

[Second Reprint]

SENATE, No. 1294

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 1, 2004

Sponsored by:

Senator JOSEPH CONIGLIO

District 38 (Bergen)

Assemblyman FREDERICK SCALERA

District 36 (Bergen, Essex and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman BRIAN P. STACK

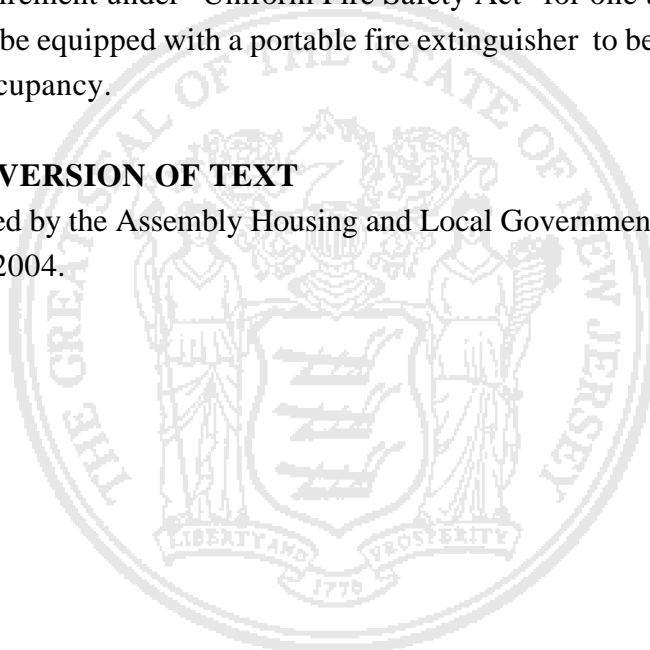
District 33 (Hudson)

SYNOPSIS

Adds requirement under "Uniform Fire Safety Act" for one and two-family residences to be equipped with a portable fire extinguisher to be enforced upon change of occupancy.

CURRENT VERSION OF TEXT

As amended by the Assembly Housing and Local Government Committee on October 21, 2004.



(Sponsorship Updated As Of: 2/25/2005)

1 AN ACT concerning residential ²[portable]² fire ²[extinguishers and
2 supplementing chapter 27D of Title 52 of the Revised Statutes]
3 safety and amending P.L.1991, c.92.²

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

7
8 ²[1. Every dwelling unit located in a building with fewer than three
9 dwelling units, upon its sale, lease or transfer, shall be equipped with
10 at least one portable fire extinguisher, at the expense of the seller,
11 landlord or transferor, as appropriate, in conformance with rules and
12 regulations promulgated by the Commissioner of Community Affairs
13 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
14 (C.52:14B-1 et seq.). The rules and regulations shall contain
15 requirements pertaining to the maintenance and periodic testing of
16 portable fire extinguishers, and any other matters which the
17 commissioner ¹[considers]¹ deems necessary and proper for the
18 administration of ¹[this section] P.L. , c. (C.)(pending before
19 the Legislature as this bill)¹.]²

20
21 ²1. Section 1 of P.L. 1991,c. 92 (C.52:27D-198.1) is amended to
22 read as follows:

23 1. A structure used or intended for use for residential purposes by
24 not more than two households shall have a smoke-sensitive alarm
25 device on each level of the structure and outside each separate
26 sleeping area in the immediate vicinity of the bedrooms and located on
27 or near the ceiling in accordance with National Fire Protection
28 Association Standard No. 74-1984 for the installation, maintenance,
29 and use of household fire warning equipment. The installation of
30 battery operated smoke-sensitive alarm devices shall be accepted as
31 meeting the requirements of this section. The smoke-sensitive device
32 shall be tested and listed by a product certification agency recognized
33 by the Bureau of Fire Safety.

34 Each structure, other than a seasonal rental unit, shall also be
35 equipped with at least one portable fire extinguisher in conformance
36 with rules and regulations promulgated by the Commissioner of
37 Community Affairs pursuant to the "Administrative Procedure Act,"
38 P.L.1968, c.410 (C.52:14B-1 et seq.) For the purposes of this section,
39 "portable fire extinguisher" means an operable portable device, carried
40 and operated by hand, containing an extinguishing agent that can be
41 expelled under pressure for the purpose of suppressing or

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCU committee amendments adopted May 13, 2004.

² Assembly AHO committee amendments adopted October 21, 2004.

1 extinguishing fire, and which is: (1) rated for residential use consisting
2 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and
3 (3) mounted within 10 feet of the kitchen area, unless otherwise
4 permitted by the enforcing agency. "Seasonal rental unit" means a
5 dwelling unit rented for a term of not more than 125 consecutive days
6 for residential purposes by a person having a permanent residence
7 elsewhere, but shall not include use or rental of living quarters by
8 migrant, temporary or seasonal workers in connection with any work
9 or place where work is being performed.

