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STATE OF NEW JERSEY
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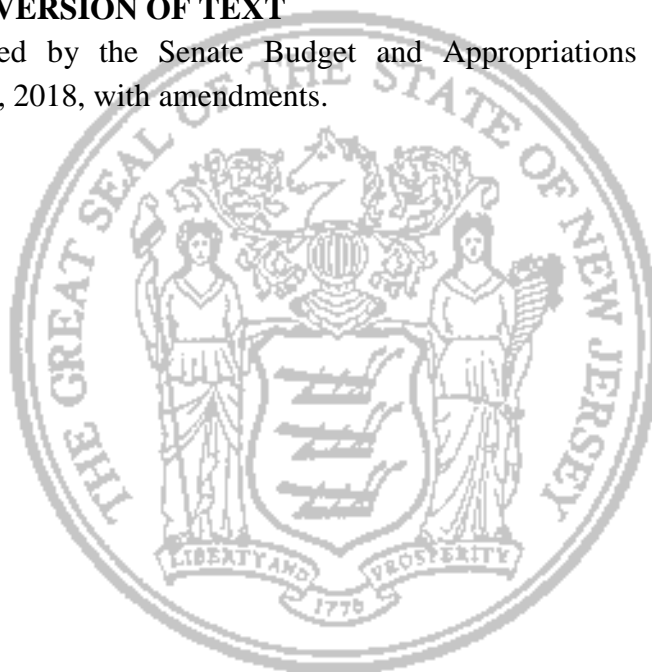
Senators Greenstein and Gill

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 reported by the Senate Budget and Appropriations Committee on December 10, 2018, with amendments.



(Sponsorship Updated As Of: 2/8/2019)

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 1. (New section) a. A new residential use structure
6 ¹~~["containing"]~~ that is classified as Residential Group R under the
7 International Building Code and contains¹ more than two dwelling
8 or sleeping units may only be constructed utilizing light frame
9 construction if the following requirements are satisfied:

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

14 (2) The number of stories permitted in the structure shall be
15 measured from grade plane ¹~~["and includes"]~~ excluding¹ any pedestal
16 or podium.

17 (3) Each fire partition shall:

18 (a) be constructed of ¹~~["noncombustible materials"]~~ code-
19 approved material¹;

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

22 (c) extend from the foundation to the ¹~~["roof"]~~ attic¹; 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 ¹~~["noncombustible materials"]~~ code-
28 approved material¹;

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

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

33 (5) Each fire wall shall:

34 (a) be constructed of ¹~~["noncombustible materials"]~~ code-
35 approved material¹;

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

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

39 (6) (a) If any light framing of the structure is unprotected, the
40 structure shall not have more than three stories and shall not exceed
41 60 feet above grade plane.

42 (b) If all light framing of the structure is protected, the structure
43 shall not have more than four stories and shall not exceed ¹~~["70"]~~ 85¹
44 feet above grade plane.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 10, 2018.

1 ¹[(7) If the structure has five or more dwelling or sleeping units,
2 a horizontal assembly shall not be considered to create separate and
3 distinct structures for the purposes of determining area limitations,
4 continuity of fire walls, limitation of number of stories, and type of
5 construction as provided under this subsection and the code.]¹

6 b. ¹[The] All¹ construction ¹[of a new residential use structure
7 containing more than two dwelling or sleeping units]¹ utilizing
8 light frame construction shall not ¹[commence] proceed¹ unless ¹,
9 commencing at the time of framing,¹ a fire watch warden who
10 meets the requirements of paragraph (1) of this subsection is present
11 ¹[24 hours a day] during non-working hours, or technology is
12 employed pursuant to paragraph (7) of this subsection,¹ to monitor
13 the construction ¹project¹ and alert firefighters, medical, rescue, or
14 law enforcement personnel if a fire or other emergency occurs.

15 (1) A person shall be eligible to be a fire watch warden if the
16 person is qualified pursuant to N.J.S.40A:14-9 and is ¹either¹ an
17 active or retired firefighter, ¹building trades council member, police
18 officer, first responder, registered security officer, or building or
19 zoning code official,¹ or is ¹[a] an active or retired¹ fire inspector
20 who is certified pursuant to subsection c. of section 12 of P.L.1983,
21 c.383 (C.52:27D-203).

