



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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Governor

JOSEPH V. DORIA, JR.
Commissioner

February 5, 2009

Dear Construction Officials and Fire Officials:

As fire officials already know and construction officials may be aware, the Department has adopted the 2006 International Fire Code, with amendments, as the new State Fire Prevention Code, N.J.A.C. 5:70-3. This new State Fire Prevention Code took effect on February 1, 2009. The enforcement of this new code will require an increased level of cooperation between the local construction official and the local fire official.

In the past, BOCA published a model fire prevention code that included only maintenance requirements. The International Fire Code, which is referenced in the International Building Code, contains both construction and maintenance requirements. As adopted under the Uniform Fire Code (UFC), the New Jersey edition of the International Fire Code is meant to address the maintenance of buildings and sites in compliance with applicable fire safety requirements. Requirements for the installation of new fire safety equipment are found in the Uniform Construction Code (UCC) or in the retrofit requirements of the UFC, N.J.A.C. 5:70-4.

Local officials need to be aware of the applicability of the requirements of both the UFC and the UCC in order to enforce these codes effectively. Any suspected lack of compliance with the UCC or change in the character of the use should be referred by the fire official to the construction official. The construction official should then cite any verified lack of compliance with the UCC, including any change in the character of the use as described in the rehabilitation subcode of the UCC, N.J.A.C. 5:23-6.31. A change in the character of the use is not necessarily a change in the group designation. For example, a change to a higher degree of hazard, as defined by NFPA 13, which would trigger a change in the required sprinkler protection, would be considered a change in the character of the use and should be cited under the UCC. (See N.J.A.C. 5:23-6.31(g)) Another example of a change in the character of the use is the introduction of equipment or operations that require local exhaust under the mechanical subcode of the UCC. (See N.J.A.C. 5:23-6.31 (n)) As always, process equipment is a special case. The UCC applies to the installation of process equipment, but does not impose requirements on the equipment itself. The UFC does contain requirements applicable to process equipment.

The new State Fire Prevention Code also contains requirements applicable to fire hazards at construction sites (Chapter 14 of the International Fire Code). The UCC

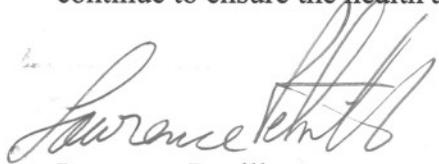


governs construction with the ultimate goal of ensuring that structures built in this State are safe for occupancy. The UFC is based on a somewhat different mandate which includes fire prevention and firefighter safety. It is for this reason that the local fire official has jurisdiction to deal with fire safety at a construction site. The construction official's role at the site is to ensure that construction proceeds in compliance with the adopted subcodes of the UCC. The UCC does not address the safety of the building or site during construction beyond seeing that the site does not pose risks to the general public.

The New Jersey edition of the 2006 International Fire Code is available on line in a view only format at <http://www2.iccsafe.org/states/06NewJerseyFire/>. In addition to a link to view the new code, the Division of Fire Safety's website has a mechanism to submit questions regarding the new code. Frequently asked questions and answers regarding the new State Fire Prevention Code also are posted on the Division's website at <http://www.state.nj.us/dca/dfs/>.

If there are any questions regarding the UCC, as always, please call the Code Assistance Unit at (609) 984-7607. If there are questions about the UFC, the Division of Fire Safety prefers that these questions be submitted electronically through the Division's website or you may call the Division at (609) 633-6132.

There are bound to be some adjustments needed as we make the transition to the new State Fire Prevention Code. We would encourage you to work together to continue to ensure the health and safety of the occupants of New Jersey's buildings.



Lawrence Petrillo
Director
Division of Fire Safety

Sincerely,



Cynthia A. Wilk
Director
Division of Codes and Standards