



NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
BUREAU OF HOUSING INSPECTION

**TECHNICAL
BULLETIN
NO. 3**

SUBJECT: Exits That Do Not Discharge To A Public Way

DATE: February 26, 1992

Revised: December 9, 2015

GOVERNING CODE: State of New Jersey Uniform Fire Code

CODE REFERENCE: N.J.A.C. 5:70-4.11

QUESTION: How should rear yard exits that do not discharge to a public way be addressed during an inspection?

ANSWER: Per N.J.A.C. 5:70-4.11(a)2, the Fire Safety Code permits continued use of an existing fire escape as a required means of egress, if judged not to be dangerous for use under emergency existing conditions. Based on this acceptance, the Division of Fire Safety also extends such acceptance to the lack of fire escape discharge to a public way.

Therefore, based on existing conditions, you will have to use professional judgment as to the acceptance of the enclosed rear yard being a safe place of refuge for the maximum number of building occupants that could congregate there during a fire emergency condition.

The following is a list of conditions that must be considered by you when determining if a violation for lack of discharge to public way should be cited.

1. Determine building occupant load per N.J.A.C. 5:10-22.3. Based on a 3 square foot per occupant area, determine the amount of space required at end of rear yard for portion of this occupant load that would congregate there during a fire emergency condition.
2. Determine what possible impact fire and smoke emitting from rear building wall door & window openings would have on building occupants congregated at end of rear yard.
3. Based on evaluation of items 1 & 2 above, determine if building occupants could possibly stay for an extended period of time at end of rear yard until rescued by responding fire service personnel. If so, do not cite existing non-code conforming condition as a violation of N.J.A.C. 5:70-4.11.

A handwritten signature in black ink, appearing to read "Fayez Fanik".

FAYEZ FANIK, PE

Supervisor of Enforcement, Inspections
Bureau of Housing Inspection