
**DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF FIRE SAFETY
MEMORANDUM**

TO: LEA FIRE OFFICIALS

FROM: DONALD M. HUBER, CHIEF OF STAFF

DATE: MARCH 5, 2007

SUBJECT: REQUIREMENTS FOR FIRE EXTINGUISHERS IN ONE-AND-TWO FAMILY DWELLINGS AT CHANGE OF OCCUPANCY

As you are aware, the Legislature amended and enacted P.L.1991, c. 92 (C.52:27D-198.1), requiring that all one-and-two family dwellings at change of occupancy be provided with at least one portable fire extinguisher, in addition to the requirements for smoke detectors and carbon monoxide detectors. This provision does not apply to seasonal rental units. This act was signed into law on April 14, 2005 with an effective date of November 1, 2005.

It is the Division's position that this law must be enforced as enacted even though rules and regulations have not been promulgated. The statute may be cited in the absence of the regulations.

Until such time as regulations are adopted only the specific requirements contained in the statute are to be enforced. The requirements are as follows:

1. The extinguisher must be rated for residential use consisting of an A:B:C type;
2. No larger than a 10 pound rated extinguisher;
3. Mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency.

Any questions concerning this matter may be referred to my office at (609) 633-6106. Thank you for your anticipated cooperation in enforcing this law. It is important that this requirement be enforced uniformly statewide.

BOROUGH OF WATCHUNG
15 MOUNTAIN BOULEVARD
WATCHUNG, NJ 07069

FIRE PREVENTION BUREAU
908-756-0080, Gary Greves
ext. 214

WHERE TO LOCATE DETECTORS:

Detectors are to be located on every level of a residence, (basement, first floor, second floor) excluding crawl spaces and unfinished attics, and in every separate sleeping area, between sleeping areas and living areas such as the kitchen, garage, basement or utility room. In homes with only one sleeping area on one floor, a detector is to be placed in the hallway outside the bedrooms as shown in Figure 1. In single floor homes with two separate sleeping areas, two detectors are required, outside each sleeping area as shown in Figure 2. In multi-level homes, detectors are to be located outside sleeping areas and at every finished level of the home as shown in Figure 3. Basement level detectors are to be located in close proximity to the bottom of basement stairwells as shown in Figure 4.

WHERE NOT TO LOCATE DETECTORS:

To avoid false alarms and/or improper operation, avoid installation of smoke detectors in the following areas:

Kitchens-smoke from cooking may cause a nuisance alarm.

Bathrooms-excessive steam from a shower may cause a nuisance alarm.

Near forced air ducts-used for heating or air conditioning-air movement may prevent smoke from reaching detector.

Near furnaces of any type-air and dust movement and normal combustion products may cause a nuisance alarm.

The 4 inch "Dead Air" space where the ceiling meets the wall, as shown in Figure 5.

The peak of an "A" frame type of ceiling-"Dead Air" at the top may prevent smoke from reaching detector.

FURTHER INFORMATION ON DETECTOR PLACEMENT:

For further information about smoke detector placement consult the National Protection Association's Standard No. 74-1984, titled "Household Fire Warning Equipment." For Carbon monoxide alarms, their publication is Recommended Practice #720. These publications may be obtained by writing to the Publication Sales Department, National Fire Protection Association, Batterymarch Park, Quincy, MA. 02269.

CARBON MONOXIDE ALARMS are to be located in every separate sleeping area per NFPA 720 and manufacturer's recommendations.

