

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

DIVISION OF FIRE SAFETY

Uniform Construction Code

Uniform Fire Code

Carbon Monoxide Detectors; Certificates

Proposed Amendments: N.J.A.C. 5:23-3.20, 6.4, 6.5, 6.6, 6.7, 6.21A, 6.25A, 6.26A,

6.27, 6.31; 5:70-1.5, 2.1, 2.3, 2.9 and 4.19

Authority: N.J.S.A. 52:27D-124 and -133.3; P.L. 1999, c.15, section 5.

Proposal Number: PRN 2002-

Submit written comments by [February 16, 2003](#) to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

P.L. 1999, c.15, which was approved and became effective on February 8, 1999, requires installation of carbon monoxide (CO) detectors in all new and existing hotels, multiple dwellings, rooming houses and boarding houses, in accordance with rules adopted by the Commissioner of Community Affairs. This statute also requires installation of CO detectors in one and two-family homes as a precondition to issuance of a certificate of occupancy or to the sale or lease of the unit, but makes this requirement inapplicable to such homes pending a determination by the Commissioner based on a study of the impact of the CO detector requirement in hotels, multiple dwellings and rooming and boarding houses.

The impact study required by the statute having been completed, the Department now proposes to amend the State Uniform Construction Code and the Uniform Fire Code to require installation of CO detectors in new and existing one and two-family homes. Buildings that do not have fuel-burning appliances or attached garages would not be subject to this requirement. Amendments to the State Uniform Construction Code include necessary amendments to the rehabilitation subcode.

Statistics obtained by the Division of Fire Safety indicate that close to one percent of the fire calls reported statewide involved activation of CO detectors, but that nearly half of these activations were false alarms. On the other hand, more than half of them did actually indicate the presence of CO, thus giving building occupants a chance to avoid being killed or made sick by the poisonous gas. Thus, the potential lifesaving benefit of CO detectors far outweighs the modest cost of purchase and installation.

Since one or two-family houses, which were formerly all classified as Use Group R-3 in the building subcode of the State Uniform Construction Code, are classified as either R-3 or R-4, depending on whether they are built in accordance with the building subcode or the one- and two-family subcode, references in the fire code are being proposed for amendment accordingly.

Existing CO detector requirements for hotels, multiple dwellings, rooming houses and boarding houses are proposed to be restated in the Uniform Fire Code so as to better integrate CO detector enforcement with smoke detector enforcement, which is particularly appropriate since devices are now available that serve both functions.

Inasmuch as a 60-day comment period is being provided for this rule proposal, the proposal, in accordance with N.J.A.C. 1:30-3.3(a)5, is not subject to the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

Carbon monoxide is an odorless, colorless gas that, under certain conditions involving malfunctioning fuel-burning equipment, can be present in lethal concentrations in the home. A healthy adult will begin to feel the effects of CO after 90 minutes when levels reach 100 parts per million (ppm), with drowsiness occurring at 225 ppm, collapse at 375 ppm and permanent brain damage or death at 425 ppm. With longer exposure, these effects occur at lower concentrations. Children, the elderly and persons with existing health problems are even more susceptible.

Requiring placement of CO detectors in all dwelling units in one- and two-family dwellings where there is any risk of a CO hazard will reduce the risk of concentrations of this poisonous gas reaching dangerous levels before residents are alerted and can take action to protect themselves and others, such as leaving the building, opening windows and calling emergency services and the gas utility or fuel oil company.

Economic Impact

Single station CO detectors typically cost about \$40. Under the proposed rules, they would be required as a precondition to the issuance of a certificate of occupancy or a certificate issued under the Uniform Fire Code when a tenant-occupied unit is sold or leased. Since the applicable standard, NFPA-720, requires only one detector per sleeping area, more than one detector would only be required in a unit if there were sleeping areas located in more than one part of it.

Based on data from the Fire Incident Reporting System, the Department estimates that full compliance with this rule in all units in one- and two-family dwellings, regardless of occupancy, would result in a statewide increase of about six percent in the number of emergency calls made to fire departments

Federal Standards Statement

No Federal standards analysis is required because these rules are not being proposed under the authority of, or in order to implement, comply with, or participate in any program established under, Federal law or a State statute that refers to Federal law, standards or requirements.

