensure that they are on site, including inspection by the  
18 department or the local enforcing agency.

19 (3) A fire watch warden shall make regular inspections and  
20 patrols of the area assigned to the fire watch warden for supervision  
21 by the developer or owner. A fire watch warden shall not be  
22 assigned any other responsibilities that would interfere with or  
23 prevent the fire watch warden from carrying out the fire watch  
24 warden's responsibilities under this subsection.

25 (4) A fire watch warden shall maintain a record of activities  
26 performed in connection with the construction project that  
27 constitute a potential threat to fire safety. The records shall be  
28 submitted to the Division of Fire Safety in the department on a  
29 weekly basis and the division may, in its discretion, take any action  
30 appropriate to abate any fire safety issues, including, but not limited  
31 to, requesting that the local enforcing agency revoke the  
32 construction permit for the project.

33 (5) A fire watch warden shall be present throughout the  
34 construction project and shall continue to monitor the construction  
35 project until the final sprinkler inspection is completed and a  
36 certificate of occupancy is issued.

37 (6) The Division of Fire Safety in the department may assess a  
38 developer or owner of a construction project, utilizing a fire watch  
39 warden pursuant to this subsection, reasonable administrative fees  
40 incurred by the division in performing its duties as set forth in this  
41 subsection.

42 c. The commissioner shall, pursuant to the "Administrative  
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt  
44 regulations necessary to effectuate the provisions of this section,  
45 and shall revise the code accordingly.

46 d. As used in this section:

47 "Dwelling unit" means a single unit providing complete,  
48 independent living facilities for one or more persons living as a

1 single housekeeping unit, including permanent provisions for living,  
2 sleeping, eating, cooking, and sanitation.

3 “Fire barrier” means a fire-resistance rated wall assembly of  
4 materials designed to restrict the spread of fire in which continuity  
5 is maintained.

6 “Fire partition” means a vertical assembly of materials designed  
7 to restrict the spread of fire in which openings are protected.

8 “Fire wall” means a fire-resistance rated wall having protected  
9 openings, which restricts the spread of fire and extends  
10 continuously from the foundation to or through the roof, with  
11 sufficient structural stability under fire conditions to allow collapse  
12 of construction on either side without collapse of the wall.

13 “Fire watch warden” means an individual hired to monitor new  
14 residential use structure construction projects that utilize light frame  
15 construction.

16 “Horizontal assembly” means a fire-resistance rated floor or roof  
17 assembly of materials designed to restrict the spread of fire in  
18 which continuity is maintained.

19 “Horizontal separation” means a floor assembly separating  
20 dwelling units in the same structure, a floor assembly separating  
21 sleeping units in the same structure, and a floor assembly separating  
22 dwelling or sleeping units from other occupancies contiguous to  
23 them in the same structure.

24 “Light frame construction” means a type of construction the  
25 vertical and horizontal structural elements of which are primarily  
26 formed by a system of repetitive wood framing members or that  
27 utilizes metal-plate-connected wood trusses, metal-plate-connected  
28 metal-web wood trusses, pin-end connected steel-web wood trusses,  
29 wooden I-joists, solid-sawn wood joists, composite wood joists as  
30 floor or roof system structural elements, or load bearing elements  
31 made of combustible materials.

32 “Residential use structure” means a hotel or multiple dwelling,  
33 as those terms are defined in section 3 of P.L.1967, c.76 (C.55:13A-  
34 3), or a boarding house or rooming house, as those terms are  
35 defined in section 3 of P.L.1979, c.496 (C.55:13B-3).

36 “Sleeping unit” means a room or space in which people sleep,  
37 which can also include permanent provisions for living, eating, and  
38 either sanitation or kitchen facilities but not both, but does not  
39 include such a room or space that is also part of a dwelling unit.

40

41 2. Section 1 of P.L.1991, c.188 (C.52:27D-198.4) is amended to  
42 read as follows:

43 1. a. The Commissioner of Community Affairs shall, pursuant  
44 to the authority under the "Uniform Fire Safety Act," P.L.1983,  
45 c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to  
46 require that an identifying emblem be affixed to the front of each  
47 exterior entrance of structures with light frame or truss construction

1 to clearly communicate that the structure in the affected area is  
2 combustible and known to the State to pose a fire hazard.

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

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

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

16 As used in this subsection, "light frame construction" means the  
17 same as that term is defined in section 1 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill).

