

### **§ 5:70-2.3 Certificate of smoke detector and carbon monoxide alarm 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 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 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 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 CSDCMAC within the municipality, or portion of a municipality, served by that fire department.

3. The owner, or authorized agent of the owner, shall apply for a 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\(d\)](#).

4. A CSDCMAC shall not be transferable. If the change of occupancy specified in the application for a CSDCMAC does not occur within six months, a new application shall be required.

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

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

(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.

**§ 5:70-4.19 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. On each level of the premises; and
2. Outside of each separate sleeping area.

(b) The smoke detectors required in (a) above shall be located in accordance with NFPA 74-1984, incorporated herein by reference, and maintained in working order.

1. The detectors shall not be required to be interconnected.

(c) Smoke detectors may be battery powered and shall be listed in accordance with ANSI/UL 217, incorporated herein by reference.

1. A/C-powered smoke detectors shall be accepted as meeting the requirements of this section.

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in Use Groups I-1, R-1, R-2, R-3 and R-4, 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](#)).