Jobs Impact

The Department does not expect that adoption of this proposal would result in the creation or loss of any jobs.

Agricultural Industry Impact

The Department does not expect that adoption of this proposal would result in any impact upon the agricultural industry, except that farmhouses would be affected in the same manner as any other one or two-family homes.

Regulatory Flexibility Statement

This proposal would impose compliance requirements on owners and builders of one and two-family homes, some of whom would qualify as “small businesses” under the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. It is not anticipated that professional services would be required in order to comply with the proposed amendments. Since these proposed amendments are intended to protect life safety, it would be inappropriate to require a lesser standard of compliance from such “small business” entities. No reporting or recordkeeping requirements are imposed.

Smart Growth Impact

The Department does not expect that adoption of this proposal would have any impact upon “smart growth” or the implementation of the State Development and Redevelopment Plan.

Summary of comments and agency responses to prior proposal: A proposal that included a requirement for the installation of CO detectors in all units in one- and two-family dwellings was published on August 6, 2001 at 33 N.J.R. 2572(a). That proposal was not adopted and was allowed to expire. Comments in response to that proposal were received from the following persons: Senator Joseph A. Palaia, the sponsor of P.L. 1999, c.15; Patrick, J. O’Keefe, Executive Vice-President and CEO of the New Jersey Builders Association; Jarrod C. Grasso, Director of Government Affairs of the New Jersey Association of Realtors; David E. Herbert, CPM, Fire Marshal of East Brunswick Fire District #1; John A. Fearheller, Jr., PE; and Gerald J. Naylis.

COMMENT: The Department should not adopt the proposed rules until further data is available, and has been analyzed, identifying the public health issues, determining the extent to which CO has caused illness or injury to citizens of New Jersey and under what conditions and the extent to which it is a threat in one- and two-family dwellings, determining the effectiveness of current technology, based on data from independent testing organizations concerning their reliability, and the likelihood of greater reliability in the future, and dealing with the implications of a false alarm rate of 47% or more for local fire departments and other public safety services.

RESPONSE: Recognizing that emergency services should not be unduly burdened with false alarms, the Department did not adopt the rule as first proposed. It is now the view of the Department that requiring detectors in new and rehabilitated units and at time of sale, if accompanied by education of the public as to how a CO emergency differs from a fire emergency, should not result in an unacceptable level of false alarms, while providing life safety protection at a minimal cost.

COMMENT: The New Jersey Builders Association commends the Department for its efforts to collect data on CO incidents, including its redesign of the Fire Incident Reporting System to improve the quality and timeliness of future data. The NJBA is concerned, however, that the Department’s report does not include data on the extent to

which CO exposure is a risk in one- and two-family dwellings, does not include standardized assessments of the demonstrated effectiveness of detectors by independent testing laboratories, and does not present the full cost of mandates, including those implicit in diverting public safety personnel to false alarms. The NJBA is further concerned about the high false alarm rate, which was 47% in the Department's study and ranged from 55% to 80% in other, less rigorous, studies and believes that the Department would be ill-advised to require installation of detectors in all one- and two-family homes because the technology is so unreliable. As an alternative to mandatory installation of alarms, the NJBA recommends educating the public as to the option of installing CO detectors, while continuing to monitor public health needs and the potential effectiveness of future technologies.

RESPONSE: The Department is working with the fire service to educate the public about the need to maintain fuel-burning appliances properly, thereby preventing both fires and CO hazards. While the false alarm problem is a cause for concern, the fact remains that over half of all CO alarms are genuine, and this proportion is likely to increase as the technology improves. CO detectors can save lives at a minimal cost. The Department has therefore concluded that, on balance, adoption of this rule would be justified.

COMMENT: The New Jersey Association of Realtors is concerned about the increased fees contained in the proposal. It also recommends that inspections for smoke detectors and carbon monoxide detectors be combined.