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

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

29 c. The Commissioner of Community Affairs shall, pursuant to  
30 the authority under the "Uniform Fire Safety Act," P.L.1983, c.383  
31 (C.52:27D-192 et seq.), adopt regulations to require that placards  
32 identifying the primary structural system of a structure are affixed  
33 adjacent to the fire alarm control panel and to an exterior wall  
34 within 10 feet of the main entrance to the structure.

35 The placards shall be eight inches vertically by 11 inches  
36 horizontally and shall have a white background, black letters, and a  
37 black border. The letters shall be in at least 72-point boldface type.  
38 The letters and border shall be visible and readable from at 10 feet.

39 One of the following descriptions shall be printed on a placard,  
40 as appropriate:

- 41 (1) "Load-bearing concrete walls";
- 42 (2) "Load-bearing masonry walls";
- 43 (3) "Load-bearing steel stud walls";
- 44 (4) "Load-bearing light-framed combustible walls";
- 45 (5) "Structural concrete frame";
- 46 (6) "Structural steel frame";
- 47 (7) "Timber or cross-laminated timber"; or

1       (8) if the primary structural system of the structure is not one of  
2 the foregoing, a description approved by the enforcing agency shall  
3 be printed instead.

4       The following language shall be printed on each placard  
5 following the description of the structural system: “serves as the  
6 primary structural system of this structure”.  
7 (cf: P.L.1991, c.188, s.1)

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9       3. This act shall take effect immediately.

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### STATEMENT

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14       This bill would establish a number of fire safety standards for  
15 light frame construction of new multiple dwellings, hotels, and  
16 rooming and boarding houses with more than two dwelling or  
17 sleeping units. The massive fire that quickly spread through and  
18 destroyed much of a large light frame construction apartment  
19 building in Edgewater in 2015, and which displaced about 1,000  
20 people, demonstrated that the State’s construction code needs to be  
21 strengthened to improve fire safety. This bill would establish  
22 several construction code requirements and a fire watch requirement  
23 to help limit the spread of fires in larger light frame construction  
24 residential buildings, to protect both residents and first responders.

25       Under the bill, covered residential buildings may only be newly  
26 constructed utilizing light frame construction if: (1) an automatic  
27 sprinkler system is installed throughout the building in accordance  
28 with National Fire Protection Association (NFPA) 13; (2) the  
29 number of stories permitted is measured from grade plane and  
30 includes any pedestals or podiums; (3) the fire partitions and  
31 horizontal separations are constructed of noncombustible materials  
32 and have a fire-resistance rating of at least two hours; (4) the fire  
33 partitions extend from the foundation to the roof; (5) the fire walls  
34 are resistant to moisture and capable of passing the hose stream test  
35 in accordance with the construction code; (6) if any light framing is  
36 unprotected, the building is limited to three stories and does not  
37 exceed 60 feet above grade plane or, if all light framing is  
38 protected, the building is limited to four stories and does not exceed  
39 70 feet above grade plane; and (7) a horizontal assembly is not used  
40 to permit the stacking of separate buildings for purposes of  
41 exceeding the height, area, and other limitations of the bill and the  
42 code, if the structure has five or more dwelling or sleeping units.

43       In addition, for a covered residential light frame construction  
44 project, this bill would require the owner or developer to hire a fire  
45 watch warden to provide 24 hour a day monitoring of construction.  
46 A fire watch warden must be present from the time the construction  
47 project begins until the final sprinkler inspection is completed and a  
48 certificate of occupancy has issued. In the event of a fire or other

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1 emergency, the fire watch warden must alert local first responders.  
2 The fire watch warden must also report fire safety issues to the  
3 Division of Fire Safety in the Department of Community Affairs,  
4 which may request that the local construction code official revoke  
5 construction permits for projects posing fire safety risks. The  
6 Division of Fire Safety may assess owners and developers of  
7 covered construction projects reasonable fees to cover the costs  
8 incurred by the division for carrying out its responsibilities under  
9 the bill.

10 The bill also requires that an identifying emblem be affixed to  
11 each exterior entrance of a structure with light frame or truss  
12 construction to warn firefighters and the general public of the  
13 existence of light frame and truss-type construction in the structure.  
14 Under current law, an identifying emblem must be affixed to the  
15 front of a structure utilizing truss construction only.

16 Lastly, the bill requires that placards identifying the primary  
17 structural system of a structure be placed adjacent to the fire alarm  
18 control panel and on an exterior wall within 10 feet of the main  
19 entrance to the structure.