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

27 (3) A fire watch warden shall make regular inspections and
28 patrols of the area assigned to the fire watch warden for supervision
29 by the developer or owner. A fire watch warden shall not be
30 assigned any other responsibilities that would interfere with or
31 prevent the fire watch warden from carrying out the fire watch
32 warden's responsibilities under this subsection.

33 (4) A fire watch warden shall maintain a record of activities
34 performed in connection with the construction project that
35 constitute a potential threat to fire safety. The records shall be
36 submitted to the Division of Fire Safety in the department on a
37 weekly basis and the division may, in its discretion, take any action
38 appropriate to abate any fire safety issues, including, but not limited
39 to, requesting that the local enforcing agency revoke the
40 construction permit for the project.

41 (5) A fire watch warden shall be present ¹during non-working
42 hours, commencing at the time of framing¹ throughout the
43 construction project ¹,¹ and shall continue to monitor the
44 construction project until the final sprinkler inspection is completed
45 ¹[and] or¹ a ¹temporary¹ certificate of occupancy is issued.

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

¹(7) Any technology utilized in lieu of a fire watch warden shall provide monitoring and alerting capabilities comparable to that which may be provided by a fire watch warden.¹

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

d. ¹Any contractor or subcontractor employed in the construction of a new residential use structure subject to the provisions of subsection a. of this section shall certify compliance with all applicable labor laws, including but not limited to the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.) and the workers' compensation law, R.S.34:15-1 et seq., and shall also be registered pursuant to “The Public Works Contractor Registration Act,” P.L.1999, c.238 (C.34:11-56.48 et seq.).

e.¹ As used in this section:

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons living as a single housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

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

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

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

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

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

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

1 “Light frame construction” means a type or construction the
2 vertical and horizontal structural elements of which are primarily
3 formed by a system of repetitive wood framing members or that
4 utilizes metal-plate-connected wood trusses, metal-plate-connected
5 metal-web wood trusses, pin-end connected steel-web wood trusses,
6 wooden I-joists, solid-sawn wood joists, composite wood joists as
7 floor or roof system structural elements, or load bearing elements
8 made of combustible materials.

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

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

17
18 2. Section 1 of P.L.1991, c.188 (C.52:27D-198.4) is amended
19 to read as follows:

20 1. a. The Commissioner of Community Affairs shall, pursuant
21 to the authority under the "Uniform Fire Safety Act," P.L.1983,
22 c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to
23 require that an identifying emblem be affixed to the front of each
24 exterior entrance of structures with light frame or truss construction
25 to clearly communicate that the structure in the affected area is
26 combustible and known to the State to pose a fire hazard.

27 The emblem shall be of a bright and reflective color, or made of
28 reflective material. The shape of the emblem shall be an isosceles
29 triangle and the size shall be 12 inches horizontally by 6 inches
30 vertically. The following letters, of a size and color to make them
31 conspicuous, shall be printed on the emblem: “LF” to signify light
32 frame construction; "F" to signify a floor with truss construction;
33 "R" to signify a roof with truss construction; or "F/R" to signify
34 both a floor and roof with truss construction.

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

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

40 As used in this subsection, “light frame construction” means the
41 same as that term is defined in section 1 of P.L. , c. (C.)
42 (pending before the Legislature as this bill).

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

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

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

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

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

(1) "Load-bearing concrete walls";

(2) "Load-bearing masonry walls";

(3) "Load-bearing steel stud walls";

(4) "Load-bearing light-framed combustible walls";

(5) "Structural concrete frame";

(6) "Structural steel frame";

(7) "Timber or cross-laminated timber"; or

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

The following language shall be printed on each placard following the description of the structural system: "serves as the primary structural system of this structure".

(cf: P.L.1991, c.188, s.1)

¹3. (New section) The Commissioner of Community Affairs shall review the implementation of P.L. , c. (C.) (pending before the Legislature as this bill) and, within one year of its effective date, provide a report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on its effectiveness and any challenges related to its implementation.¹

¹[3.] ⁴ This act shall take effect immediately ¹and shall apply to any covered construction that commences after the date of enactment, provided that a grace period of six months from the date of enactment shall be given to construction projects for which plans are not yet completed and are in the process of plan development¹.