RESPONSE: The new proposal provides for a single inspection under the Uniform Fire Code No fee increase is included in this proposal.

COMMENT: The R-3 and R-4 use group definitions in the Uniform Fire Code is inconsistent with the definition in the State Uniform Construction Code, which distinguishes between them based on whether the building is built to the BOCA code or the CABO One- and Two-Family Building Code. Reference to R-4 should be included in N.J.A.C. 5:70-2.1(b).

RESPONSE: The revised proposal makes these changes. Reference to Use Group R-4 is proposed to be added to N.J.A.C.5:70-2.3(a) as well.

COMMENT: N.J.A.C. 5:70-2.3(a) should include reference to Use Group R-2 as well.

RESPONSE: Most units in buildings classified as Use Group R-2 are already covered by existing rules requiring CO detectors in multiple dwellings that are enforced by the Bureau of Housing Inspection.

COMMENT: Problems in scheduling smoke detector inspections are a major issue with the commenter's local enforcing agency. Higher fees for inspections on short notice should induce real estate agents to give sufficient notice prior to closings.

RESPONSE: As noted, this proposal, unlike the previous one, does not include any fee increase. Municipalities may set their own fees for carbon monoxide detector inspections based upon their costs.

COMMENT: Many CO detectors that are now available are reliable and do not give false alarms. The technology continues to improve and we will have better alarms in the future. Similar complaints were heard in the early days of smoke detectors, but these have clearly proven their value in terms of the number of lives saved.

RESPONSE: As technology improves, the false alarm ratio may be expected to decline. The Department agrees that CO detectors will prove their value by saving lives.

COMMENT: Is a parking area under a building, which may have varying degrees of enclosure, an “attached garage”? Such parking areas, which are typically found in shore areas, may be vented in such a way that the openings are below the level to which hot exhaust gases will rise, thus creating a CO hazard.

RESPONSE: The new proposal expressly provides that an “open parking structure,” as defined in the building subcode, is not an attached garage.

COMMENT: The Department is to be commended for proposing placement of CO detectors in one- and two-family dwellings. The commenter is aware of several cases in his town in which people were alerted to high levels of CO by a detector and their lives were saved. The commenter acknowledges that NFPA 720 recommends placement of CO detectors in the immediate vicinity of the sleeping area, but contends that no data supports this and that it would be better to place them near the fuel-burning appliances or garage that are the potential source of CO buildup. People should at least have the flexibility to put them near such potential sources.

RESPONSE: In the absence of any nationally-recognized authoritative source to the contrary, the Department deems it most prudent to rely upon the one recognized standard that does address the issue of placement. The requirement for placement of CO detectors is the same as that existing for smoke detectors, which is appropriate in view of the fact that there are devices available that detect both smoke and CO.

COMMENT: The Department does not offer any guidance as to how CO detectors are to be tested. There are test sprays for smoke detectors, but none for CO detectors. How can an inspector certify that a detector is functioning? The Department should research methods of testing CO detectors and communicate that information to local inspection agencies through bulletins and seminars prior to enacting the rules.

RESPONSE: If and when testing equipment for CO detectors is developed and become available, the Department will certainly communicate all relevant information to the local enforcing agencies. Pending introduction of such equipment, all that an inspector can do is to certify that a duly listed CO detector is properly installed in the dwelling unit. CO detectors are already required in multifamily housing, and the lack of

technology for testing them is not sufficient reason not to propose rules extending the requirement units in one- and two-family dwellings.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]).

5:23-3.20 Mechanical subcode

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

(c) Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building of Use Group I-1, R-1, R-2 [or any dwelling unit of Use Group], R-3 **or R-4** [located in a building required to be registered as a multiple dwelling], if the building contains a fuel-burning appliance or has an attached garage.

1.- 2. (No change.)

5:23-6.4 Repairs

(a) - (f) (No change.)

(g) In buildings of Use Group I-1, R-1, R-2, R-3 or R-4 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

5:23-6.5 Renovations

(a) - (d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. - 8. (No change.)

[9. When the work performed includes the replacement or the installation of a fuel-burning appliance, carbon monoxide alarms shall be installed in locations required by the mechanical subcode.]