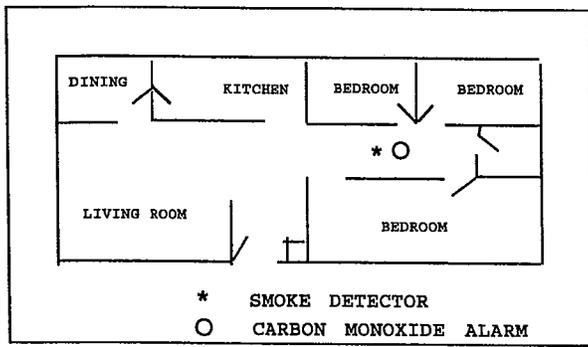


Figure 1

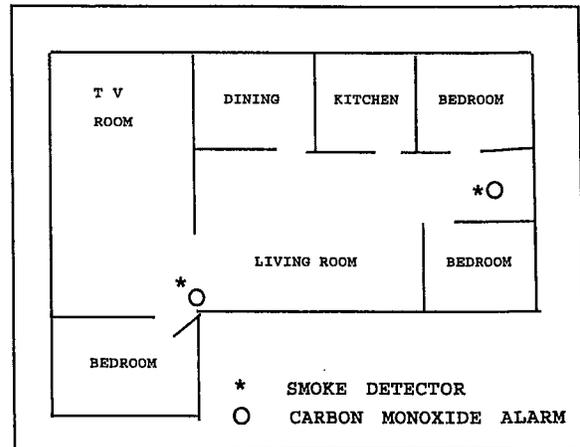


Figure 2

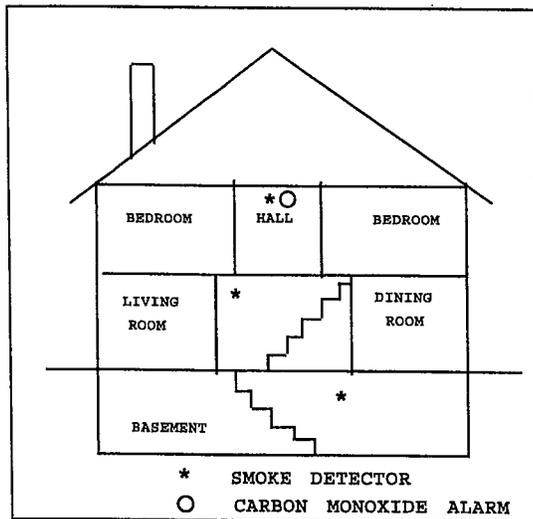


Figure 3

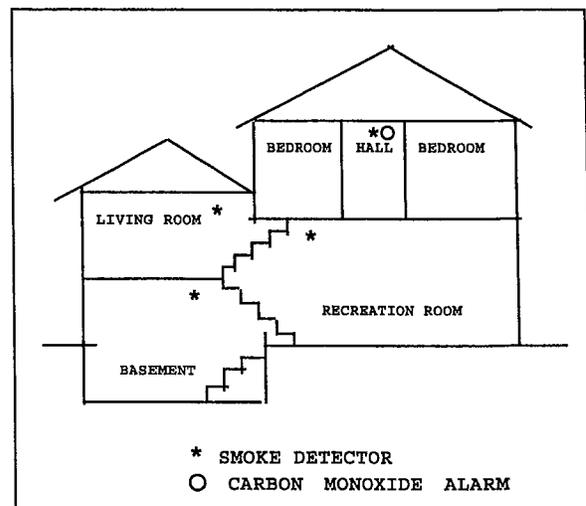


Figure 4

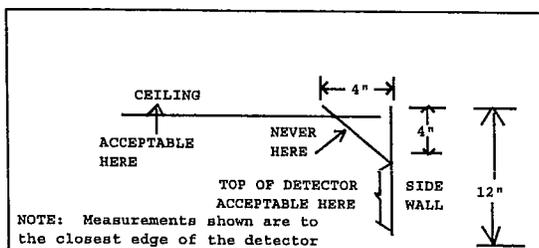


Figure 5

DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF FIRE SAFETY
MEMORANDUM

TO: ALL LOCAL ENFORCING AGENCIES
FROM: LOUIS KILMER, CHIEF – BUREAU OF FIRE CODE ENFORCEMENT
SUBJECT: REQUIREMENTS FOR FIRE EXTINGUISHERS IN ONE- AND TWO-FAMILY DWELLINGS
DATE: NOVEMBER 15, 2005

The Legislature amended and enacted P.L.1991, c. 92 (C.52:27D-198.1), requiring that all one- and two-family dwellings at a change of occupancy be provided with a portable fire extinguisher, in addition to the requirements for smoke and carbon monoxide detectors. This provision does not apply to seasonal rental units. This act was signed into law on April 14, 2005 with an effective date of November 1, 2005.

The regulations were recently made available for public comment. The comment period has ended and the final adoption of the regulations will appear in the New Jersey Register in the near future. The Division of Fire Safety is advising all local enforcing agencies to enforce the regulations; using the guidelines below.

