



State of New Jersey

DEPARTMENT OF AGRICULTURE
HEALTH / AGRICULTURE BUILDING
PO Box 330
TRENTON NJ 08625-0330

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

DOUGLAS H. FISHER
Secretary

Life Hazard Use Classification & Farm Building Exemption

Under the authority of the Uniform Fire Safety Act (PL 1983, c.383) the provisions of the code shall apply to all new and existing buildings. All owners shall be responsible for the safe and proper maintenance of the premises at all times. All buildings shall be classified as a "life hazard use" except those premises that are incidental or auxiliary to the agricultural use of a farm property shall not be classified as life hazard uses (NJAC 5:70-2.4(b)). Therefore, farm buildings are not subject to registration under the life hazard use classification. When the rule was published in the New Jersey Register, in the Agriculture Industry Impact Statement, the New Jersey Department of Community Affairs stated, "The existing rules do not classify commercial farm buildings as life hazard uses subject to registration and inspection."

Permits shall be required and obtained from the local enforcing agency. However, Type 4 permits shall not be required when the storage or activity is incidental or auxiliary to the agricultural use of a farm property - NJAC 5:70-2.7(a)1. The local enforcing agency has the authority to periodically inspect all premises except owner occupied Use Group R3 and R4 structures used exclusively for dwelling purposes - NJAC 5:70-1.4(b).

According to the NJ Department of Community Affairs, some of the areas that will be scrutinized for the farm buildings exempt from registration include:

- placement of operable portable fire extinguishers (they must be visible and available to the occupants with a maximum travel distance of 150 feet to a fire extinguisher)
- placement of exit signs over the exit doors - they do not have to be illuminated in commercial farm buildings (side swing doors are the only doors which are considered a means of egress)
- IF the building has a fire suppression system, it must be in operating order
- IF the building has smoke detectors, they must be in operating order (if they are battery operated, the batteries must be replaced if not functioning)
- any bare electrical wires must be replaced
- all outlets must have covers



- if items are hanging on the wall, no more than 10 percent of the wall area should be covered by these items
- if there is a welding area, any cylinders not in use must be chained to the walls and if there are two tanks they should not be next to each other
- there must be a fire extinguisher on the welding cart
- electric apparatus must be hard wired if required (no long extension cord hanging from one end of the building to the other for the equipment)

If a local enforcing agency gives a farmer a Fire Safety Registration Survey, the rule requires that it be completed and submitted within 30 days. Failure to submit the document is a \$500 fine. However, since agriculture is not considered a life safety hazard, it should be noted in the appropriate section of the survey that farm buildings are exempt from the registration according to N.J.A.C. 5:70-2.4 (b).

Prepared by:
Karen Kritz
Agricultural Economic Development
March 2010