(f) (No change.)

(g) In buildings of Use Group I-1, R-1, R-2, R-3 or R-4 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(g) Redesignate as (h) (No change in text.)

5:23-6.6 Alterations

(a) - (d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. - 14. (No change.)

[15. When the work performed includes the replacement or the installation of a fuel-burning appliance, carbon monoxide alarms shall be installed in locations required by the mechanical subcode.]

(f) (No change.)

(g) In buildings of Use Group I-1, R-1, R-2, R-3 or R-4 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(g) - (j) Redesignate as (h) - (k) (No change in text.)

5:23-6.7 Reconstruction

(a) - (d) (No change.)

(e) The following products and practices shall be required, when applicable:

1. - 10. (No change.)

[11. When the work performed includes the replacement or the installation of a fuel-burning appliance, carbon monoxide alarms shall be installed in locations required by the mechanical subcode.]

(f) In buildings of Use Group I-1, R-1, R-2, R-3 or R-4 containing a fuel burning appliance or having an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode. (Fire)

(f) - (j) Redesignate as (g) - (k) (No change in text.)

5:23-6.21A Supplemental requirements--Use Group I-1

(a) - (c) (No change.)

[(d) Carbon monoxide alarms: When the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be

installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any room or dwelling unit in a building that contains a fuel-burning appliance or has an attached garage. (Fire)

1. Exception: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.]

(e) - (g) Redesignate as (d) - (f) (No change in text.)

5:23-6.25A Supplemental requirements--Use Group R-1

(a) - (d) (No change.)

[(e) Carbon monoxide alarms: When the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any guestroom or dwelling unit located in a building that contains a fuel-burning appliance or has an attached garage. An "open parking structure," as defined in the building subcode, shall not be deemed to be an attached garage. (Fire)

1. Exceptions: Guestrooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The guestroom or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage; the guestroom or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and the building is provided with a common area carbon monoxide alarm system. The individual alarms shall be located in every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s) and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected; or

ii. The building is provided with a monitored carbon monoxide alarm system. Individual alarms shall be located in every room containing a fuel-burning appliance. All such alarms shall be connected to an alarm monitoring station that shall be staffed at all times by a person who is trained and qualified to respond so as to protect the health and safety of building occupants in the event of the activation of one or more alarms. Carbon monoxide alarms and fire alarms may be incorporated into a common monitored system.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.]

(f) - (h) Redesignate as (e) - (g) (No change in text.)

5:23-6.26A Supplemental requirements--Use Group R-2

(a) - (d) (No change.)

[(e) Carbon monoxide alarms: Single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any dwelling unit that is part of the scope of work in a building that contains a fuel-burning appliance or has an attached garage. Additionally, when the work area exceeds 25 percent of the gross enclosed floor area of the building, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in every room or dwelling unit in the building. An "open parking structure," as defined in the building subcode, shall not be deemed to be an attached garage. (Fire)

1. Exceptions: Rooms or dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The room or dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage; the room or dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and the building is provided with a common area carbon monoxide alarm system. The individual alarms shall be located in every room adjacent to the room(s) containing a fuel-burning appliance, and in every corridor, hall or lobby adjacent to such room(s) and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected; or

ii. The building is provided with a monitored carbon monoxide alarm system. Individual alarms shall be located in every room containing a fuel-burning appliance. All such alarms shall be connected to an alarm monitoring station that shall be staffed at all times by a person who is trained and qualified to respond so as to protect the health and safety of building occupants in the event of the activation of one or more alarms. Carbon monoxide alarms and fire alarms may be incorporated into a common monitored system.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.]

(f) - (h) Redesignate as (e) - (g) (No change in text.)

5:23-6.27 Basic requirements--Use Group R-3/R-4

(a) (No change.)