The requirements for the type and placement of the extinguishers are as follows:

- 1) At least one portable fire extinguisher shall be installed in all one- and two-family dwellings (except seasonal rental units) upon change of occupancy;
- 2) The extinguisher shall be listed, labeled, charged, and operable;
- 3) The size shall be no smaller than 2A:10B:C, rated for residential use and weigh no more than 10lbs;
- 4) The hangers or brackets supplied by the manufacturer must be used;
- 5) The extinguisher must be located within 10 feet of the kitchen;
- 6) The top of the extinguisher must not be more than 5 feet above the floor;
- 7) The extinguisher must be visible and in a readily accessible location, free from being blocked by furniture, storage, or other items;
- 8) The extinguisher must be near a room exit or travel path that provides an escape route to the exterior;
- 9) The extinguisher must be accompanied by an owner's manual or written information regarding the operation, inspection, and maintenance of the extinguisher; and
- 10) Lastly, the extinguisher must be installed with the operating instructions clearly visible.

CC: GG
CG
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WHERE TO LOCATE DETECTORS:

Detectors are to be located on every level of a residence, (basement, first floor, second floor) excluding crawl spaces and unfinished attics, and in every separate sleeping area, between sleeping areas and living areas such as the kitchen, garage, basement or utility room. In homes with only one sleeping area on one floor, a detector is to be placed in the hallway outside the bedrooms as shown in Figure 1. In single floor homes with two separate sleeping areas, two detectors are required, outside each sleeping area as shown in Figure 2. In multi-level homes, detectors are to be located outside sleeping areas and at every finished level of the home as shown in Figure 3. Basement level detectors are to be located in close proximity to the bottom of basement stairwells as shown in Figure 4.

WHERE NOT TO LOCATE DETECTORS:

To avoid false alarms and/or improper operation, avoid installation of smoke detectors in the following areas:

- Kitchens-smoke from cooking may cause a nuisance alarm.
- Bathrooms-excessive steam from a shower may cause a nuisance alarm.
- Near forced air ducts-used for heating or air conditioning-air movement may prevent smoke from reaching detector.
- Near furnaces of any type-air and dust movement and normal combustion products may cause a nuisance alarm.
- The 4 inch "Dead Air" space where the ceiling meets the wall, as shown in Figure 5.
- The peak of an "A" frame type of ceiling-"Dead Air" at the top may prevent smoke from reaching detector.

FURTHER INFORMATION ON DETECTOR PLACEMENT:

For further information about smoke detector placement consult the National Protection Association's Standard No. 74-1984, titled "Household Fire Warning Equipment." For Carbon monoxide alarms, their publication is Recommended Practice #720. These publications may be obtained by writing to the Publication Sales Department, National Fire Protection Association, Batterymarch Park, Quincy, MA. 02269.

CARBON MONOXIDE ALARMS are to be located in every separate sleeping area per NFPA 720 and manufacturer's recommendations.

