

CHAPTER 71

FIRE CODE ENFORCEMENT

Authority

N.J.S.A. 52:27D-198.

Source and Effective Date

R.2000 d.30, effective December 22, 1999.
See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Executive Order No. 66(1978) Expiration Date

Chapter 71, Fire Code Enforcement, expires on December 22, 2004.

Chapter Historical Note

Chapter 71, County Offices on Aging, was adopted as R.1975 d.192, effective July 1, 1975. See: 7 N.J.R. 247(e), 7 N.J.R. 355(a). Chapter 71 was repealed and a new Chapter 71 was adopted by R.1981 d.356, effective September 10, 1981. See: 13 N.J.R. 395(c), 13 N.J.R. 563(a). Pursuant to Executive Order No. 66(1978), Chapter 71 was readopted as R.1985 d.176, effective March 22, 1985. See: 17 N.J.R. 342(a), 17 N.J.R. 904(c). Pursuant to Executive Order No. 66(1978), Chapter 71 expired on March 1, 1990. Chapter 71, County Offices on Aging, was adopted as R.1990 d.282, effective June 4, 1990. See: 22 N.J.R. 1016(b), 22 N.J.R. 1720(c). Pursuant to Executive Order No. 66(1978), Chapter 71 was readopted as R.1995 d.341, effective June 2, 1995. See: 27 N.J.R. 1719(a), 27 N.J.R. 2579(a). Pursuant to Reorganization Plan No. 001-1996, Chapter 71, County Offices on Aging, was recodified to N.J.A.C. 8:88, effective October 15, 1997. See: 29 N.J.R. 4679(a).

Chapter 71, Fire Code Enforcement, was originally codified in Title 5 as Chapter 18A, Fire Code Enforcement. Chapter 18A was adopted as R.1985 d.66, effective February 19, 1985. See: 16 N.J.R. 3339(b), 17 N.J.R. 394(a).

Pursuant to Executive Order No. 66(1978), Chapter 18A was readopted as R.1990 d.72, effective January 4, 1990. See: 21 N.J.R. 3344(a), 22 N.J.R. 337(b).

Pursuant to Executive Order No. 66(1978), Chapter 18A was readopted as R.1995 d.58, effective January 3, 1995. See: 26 N.J.R. 4258(a), 27 N.J.R. 878(b).

Pursuant to Reorganization Plan 002-1998, Chapter 18A, Fire Code Enforcement, was recodified as N.J.A.C. 5:71, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Fire Code Enforcement, was readopted as R.2000 d.30, effective December 22, 1999. See: Source and Effective Date.

Cross References

Child care center physical facility requirements, see N.J.A.C. 10:122-5.1 et seq.

Children's group home physical facility requirements, see N.J.A.C. 10:128-4.1 et seq.

Children's shelter physical facility requirements, see N.J.A.C. 10:124-5.1 et seq.

Residential child care physical facility requirements, see N.J.A.C. 10:127-4.1.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 5:71-1.1 Title; scope; division into parts
- 5:71-1.2 Authority
- 5:71-1.3 Intent and purpose
- 5:71-1.4 Definitions
- 5:71-1.5 Effective date
- 5:71-1.6 Severability

SUBCHAPTER 2. ENFORCING AGENCIES;
ESTABLISHMENT AND RESPONSIBILITIES

- 5:71-2.1 Scope; intent
- 5:71-2.2 Matters covered; jurisdictions; exceptions
- 5:71-2.3 Local enforcing agencies; establishment
- 5:71-2.4 Fire districts
- 5:71-2.5 State enforcing agency; establishment
- 5:71-2.6 Collection of and accounting for fees and penalties
- 5:71-2.7 Registry of agencies
- 5:71-2.8 Amendments to the Code
- 5:71-2.9 Conflict of interest
- 5:71-2.10 Departmental monitoring
- 5:71-2.11 Right of appeal

SUBCHAPTER 3. ORGANIZATION, ADMINISTRATION
AND ENFORCEMENT

- 5:71-3.1 Applicability
- 5:71-3.2 Local enforcing agencies; organization
- 5:71-3.3 Duties of fire officials and fire inspectors
- 5:71-3.4 Records
- 5:71-3.5 Coordination with construction, fire subcode and other officials
- 5:71-3.6 Coordination for State licensed and regulated facilities
- 5:71-3.7 Forms; logs; reports

SUBCHAPTER 4. CERTIFICATION OF FIRE
OFFICIALS

- 5:71-4.1 Scope; intent
- 5:71-4.2 Authority; hearings
- 5:71-4.3 Certification required
- 5:71-4.4 Requirements for certification
- 5:71-4.5 Renewal of certification
- 5:71-4.6 Revocation of certifications and alternative sanctions
- 5:71-4.7 Fees
- 5:71-4.8 Standards for educational programs
- 5:71-4.9 Organizational, administrative, and operational functions of the Fire Code enforcement educational programs
- 5:71-4.10 Procedure for applying for approval of educational programs

SUBCHAPTER 1. GENERAL PROVISIONS

5:71-1.1 Title; scope; division into parts

(a) These regulations shall be known as the "Regulations for Fire Code Enforcement".