[(b) Carbon monoxide alarms: In any dwelling unit that is located in a building that contains a fuel-burning appliance or has an attached garage, single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of each sleeping area. (Fire)

1. Exception: Dwelling units which do not themselves contain a fuel-burning appliance or have an attached garage, but which are located in a building with a fuel-burning appliance or an attached garage, need not be provided with single station carbon monoxide alarms provided that:

i. The dwelling unit is located more than one story above or below any story which contains a fuel-burning appliance or an attached garage;

ii. The dwelling unit is not connected by duct work or ventilation shafts to any room containing a fuel-burning appliance or to an attached garage; and

iii. The building is provided with a common area carbon monoxide alarm system. Individual alarms shall be located in the immediate vicinity of the room(s) containing a fuel-burning appliance and in the immediate vicinity of any ventilated shaft, including, but not limited to, stair shafts, elevator shafts, ventilation shafts on the story containing the fuel-burning appliance and any story within two stories above or below said story. All such common area alarm devices shall be connected to an alarm monitoring station or shall be interconnected.

2. Carbon monoxide alarms shall be manufactured, listed and labeled in accordance with UL 2034 and shall be installed in accordance with the requirements of this section and NFPA 720. Carbon monoxide alarms shall be battery-operated, hard-wired or of the plug-in type.]

(c) - (i) Redesignate as (b) - (h) (No change in text.)

5:23-6.31 Change of use

(a)-(j) (No change.)

(k) Carbon monoxide alarms: When the use of a building is changed to Use Group I-1, R-1,[or] R-2, [or to Use Group] R-3 **or R-4** [when the dwelling unit is located in any building required to be registered as a multiple dwelling, single station carbon monoxide alarms shall be installed and maintained in full operating condition in the immediate vicinity of each sleeping area in any room or dwelling unit in a] **and the building [that] contains a fuel-burning appliance or has an attached garage, carbon monoxide alarms shall be installed in accordance with the mechanical subcode.** (Fire)

5:70-1.5 Definitions

The following terms shall have the meanings indicated except where the context clearly requires otherwise. All definitions found in the Uniform Fire Safety Act, P.L.1983, c.383, N.J.S.A. 52:27D-192 et seq., shall be applicable to this chapter. Where a term is not defined in this section or in the Uniform Fire Safety Act, then the definition of that term found in the Uniform Construction Code at N.J.A.C. 5:23-1.4 shall govern.

“Use” or “Use Group” means the use to which a building, portion of a building, or premises is put as follows. It shall also mean and include any place, whether constructed, manufactured or naturally occurring, whether fixed or mobile, that is used for **any** human purpose or occupancy that would subject it to the provisions of this Code if it were a building or premises.

1.- 16. (No change.)

17. “Use Group R-3”: This Use Group shall include all buildings arranged for the use of detached one- and two-family dwelling units, including, **but not limited to,**

buildings with not more than five lodgers or boarders per family, **and excluding buildings designed in accordance with the one- and two-family subcode of the State Uniform Construction Code.** This Use Group shall also mean and include:

- i. Bed and breakfast homestays and
- ii. Attached one- and two-family dwellings constructed in accordance with the Uniform Construction Code requirements for multiple single family dwellings.

18. “Use Group R-4”: This Use Group shall include all buildings arranged for use as detached one- and two-family dwelling units, including, without limitation, buildings occupied by not more than five lodgers or boarders per family and buildings used as bed and breakfast homestays, that are designed in accordance with the one- and two-family dwelling subcode of the State Uniform Construction Code.

Renumber 18.- 19. as 19.- 20.

5:70-2.1 Enforcement authority

(a) (No change.)

(b) The local enforcing agency shall **periodically** inspect all premises, except owner-occupied [detached] Use Group R-3 **and R-4** structures used exclusively for dwelling purposes. These inspections shall be made in accordance with the schedule contained in this Code, when required under any cyclical inspection program, and as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire operations, **or** endanger life, or any conditions constituting violations of the provisions or intent of this Code or a locally adopted amendment. Except in the case of cyclical inspection programs or other good cause, inspections shall not include occupied dwelling units.

(c) (No change.)

5:70-2.3 Certificate of smoke detector compliance

(a) Before any Use Group R-3 **or R-4** structure is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke detector **and carbon monoxide alarm** compliance [(CSDC)] **CSDCMAC**, evidencing compliance with N.J.A.C 5:70-4.19, from the appropriate enforcing agency.

