

SENATE, No. 719

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator DAWN MARIE ADDIEGO

District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Prohibits municipalities from imposing local fire safety standards stricter than State fire safety code in certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT limiting municipal authority to regulate certain farm
2 buildings and amending P.L.1983, c.383.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 11 of P.L.1983, c.383 (C.52:27D-202) is amended to
8 read as follows:

9 11. a. Each municipality in this State is authorized to adopt an
10 ordinance providing for local enforcement of **[this act]** P.L.1983,
11 c.383 (C.52:27D-192 et seq.). The ordinance shall designate the
12 municipal fire department or the county fire marshal or one or more
13 fire districts as the local enforcement agency.

14 b. **[Nothing]** Except as provided in subsection c. of this
15 section, nothing in [this act] P.L.1983, c.383 (C.52:27D-192 et
16 seq.) shall preclude the right of any municipality to adopt an
17 ordinance dealing with fire safety whether or not it is more
18 restrictive than [this act] P.L.1983, c.383 (C.52:27D-192 et seq.)
19 and the regulations promulgated thereunder. [No] A county or
20 municipal official shall not issue an order regarding fire safety with
21 respect to a building, structure, or premises, except in accordance
22 with [this act] P.L.1983, c.383 (C.52:27D-192 et seq.) or with a
23 duly promulgated ordinance.

24 c. (1) A municipality shall not adopt an ordinance dealing with
25 fire safety applicable to a commercial farm building or seasonal
26 agricultural labor housing that is more restrictive than P.L.1983,
27 c.383 (C.52:27D-192 et seq.) and the regulations promulgated
28 thereunder.

29 (2) As used in this subsection:

30 "Commercial farm" means the same as that term is defined in
31 section 3 of P.L.1983, c.31 (C.4:1C-3).

32 "Commercial farm building" means the same as that term is
33 defined in section 3 of P.L.1975, c.217 (C.52:27D-121) and is
34 located on a commercial farm.

35 "Seasonal agricultural labor housing" means the same as that
36 term is defined pursuant to regulations adopted by the Director of
37 the Division of Taxation in the Department of the Treasury under
38 chapter 15 of Title 18 of the New Jersey Administrative Code.

39 (cf: P.L.1983, c.383, s.11)

40

41 2. This act shall take effect immediately.

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.

STATEMENT

This bill prohibits municipalities from establishing local fire safety standards for commercial farm buildings and seasonal agricultural labor housing stricter than the fire safety standards established for these buildings under the State's uniform fire safety code. Under current law, a municipality is permitted to adopt an ordinance establishing fire safety standards that are more restrictive than the State code. This bill eliminates this municipal authority to adopt stricter fire safety standards with respect to commercial farm buildings and seasonal agricultural labor housing.

Under the bill a commercial farm building is defined as any building located on a commercial farm which produces not less than \$2,500 worth of agricultural or horticultural products annually, which building's main use or intended use is related to the production of agricultural or horticultural products produced on that farm. A building is not regarded as a commercial farm building if more than 1,200 square feet of its floor space is used for purposes other than its main use. A greenhouse constructed in conjunction with the odor control bio-filter of a solid waste or sludge composting facility, which greenhouse produces not less than \$2,500 worth of agricultural or horticultural products in addition to its function as a cover for the bio-filter, is considered a commercial farm building, provided that the greenhouse is not intended for human occupancy.

Seasonal agricultural labor housing is defined, under the applicable regulation, as dwelling units designed solely for lodging farm employees and their family members, including their civil union partners or domestic partners, where such employees perform seasonal agricultural or horticultural labor on the contiguous land, five acres or more, qualifying for farmland assessment. Any housing that is either occupied by the landowner, the landowner's spouse, the landowner's civil union partner, the landowner's domestic partner, or their children, parents, or siblings, or is not vacant annually for a minimum period of 90 continuous days during any period of 12 continuous months, is not to be considered to meet this definition.