

Amended by R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:71-3.2 Local enforcing agencies; organization

(a) The fire official shall be appointed in the manner provided for in the ordinance establishing the local enforcing agency. He or she shall serve as the chief administrator of the agency. He or she shall establish the day-to-day operating routines of the agency and shall coordinate the activities of any inspectors or other staff. He or she shall be certified in accordance with N.J.A.C. 5:71-4.

(b) The municipality, fire district and the fire department shall ensure that the enforcing agency has an adequate number of inspectors to complete all necessary inspections and review all permit applications and act on them in a timely manner as well as sufficient staff to ensure that enforcement actions are taken in a timely manner when violations are found and not corrected. Any inspectors engaged in the inspection of life hazard uses shall be certified as specified in N.J.A.C. 5:71-4.

(c) The local enforcing agency shall be subject to direction from the appointing authority and such subordinate officers as may be designated in the adopting ordinance.

(d) The municipality or fire district shall specifically appoint legal counsel to assist and represent the local enforcing agency in all matters related to the Code. Such legal counsel shall advise the agency and undertake such actions at law as the fire official shall deem necessary.

Amended by R.1985 d.611, effective December 2, 1985.
See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

(c) substantially amended.

Amended by R.1995 d.58, effective March 6, 1995.
See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

5:71-3.3 Duties of fire officials and fire inspectors

(a) The fire official shall enforce the code and the regulations and shall:

1. Maintain certification with the Division pursuant to N.J.A.C. 5:71-4;
2. Ensure that notices of violations are served whenever inspections reveal violations;
3. Provide that permit applications are available and assist the public on preparing them when necessary;
4. Review all permit applications for completeness as to form;
5. Ensure that the inspection required for the issuance of a permit is performed in a timely manner;
6. Ensure that no activity or use which requires a permit is carried out without one;
7. Ensure that all life hazard uses are registered;

8. Assist the Division, when requested, with any registration application;

9. Coordinate with the fire subcode official where work to be done to comply with the Fire Code requires a construction permit;

10. Collect all fees and penalties due the local enforcing agency and ensure that they are properly accounted for;

11. Ensure that all requests for variances are properly prepared, documented and approved or denied in a timely manner;

12. Ensure that all persons seeking to appeal are promptly referred to the Construction Code Board of Appeals;

13. Record all notices of violation and determine the amount of all penalties for non-compliance;

14. Ensure that a report of every inspection is completed and properly filed;

15. Take reasonable measures to determine when imminent hazards exist and enforce the law as provided for by the Code;

16. File such reports, forms and certifications as the Division may require;

17. Supervise the work of any assigned inspectors or enforcement personnel to ensure compliance with the Code, completeness and accuracy;

18. Ensure that any agency staff members requiring certification have been certified;

19. Ensure that the procedures of the local enforcing agency conform to the requirements of the Code and the regulations;

20. Prepare and obtain reports required by the regulations;

21. Attend meetings and hearings as required by the Code and the regulations;

22. Coordinate the activities of the local enforcing agency with other Code enforcement agencies and State agencies having a related interest or responsibility;

23. Carry out such other functions as are necessary and appropriate to the position of fire officials including coordinating transition to a successor fire official;

24. Respond to and cause to be investigated any complaints brought under the Code;

25. Investigate, or cause to be investigated, every reported fire or explosion occurring within the jurisdiction that involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and if it appears that such an

occurrence is of a suspicious nature, the fire official shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure or premises until such persons designated by law to pursue investigations into such matters become involved and shall further cooperate with such authorities in the collection of evidence and prosecution of the case.

(b) Whenever a fire death occurs within the jurisdiction of a local enforcing agency, the fire official shall notify the Division of Fire Safety via telephone within 48 hours of the death. A Fire Incident and Casualty report shall be forwarded to the Bureau of Fire Safety within 30 days.

(c) The fire inspector shall enforce the Code and the regulations under the direction of the fire official and shall:

1. Maintain certification with the Division pursuant to N.J.A.C. 5:71-4;
2. Conduct field surveys to identify and register life hazard uses;
3. Conduct fire inspections to ensure compliance with the Code;
4. Where authorized to do so by the fire official, prepare violation notices and orders to abate and serve to the public;
5. Witness the testing of installed detection and protection systems as required by the Code;
6. Read, interpret and apply codes, standards and regulations, including issuing permits;
7. Meet with owner and occupants to explain violations and hazards; and
8. Carry out such other functions as are necessary and appropriate to the position of fire inspector.

Amended by R.1985 d.611, effective December 2, 1985.
See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

(a)25 added.

Amended by R.1989 d.556, effective November 6, 1989.
See: 21 N.J.R. 2431(a), 21 N.J.R. 3453(a).

Death reporting requirements established at new (b).

Amended by R.1991 d.359, effective July 15, 1991.

See: 23 N.J.R. 1235(a), 23 N.J.R. 2122(b).

Duties of fire inspector specified.

Amended by R.1993 d.628, effective December 6, 1993.

See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).

Amended by R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Amended by R.2001 d.136, effective May 7, 2001.

See: 32 N.J.R. 3363(a), 33 N.J.R. 1403(a).

In (a)16, inserted "forms and certifications" following "reports" and deleted "from time to time" preceding "require".

5:71-3.4 Records

(a) The local enforcing agency shall maintain a central file system for each property, building or use that requires a periodic inspection or a permit.

1. The files shall contain all information, including inspection reports, correspondence, notices and orders, and so forth, relevant to each property, building or use.

2. The files shall contain, or indicate the storage location of, all plans and reports too bulky for inclusion in the central file.

3. The files and records of the local enforcing agency shall be open to Division review and audit and public inspection at reasonable times.

4. File copies of all documents shall be retained in the official records as provided by law.

(b) Any record required by law to be kept confidential, including, but not limited to, records of trade secrets related to hazardous or potentially hazardous substances, shall not be open to public inspection.

(c) The fire official shall keep a record of all reported fires in life hazard uses and all facts concerning the same, including investigative findings and information as to the cause, origin and the extent of such fires and the deaths, injuries, and damage caused thereby.

Amended by R.1985 d.611, effective December 2, 1985.

See: 17 N.J.R. 1015(b), 17 N.J.R. 2870(a).

(c) added.

Amended by R.1993 d.628, effective December 6, 1993.

See: 25 N.J.R. 4363(a), 25 N.J.R. 5466(a).

5:71-3.5 Coordination with construction, fire subcode and other officials

(a) The fire official shall ensure that the construction official and fire subcode official are notified when a notice of violation directs work which will require construction permit. He shall assist the fire subcode official to determine whether the work for which a permit is applied will correct the violation.

(b) The fire official shall ensure that a permit was obtained and any work done was approved by the construction official and fire subcode official before a violation is abated.

(c) Whenever, in the enforcement of the fire code and other codes and ordinances, it becomes necessary to subject a given building to multiple inspections in the same general time frame, it shall be the duty of all involved inspectors to coordinate their inspections and administrative orders as much as possible so that the owners and occupants of the structure shall not be subjected to inspections more numerous than necessary, nor to multiple conflicting orders. Whenever an inspector observes a violation of some law, ordinance or code of the jurisdiction that is not within the inspector's authority to enforce, the inspector shall report the findings to the official having jurisdiction in order that such official may institute the necessary corrective measures.

Amended by R.1995 d.58, effective March 6, 1995.

See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).