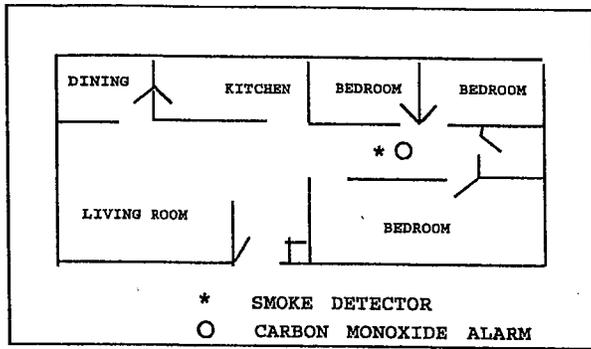


Figure 1

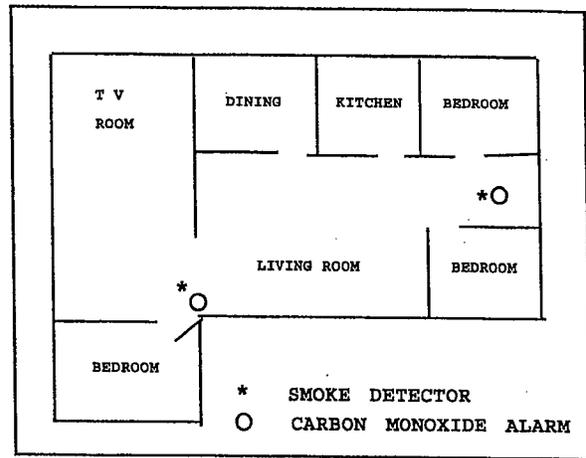


Figure 2

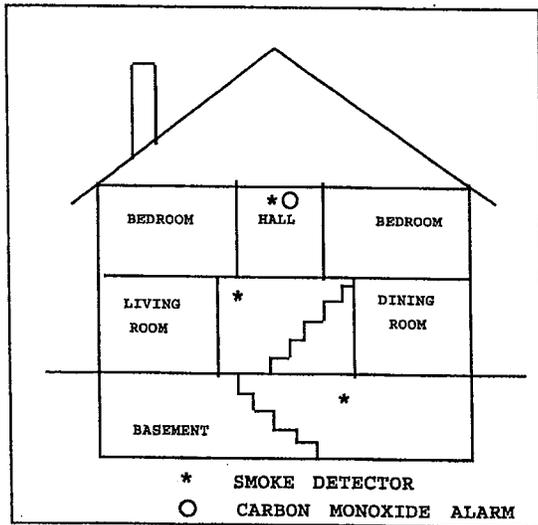


Figure 3

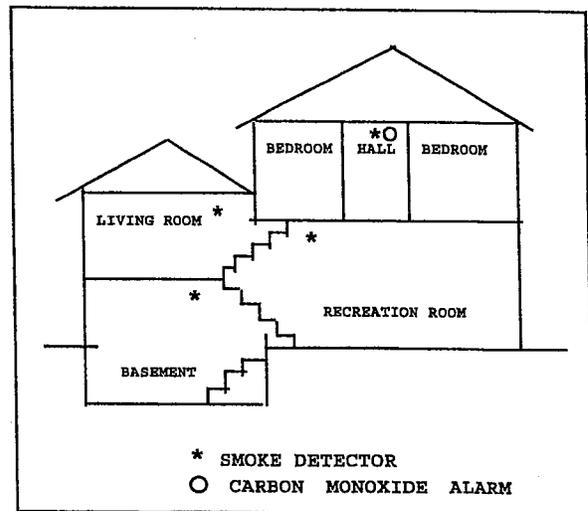


Figure 4

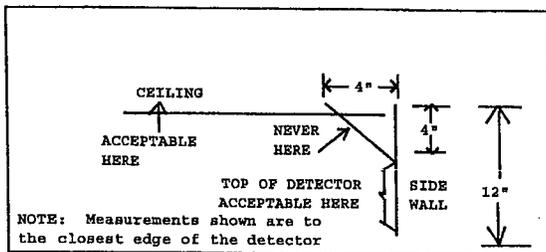


Figure 5

**BOROUGH OF WATCHUNG
15 MOUNTAIN BOULEVARD
WATCHUNG, NJ 07069**

12-2 SMOKE SENSITIVE ALARM, CARBON MONOXIDE ALARM DEVICES AND FIRE EXTINGUISHER INSTALLATION.

12-2.1 Requirement for Smoke Sensitive, Carbon Monoxide Alarm Devices and Fire Extinguisher Installation in One or Two Family Structures.

A structure used or intended for use for residential purposes by not more than two (2) families shall have a smoke-sensitive and carbon monoxide alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling, or as specified as by manufacture installation recommendation. The installation of battery-operated smoke-sensitive and carbon monoxide alarm devices shall be accepted as meeting the requirements of this section. Additionally, fire extinguishers shall be installed (mounted unobstructed from view) within ten (10) feet of any and all kitchen areas. (1972 Code § 76-8; Ord. No. 06/05 § 1)

12-2.2 Change of Occupancy.

Before any structure set forth in subsection 12-2.1 above is sold, leased or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector, carbon monoxide and fire extinguisher compliance (CSDC) from the enforcing agency. The application for a CSDC shall be provided by the enforcing agency upon request of the applicant. (1972 Code § 72-9; New; Ord. No. 06/05 § 2)

12-2.3 Multiple Dwellings.

