

FIRE CODE REQUIRED PERMIT

5:70-2.7 PERMIT REQUIRED

(a) Permits shall be required and obtained from the local enforcing agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which a use is required to be registered and regulated as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the Fire Marshal.

1. Type 4 permit shall not be required when the storage or activity is incidental or auxiliary to the agricultural use of a farm property.
2. In a public or private K-12 educational building, or in a camp accommodating six or more children of school age, when such uses are registered as life hazard uses, no permit shall be required for activities which are consistent with the designed and intended use of the building or premises or part thereof.

Type 1 permit:

- i. Bonfires;
- ii. The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;
- iii. The erection, operation and maintenance of any tent, tensioned membrane structure, or canopy, excluding those used for recreational camping;
- iv. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days, and when not covered by a Type 2 permit;
- v. The use of any open flame or flame-producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation;
- vi. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the Fire Marshal and is registered as a type B life hazard use;
- vii. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;
- viii. The use of any open flame or flame-producing device in connection with the training of non-fire service personnel in fire suppression or extinguishment procedures;
- ix. The occasional use in any building of a multipurpose room, with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purpose.
- x. The storage or handling of class I flammable liquids in closed containers of aggregate amounts of more than 10 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.
- xi. The storage or handling of class II or IIIA combustible liquids in closed containers of aggregate amounts of more than 25 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building.

xii. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:70-4.7(g) and is not defined as a life hazard use in accordance with N.J.A.C. 5:70-2.4.

xiii. The use as a place of public assembly, for a total of not more than 15 days in a calendar year, of a building classified as a commercial farm building under the Uniform Construction Code.

Type 2 permit:

i. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;

ii. Fumigation or thermal insecticide fogging;

iii. Carnivals and circuses employing mobile enclosed structures used for human occupancy;

iv. The use of a covered mall in any of the following manners:

(1) Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall;

(2) Temporarily using the mall as a place of assembly;

(3) Using open flame for flame devices;

(4) Displaying liquid or gas fuel powered equipment; or

(5) Using liquefied petroleum gas, liquefied natural gas or compressed flammable gas in containers exceeding five pound capacity.

Type 3 permit:

i. Industrial processing ovens or furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400 degrees Fahrenheit which are heated with oil or gas fuel or which contain flammable vapors from the product being processed;

ii. Wreacking yards, junk yards, outdoor used tire storage, waste material handling plants, and outside storage of forest products not otherwise classified; or

iii. The storage or discharging of fireworks.

Type 4 permit:

i. Storage or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas;

ii. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquids oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of nonflammable, non-toxic cryogenic liquids;

iii. The storage, handling, and processing of flammable, combustible, and unstable liquids in closed containers and portable tanks in aggregate amounts of more than 660 gallons;

iv. To store or handle (except medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices):

(1) More than 55 gallons of corrosive liquids;

(2) More than 500 pounds of oxidizing materials;

- (3) More than 10 pounds of organic peroxides;
- (4) More than 500 pounds of nitromethane;
- (5) More than 1,000 pounds of ammonium nitrate;
- (6) More than one microcurie of radium not contained in a sealed source;
- (7) More than one millicurie of radium or other radiation material in a sealed source or sources;
- (8) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required; or
- (9) More than 10 pounds of flammable solids.

Type #5 permit:

i. (reserved)

(b) Application for a permit required by this Code shall be made to the Fire Marshal in such form and detail as the Fire Marshal shall prescribe. Applications for permits shall be accompanied by plans or drawings as required by the Fire Marshal for evaluation of the application.

(c) Before a permit is issued, the Fire Marshal or the Fire Marshal's designated representative shall make or cause to be made such inspections or tests as necessary to assure that the use and activity for which application is made complies with the provisions of this Code.

(d) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities in accordance with the provisions of the Code. Such permissions shall not be construed as authority to violate, cancel or set aside any of the provisions of this Code.

(e) Plans approved by the Fire Marshal are approved with the intent they comply in all respects to this Code. Any omission or error on the plans does not relieve the applicant of complying with all applicable requirements of this Code.

(f) The Fire Marshal may revoke a permit or approval issued under the provisions of this Code if upon inspection any violation of the Code exists, or if conditions of a permit have been violated, or if there has been any false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

(g) A permit shall remain in effect until revoked, or for one year unless a shorter period of time is otherwise specified. Permits shall not be transferable and any change in use, operation or tenancy shall require a new permit.

(h) Any permit issued shall become invalid if the authorized work or activity is not commenced within six months after issuance of the permit, or if the authorized work or activity is suspended or abandoned for a period of six months after the time of commencement.

(i) A permit shall not be issued until the designated fees have been paid.