

§ 5:70-4.5 Fire protection and dormitory suppression plans

(a) A comprehensive facility fire protection plan may be submitted for facilities located within the jurisdiction of more than one local enforcing agency which are under single facilities management, ownership and operational control.

1. The plan shall be submitted to the Division for approval and shall include an original and one copy plus a copy for each local enforcing agency in which the subject facilities are located. The plan shall include the following:

i. All buildings which are part of the facilities at every location included in the plan and for each building, the use group and an evaluation of the fire protection, including all requirements established in this subchapter;

ii. A timetable for compliance with the requirements of this subchapter; and

iii. A written application for a variance submitted in accordance with N.J.A.C. 5:70-2.14 for any proposed deviations from this subchapter.

2. The Division shall consult with each local enforcing agency in which facilities included on the plan are located before taking any final action.

3. Within 60 days after receiving the plan, the Division shall approve or disapprove it in writing. If the plan is disapproved, then the written statement shall include the reason(s) for the disapproval.

i. A plan which is not approved within 60 days shall be deemed to have been disapproved unless the 60 day period is extended by mutual agreement of the Division and the applicant;

ii. A disapproval may be appealed as provided in N.J.A.C. 5:70-2.19;

iii. No owner shall be required to retrofit a facility pending approval or disapproval of the plans by the Division.

4. The original approved plan shall be maintained on file by the Division. One copy of the approved plan shall be returned to the applicant and one copy shall be supplied to each local enforcing agency in which facilities included on the plan are located.

5. Any deviation from the plan as approved must be submitted to the Division for approval in accordance with the procedure established herein for the submission and approval of plans.

6. Inspections for compliance with the plans as approved shall be conducted by the local enforcing agency in which facilities are located.

(b) All public or private boarding schools and institutions of higher education which utilize dormitories or similar occupancies for the housing of students, as well as all owners of residences being utilized as dormitories, shall submit to the Division an action plan for the installation within those occupancies of complete automatic fire sprinkler systems, as required by N.J.A.C. 5:70-4.7(j). Projects shall not include new construction for which suppression is required by the Uniform Construction Code.

1. The action plan shall be submitted for approval no later than November 3, 2000. Submittal shall include an original plan and a copy, plus a copy for the local enforcing agency having code enforcement jurisdiction of the subject facility. The action plan shall outline the total fire protection project, including automatic fire sprinkler system installation and the best estimate of cost provided by a professional engineer who is independent of the school or institution. For purposes of the Dormitory Safety Trust Fund and Life Safety Improvement Loan programs, automatic fire sprinkler system components shall be limited to those covered by National Fire Protection Association Standards 13, 13R and 13D, as applicable. The action plan shall also include:

i. All buildings within the facility which are to be protected, as well as a description of all buildings of similar occupancy which are considered to be in compliance with the current fire safety requirements of the Uniform Construction Code;

ii. For each facility, a timetable of compliance specifying projected dates of completion in accordance with the following schedule:

(1) At least 25 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2001;

(2) At least 50 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2002;

(3) At least 75 percent of the total square footage of the buildings identified in (b)1i above as requiring protection are to be protected by a required automatic fire sprinkler system, to be operational no later than July 31, 2003; and

(4) All of the buildings identified in (b)1i above shall be equipped throughout with an operational automatic fire sprinkler system no later than July 31, 2004;

iii. A schedule for submitting a complete application for a construction permit to the agency having Uniform Construction Code jurisdiction;

iv. Installation projects which were begun within the 12 month period prior to July 5, 2000 may be included in the plan for purposes of funding only to the extent that their components are covered by National Fire Protection Association Standards 13, 13R and 13D.

(1) Projects begun within that same 12 month period, for which a Certificate of Occupancy or Certificate of Acceptance had not been issued prior to July 5, 2000, may also be included in the initial 25 percent of total square footage identified in (b)1ii above; and

v. Quarterly progress reports shall be submitted to the Division to arrive within the two week period following the first business day of the months of January, April, July and October of each year. Such reports shall include, but shall not be limited to, the following:

(1) Documentation of the date(s) on which requests have been distributed for bids on work contained in the approved plan;

(2) Dates on which bids have been accepted and contracts awarded for work covered under the approved plan;

(3) Amounts of awards;

(4) Dates on which applications for construction permits have been submitted and permits issued; and

(5) Dates on which the percentage of work required by the timetable of compliance in ii above shall have been completed.

2. Upon review of an application for extension from an entity responsible for submitting a plan, and following consultation with the local enforcing agency having code enforcement jurisdiction, the Commissioner may extend the time frames set forth in this section upon a showing:

i. That the time frame poses an unreasonable hardship; or

ii. That installation is not possible by the dates established in this subsection for reasons beyond the control of the entity.

iii. In the case of a hardship related to asbestos which will be disturbed by the work or to an historic building, there shall be a presumption of granting the extension.

3. A written application for a variance may be submitted to the Division in accordance with N.J.A.C. 5:70-2.14, for any proposed deviation from these requirements or from the requirements of N.J.A.C. 5:70-4.7(j).