In all multiple dwellings of more than two (2) families, upon the termination of any existing tenancy and prior to the occupancy of each apartment unit located in the multiple dwelling, the owner of the multiple dwelling shall be required to install smoke-sensitive, carbon monoxide alarm devices and fire extinguishers as hereinafter provided. The owner of the multiple dwelling shall be deemed to be the owner of the smoke-sensitive, carbon monoxide alarm devices and fire extinguishers. This subsection shall not reduce the requirements of the Uniform Construction Code, New Jersey Department of Community Affairs, or any other entity having control over multi-family dwellings and shall be deemed to be in addition to those requirements. The devices shall be installed outside each separate sleeping area and in the immediate vicinity of the bedrooms and located on or near the ceiling or as specified as by manufacture installation recommendation. Additionally, a device shall be located at the top of each stairway base and/or exitway so as to warn the occupants of the dwelling units (or apartments) served by such stairwell or exitway. The installation of battery-operated smoke-sensitive and carbon monoxide alarm devices shall be accepted as meeting the requirements of this section. Fire extinguishers shall be installed pursuant to the requirements set forth in N.J.A.C. 5:70-4.19(e). (1972 Code § 76-10; Ord. No. 06/05 § 3)

12-2.4 Types of Smoke-Sensitive and Carbon Monoxide Alarm Devices Required.

All devices and equipment for smoke-sensitive and carbon monoxide alarm devices shall be approved or listed by a nationally recognized testing laboratory, i.e., UL or FM, and shall be in compliance with all regulations of authorizing agencies. It shall be the obligation of the owner of such smoke-sensitive and carbon monoxide alarm devices to maintain the same in operable condition at all times. Fire extinguishers shall meet or exceed the requirements set forth in N.J.A.C. 5:70-4.19(e). (1976 Code § 76-11; New; Ord. No. 06/05 § 4)

12.2.5 Enforcement.

The enforcement and administration of the provisions of the smoke-sensitive alarm device provisions set forth herein are delegated to the Watchung Fire Inspector appointed in accordance with subsection 12-1.6 of this chapter. The Fire Inspector will prepare and arrange for the dissemination of appropriate forms, certificates, and other required paperwork to implement the requirements of this section. The certification of compliance with the terms of this section may be executed by the Fire Inspector once compliance has been completed. (1972 Code § 76-12)

12-2.6 Fees.

The owner of the structure(s) referred to herein, which require the inspection and/or installation of smoke-sensitive, carbon monoxide alarm devices and fire extinguishers, shall be required to apply for an inspection to verify the owner's compliance with the terms of this section from the Fire Inspector, ten (10) working days prior to the date required. The cost of this inspection, to be paid at the time of application through the Fire Protection Inspector, shall be fifty (\$50.00) dollars if the application for the inspection and payment of the fee due is completed at least ten (10) working days before the date requested by the applicant for an inspection. The fee shall be one hundred (\$100.00) dollars or at the discretion of the Fire Protection Inspector, but not to exceed the above one hundred (\$100.00) dollar fee, if the application for the inspection and the payment of the fee due is completed nine (9) working days or less before the date requested by the applicant for inspection. The fee for any required reinspection (which shall not be those inspections referred to in subsection 12-2.7 hereof) shall be twenty-five (\$25.00) dollars, which shall be due and payable at the time of reinspection. (1972 Code § 76-14; Ord. No. 06/05 § 5)

12-2.7 Maximum Time Required by Inspector to Wait.

The Inspector performing the inspection called for herein shall only be required to wait ten (10) minutes after the time set for the performance of the inspection. If the person ordering the inspection does not appear to let the Fire Inspector into the property to be inspected within that ten (10) minute period, then the owner or person requesting the inspection must then request a new inspection and shall pay an additional fee of twenty-five (\$25.00) dollars for reinspection. (1972 Code § 76-15; Ord. No. 06/05 § 6)

12-2.8 Duration of Certificate of Compliance.

All certificates of compliance issued hereunder shall be valid for the period of sixty (60) days from date of issuance. In the event that the closing of title or change of occupancy for the property for which the certificate is issued does not take place within the sixty (60) day period, the owner of the property will obtain a reinspection of the same at the cost set forth hereinabove. (1972 Code § 76-16; Ord. No. 06/05 § 7)