(b) The regulations are divided into four subchapters:

1. N.J.A.C. 5:71-1, entitled "General Provisions";
2. N.J.A.C. 5:71-2, entitled "Enforcing Agencies, Establishment and Responsibilities";

3. N.J.A.C. 5:71-3, entitled "Organization, Administration and Enforcement"; and

4. N.J.A.C. 5:71-4, entitled "Certification of Fire Officials."

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

5:71-1.2 Authority

These regulations are promulgated by the Commissioner of the Department of Community Affairs pursuant to the authority conferred by the Uniform Fire Safety Act (P.L. 1983, c.383; N.J.S.A. 52:27D-192 et seq.).

5:71-1.3 Intent and purpose

(a) It is the intent and purpose of the regulations to ensure that:

1. All areas of the State are protected by the enforcement of a uniform minimum Fire Code which will protect the lives of the State's citizens;

2. Uniform, thorough, and adequately funded fire safety inspections are performed to protect the public wherever buildings and uses which pose a serious life safety hazard are found;

3. Penalties for violators are swiftly assessed and commensurate with the gravity of the offense;

4. Fire Code enforcement is efficient and coordinated to eliminate duplication of effort and confusion on the part of the public; and

5. The standards enforced on the State and local levels are interpreted consistently.

5:71-1.4 Definitions

(a) As used in this chapter

"Act" means the Uniform Fire Safety Act (P.L. 1983, c.383, N.J.S.A. 52:27D-192 et seq.).

"Board of Appeals" means the Construction Code Board of Appeals created by the State Uniform Construction Code Act (P.L. 1975, c.217, N.J.S.A. 52:27D-119 et seq.).

"Code" or "fire code" means the Uniform Fire Code adopted as N.J.A.C. 5:70.

"Commissioner" means the Commissioner of the Department of Community Affairs.

"County enforcing agency" means a county fire marshal designated by a board of chosen freeholders to enforce the Code.

"Department" means the Department of Community Affairs.

"Division" means the Division of Fire Safety of the Department of Community Affairs.

"Fire company" means a private volunteer organization established for the purpose of fighting fires.

"Fire department" means a paid, part paid or volunteer fire-fighting force, body or agency established by ordinance as a division of municipal government, or one or more volunteer fire companies that have contracted with a municipality to provide fire protection. A fire district shall be treated as a fire department for all purposes herein, but no fire fighting force, body or agency within the territorial jurisdiction of a fire district shall in any case be deemed to be a fire department.

"Fire district" means a district established pursuant to N.J.S.A. 40A:14-70.

"Fire Inspector" means a person working under the direction of the fire official who is certified by the Commissioner of the Department of Community Affairs and appointed or designated to enforce the Code by the appointing authority of a local enforcing agency.

"Fire Official" means a person certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the Code. This term shall also include "Fire Marshall" where the fire official has been appointed pursuant to N.J.A.C. 5:71-3.2.

"Fire subcode official" means the official appointed pursuant to the New Jersey Uniform Construction Code to enforce the Fire Protection Subcode.

"Local enforcing agency" means a municipal agency, fire department, fire district, or county fire marshal authorized by municipal ordinance to enforce the act within a specific local jurisdiction; or where such authorization has not been granted by local ordinance, it means the Department of Community Affairs. "Local enforcing agency" shall also mean and include a county fire marshal authorized by ordinance or resolution of the board of chosen freeholders to enforce the act in county facilities. With regard to enforcement of the act in premises owned or maintained by the State of New Jersey or any of its boards, commissions, agencies or authorities, "local enforcing agency" shall mean the Division.

"Life hazard use" means any life hazard use designated by the Code as defined in N.J.A.C. 5:70-1.5.

"Owner" means a person who owns, purports to own, manages, rents, leases, or exercises control over a building, structure, premises or use or any portion thereof.

Amended by R.1991 d.359, effective July 15, 1991.
See: 23 N.J.R. 1235(a), 23 N.J.R. 2122(b).

Definition of fire inspector added.
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).
Emergency amendment, R.2000 d.402, effective September 8, 2000 (to expire November 7, 2000).
See: 32 N.J.R. 3647(a)
In "Local enforcing agency", inserted last sentence.

Adopted concurrent proposal, R.2000 d.486, effective November 6, 2000.
See: 32 N.J.R. 3647(a), 32 N.J.R. 4310(a).
Readopted provisions of R.2000 d.402 without change.

5:71-1.5 Effective date

These regulations shall take effect immediately upon promulgation.