1. Where a municipality has existing inspection or approval requirements under a property maintenance or other municipal code, **a CSDCMAC shall not be required; provided, however, that,** the agency responsible for the enforcement of that code shall not issue any certificate of inspection or occupancy or other approval under such municipal code until it has determined [, in accordance with d. below,] that the

dwelling complies with the requirements of N.J.A.C. 5:70-4.19.

2. Where no municipal inspection or approval requirement exists, the agency responsible for enforcement of the Uniform Fire Safety Act shall be responsible for issuance of the [CSDC] CSDCMAC.

i. The Department, where it serves as the enforcing agency, may, upon application by a local fire department, delegate to that fire department the responsibility and authority for issuance of the [CSDC] CSDCMAC within the municipality, or portion of a municipality, served by that fire department.

[{b}.] **3.** The owner, or authorized agent of the owner, shall apply for a [CSDC] CSDCMAC on a form provided by the enforcing agency. The application shall be accompanied by the appropriate fee, as set forth in N.J.A.C. 5:70-2.9(d)

[{c}.] **4.** A [CSDC] CSDCMAC shall not be transferable. If the change of occupancy specified in the application for a [CSDC] CSDCMAC does not occur within six months, a new application shall be required.

[1.] **i.** The enforcing agency may issue a [CSDC] CSDCMAC for a seasonal rental unit for a period of up to 12 months, regardless of the number or frequency of changes in tenancy.

[(d)] **5.** No [CDSC] CSDCMAC shall be issued until inspection of the structure indicates compliance with N.J.A.C. 5:70-4.19, except as provided in [(d) 1.] **(b)** below.

[1] **(b)** The enforcing agency, unless it is otherwise required to inspect the structure under a property maintenance or other municipal code, may accept, in lieu of inspection, a certification that one or more smoke detectors **and carbon monoxide alarms**, as applicable, have been installed and tested in accordance with N.J.A.C. 5:70-4.19. Such certification shall be upon forms provided by the enforcing agency.

(c) No CSDCMAC or municipal certificate of occupancy shall be issued for any Use-Group R-3 or R-4 structure, or unit therein, as the case may be, unless the structure or unit contains a carbon monoxide detector meeting the requirements of UL Standard 2034; provided, however, that no carbon monoxide alarm shall be required in any building that does not contain any fuel-burning appliances and does not have an attached garage. An “open parking structure,” as defined in the building subcode of the State Uniform Construction Code, shall not be deemed to be an attached garage.

5:70-2.9 Fees: registration, certificate of smoke detector **and carbon monoxide alarm** compliance (CSDCMAC); permit; carnival registration certificate

(a)-(c) (No change.)

(d) The application fee for a certificate of smoke detector **and carbon monoxide alarm** compliance (**CSDCMAC**), as required by N.J.A.C. 5:70-2.3, shall be \$20.00.

(e)-(f) (No change.)

5:70-4.19 Smoke detectors for one and two-family dwellings; **carbon monoxide detectors**

(a) In Use Group R-3 **and R-4** dwellings subject to the requirements of N.J.A.C. 5:70-2.3, smoke detectors shall be installed as follows:

1.- 2. (No change.)

(b)-(c) (No change.)

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3, except for units in buildings that do not contain a fuel-burning device or have an attached garage, as follows:

1. Single station carbon monoxide alarms shall be installed and maintained in the immediate vicinity of the sleeping area(s).

2. Carbon monoxide alarms may be battery-operated, hard-wired or of the plug-in type and shall be listed and labeled in accordance with UL-2034 and shall be installed in accordance with the requirements of this section and NFPA-720.

3. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Housing Inspection, carbon monoxide detectors may be installed in any building required to be registered as a hotel or multiple dwelling in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).

4. As an alternative to the requirements of (d)1 above, and with the approval of the Bureau of Rooming and Boarding House Standards, carbon monoxide alarms may be installed in any rooming or boarding house in the locations specified in the Uniform Construction Code (N.J.A.C. 5:23-3.20).