10 This section shall not be enforced except pursuant to sections 2 and
11 3 of [this act] P.L.1991, c.92 (C.52:27D-198.2 and 52:27D-198.2)²
12 (cf: P.L.1991, c.92, s.1)

13
14 ²[2. a. In any case in which a change of occupancy of any
15 dwelling unit in a building with fewer than three dwelling units is
16 subject to a municipal ordinance requiring the issuance of a certificate
17 of occupancy, certificate of inspection or other documentary
18 certification of compliance with laws and regulations relating to the
19 safety, healthfulness and upkeep of the premises, no such certificate
20 shall issue until the officer or agency responsible for its issuance has
21 determined that the dwelling unit is equipped with at least one portable
22 fire extinguisher as required by section 1 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24 b. In the case of an initial occupancy or a change of occupancy of
25 any dwelling unit in a building with fewer than three dwelling units to
26 which the provisions of subsection a. of this section do not apply, no
27 owner shall sell, lease or otherwise permit occupancy for residential
28 purposes of that dwelling unit without first obtaining from the relevant
29 enforcing agency under the "Uniform Fire Safety Act," P.L.1983, c.383
30 (C.52:27D-192 et seq.) a certificate indicating that the dwelling unit
31 is equipped with at least one portable fire extinguisher as required by
32 section 1 of P.L. , c. (C.) (pending before the Legislature
33 as this bill).

34 c. The local governing body having jurisdiction over the enforcing
35 agency or, when the Division of Fire Safety is the enforcing agency,
36 the Commissioner of Community Affairs, may establish a fee which
37 covers the cost of inspection and of issuance of the certificate;
38 however, if an inspection is being made and a certificate is being issued
39 evidencing compliance with section 2 of P.L.1991, c.92
40 (C.52:27D-198.2), the fee authorized therein shall cover the costs of
41 complying with this section.

42 d. For the purposes of P.L. , c. (C.)(pending before the
43 Legislature as this bill):

44 "Dwelling unit" means a structure, or a room or group of rooms
45 within a structure, used or intended for use, in whole or in part, for
46 residential purposes, but shall not include a seasonal rental dwelling

1 unit rented for a term of not more than 125 consecutive days for
2 residential purposes by a person having a permanent place of residence
3 elsewhere. "Seasonal rental dwelling unit" does not mean use or rental
4 of living quarters for seasonal, temporary or migrant farm workers in
5 connection with any work or place where work is being performed.

6 "Portable fire extinguisher" means an operable portable device,
7 carried and operated by hand, containing an extinguishing agent that
8 can be expelled under pressure for the purpose of suppressing or
9 extinguishing fire, and which is: (1) rated for residential use consisting
10 of an ABC type; (2) no larger than a 10 pound rated extinguisher; and
11 (3) mounted within 10 feet of the kitchen area, unless otherwise
12 permitted by the enforcing agency.

13 e. An owner who sells, leases or otherwise permits occupancy of
14 a dwelling unit without complying with the provisions of this section
15 shall be subject to a fine of not more than \$100, which may be
16 collected and enforced by the local enforcing agency by summary
17 proceedings pursuant to the "Penalty Enforcement Law of 1999,"
18 P.L.1999, c.274 (C.2A:58-10 et seq.).²

19

20 ²2. Section 2 of P.L.1991, c.92 (C52:27D-198.2) is amended to
21 read as follows:

22 2. a. In any case where a change of occupancy of any building
23 subject to the requirements of section 1 of [this act] P.L.1991, c.92
24 (C.52:27D-198.1) is subject to a municipal ordinance requiring the
25 issuance of a certificate of occupancy, certificate of inspection or other
26 documentary certification of compliance with laws and regulations
27 relating to safety, healthfulness and upkeep of the premises, no such
28 certificate shall issue until the municipal officer or agency responsible
29 for its issuance has determined that the building is equipped with an
30 alarm device or devices and a portable fire extinguisher as required by
31 section 1 of [this act] P.L.1991, c.92 (C.52:27D-198.1).

32 b. In the case of change of occupancy of any building subject to
33 the requirements of section 1 of [this act] P.L.1991, c.92 (C.52:27D-
34 198.1) which the provisions of subsection a. of this section do not
35 apply, no owner shall sell, lease or otherwise permit occupancy for
36 residential purposes of that building without first obtaining from the
37 relevant enforcement agency under the "Uniform Fire Safety Act,"
38 P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate evidencing
39 compliance with the requirements of [this act] P.L.1991, c.92
40 (C.52:27D-198.1 et seq. The local governing body having jurisdiction
41 over the said enforcing agency or, where the Bureau of Fire Safety is
42 the enforcing agency, the Commissioner of Community Affairs shall
43 establish a fee which covers the cost of inspection and of issuance of
44 the certificate.²

45 (cf: P.L.1991, c.92, s.2)

1 ²3. Section 3 of P.L.1991, c 92 (C.52:27D-198.3) is amended to
2 read as follows:

3 3. An owner who sells, leases, rents or otherwise permits to be
4 occupied for residential purposes any premises subject to the
5 provisions of ~~[this supplementary act] P.L.1991, c.92 (C.52:27D-~~
6 ~~198.1) when the premises do not comply with the requirements of~~
7 section 1 ~~[hereof] of P.L.1991, c.92 (C.52:27D-198.1), or without~~
8 complying with the inspection and certification requirements of section
9 2 ~~[hereof] of P.L.1991, c.92 (C.52:27D-198.2), shall be subject to a~~
10 fine of not more than \$500.00 in the case of a violation for an alarm
11 device, or a fine of not more than \$100 in the case of a violation for
12 a portable fire extinguisher, which may be collected and enforced by
13 the local enforcing agency as defined in subsection g. of section 5 of
14 P.L.1983, c.383 (C.52:27D-196) by summary proceedings pursuant to
15 ~~["the penalty enforcement law," N.J.S.2A:58-1 et seq] the Penalty~~
16 ~~Enforcement Law of 1999," P.L.1999, C.274 (C.2A:58-10 et seq.)~~²
17 (cf: P.L.1991, c.92, s.3)

18

19 ²[3.] 4.² This act shall take effect on the first day of the seventh
20 month next following enactment.