

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

COMMUNITY AFFAIRS

(a)

DIVISION OF FIRE SAFETY

Notice of Administrative Corrections Uniform Fire Code

Proposed Readoption with Amendments: N.J.A.C. 5:70-4.9 and 4.19

Authorized By: Charles A. Richman, Commissioner, Department of
Community Affairs.

Authority: N.J.S.A. 52:17B-139.12, and 52:27D-25d, 25k, 25gg,
25hh, 198, and 219.

Submit written comments by December 1, 2017, to:

Kathleen Asher
Department of Community Affairs
PO Box 800
Trenton, New Jersey 08625
E-mail: Kathleen.Asher@dca.nj.gov
Fax Number: (609) 984-6696

Take notice that, due to a publication error, the proposed amendments to N.J.A.C. 5:70-4.9 and 4.19 published at 49 N.J.R. 3007(a) as PRN 2017-206, incorrectly state that a 10-year sealed battery-powered smoke alarm is required only in instances where there is no smoke alarm or detection device or when replacing similar battery-powered single station smoke alarms.

Take further notice that the comment period, which was scheduled to close on November 17, 2017, for the original notice of proposal is extended to December 1, 2017, for the changes to the notice of proposal discussed below.

The corrected text of the proposed amendments, shown below, would require that all battery-powered smoke alarms in buildings subject to N.J.A.C. 5:70-4 be of the 10-year sealed battery type.

Accordingly, the summary of the proposed amendments to N.J.A.C. 5:70-4.9 and 4.19 should be revised as follows: The words "new or replacement" should be deleted before "units" to reflect the fact that all smoke alarms will be required to be of the 10-year sealed battery type.

The Economic Impact should be revised to add the following: The proposed amendments to N.J.A.C. 5:70-4.9 and 4.19 would require that existing battery-powered smoke alarms be replaced with smoke alarms with 10-year sealed batteries. While this would impose an additional cost on the owners of hotels and multiple dwellings, and on the owners of one- or two-family properties at the time of resale or rental, it is the Department's position that the added cost is warranted by the increase in life safety.

Corrected text of the proposal follows (additions to the proposed rule indicated in italicized boldface *thus*; deletions from the proposed rule indicated in cursive brackets {thus}):

SUBCHAPTER 4. FIRE SAFETY CODE

5:70-4.9 Automatic fire and carbon monoxide alarms

(a) An automatic fire alarm system shall be installed as required below in accordance with the New Jersey Uniform Construction Code.

1. (No change from proposal.)

2. In all buildings of Use Group R-1 and in R-3 bed and breakfast homestays:

i. In dwelling units or guestrooms, **10-year sealed** battery-powered single station [detectors may] **smoke alarms shall** be installed[, provided that the detectors are] {where no smoke alarms or detection devices exist or when replacing similar battery-powered single station smoke alarms}. **Such smoke alarms shall be maintained** in accordance with N.J.A.C. 5:70-[3.2(a)5xii]3, [F-515.2.1] **907.11.2**.

ii.-iii. (No change from proposal.)

3. In all buildings of Use Group R-2 as follows:

i.-iv. (No change from proposal.)

v. In dwelling units, approved **10-year sealed** battery-powered single station [detectors may] **alarms shall** be installed[, provided that the detectors are] {where no smoke alarms or detection devices exist or when replacing similar battery-powered single station smoke alarms}. **The alarms shall be maintained** in accordance with N.J.A.C. 5:70-[3.2(a)5xii, F-515.2.1]3, **the State Fire Prevention Code, Section 907.11.2**.

vi.-vii. (No change from proposal.)

4.-9. (No change from proposal.)

(b)-(d) (No change from proposal.)

5:70-4.19 Smoke [detectors] **alarms** for one- and two-family dwellings; carbon monoxide [detectors] **alarms; and portable fire extinguishers**

(a)-(b) (No change from proposal.)

(c) {Smoke} [detectors] {alarms may be battery powered} **Ten-year sealed battery-powered single station smoke alarms shall be installed** and shall be listed in accordance with ANSI/UL 217, incorporated herein by reference. {**Ten-year sealed battery-powered single station smoke alarms shall be installed where no smoke alarms or detection devices exist or when replacing similar battery-powered single station smoke alarms.**} **However, A/C-powered single or multiple-station smoke alarms installed as part of the original construction or rehabilitation project shall not be replaced with battery-powered smoke alarms.**

1. (No change from proposal.)

(d)-(e) (No change from proposal.)