

CHAPTER 75

FIRE SERVICE INCIDENT MANAGEMENT SYSTEM

Authority

N.J.S.A. 52:27B-139.12 and 52:27D-24hh, 25d, 25k, 25gg, 198 and 219.

Source and Effective Date

R.2005 d.225, effective June 14, 2005.
See: 36 N.J.R. 3652(a), 37 N.J.R. 2674(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 75, Fire Service Incident Management System, expires on December 11, 2010. See: 41 N.J.R. 4369(a).

Chapter Historical Note

Chapter 75, Fire Service Incident Management System, was originally codified in Title 5 as Chapter 18E, Fire Service Incident Management System. Chapter 18E was adopted as R.1998 d.85, effective February 17, 1998. See: 29 N.J.R. 3210(a), 30 N.J.R. 641(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 18E, Fire Service Incident Management System, was recodified as N.J.A.C. 5:75, 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 75, Fire Service Incident Management System, was readopted as R.2000 d.30, effective December 22, 1999. See: 31 N.J.R. 3257(a), 32 N.J.R. 273(c).

Chapter 75, Fire Service Incident Management System, was readopted as R.2005 d.225, effective June 14, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:75-1.1 Title; division into subchapters

(a) The rules contained in this chapter shall be known as “Rules for Fire Service Incident Management System” and are referred to herein as the rules.

(b) The rules are divided into two parts:

1. Subchapter 1 is entitled “General Provisions” and may be cited throughout the rules as N.J.A.C. 5:75-1, and when referred to in subchapter 1 of this chapter, may be referred to as this subchapter.

2. Subchapter 2 is entitled “Incident Management System” and may be cited throughout the rules at N.J.A.C. 5:75-2, and when referred to in subchapter 2 of this chapter, may be referred to as this subchapter.

5:75-1.2 Authority

These rules are promulgated by the Commissioner of Community Affairs pursuant to the authority of P.L. 1995, c.266; N.J.S.A. 52:27D-25a et seq., specifically 52:27D-25i, k and m.

5:75-1.3 Intent and purpose

(a) It is the intent of these rules to establish a mandatory incident management system to be used by the fire service and to define and describe the essential elements of an incident management system.

(b) An incident management system is utilized to afford structure and coordination to the management of emergency incident operations in order to provide for the safety and health of fire service members and other persons involved in those activities.

5:75-1.4 Applicability

These rules shall apply to operations conducted by the fire service at the scene of emergency incidents and provides a standard approach to the management of those incidents.

5:75-1.5 Definitions

The following terms shall have the meanings indicated, except where the context clearly indicates otherwise:

“Branch” means an organizational level having functional or geographical responsibility for major aspects of incident operations.

“Commissioner” means the Commissioner of Community Affairs.

“Division” means the organization level having responsibility for operations within a defined geographic area.

“Emergency incident” means any situation to which the fire department responds to deliver emergency services including, but not limited to, rescue, fire suppression, emergency medical care, special operations, and other forms of hazard control and mitigation.

“Fire department” means a fire service organization providing rescue, fire suppression and related activities. The term “fire department” shall include any public, governmental fire service organization engaging in this activity.

“Group” means an organizational level having responsibility for operations within a defined functional area.

“Hazardous area” means any location(s) that may pose a safety and/or health risk to firefighters due to, but not limited to, the presence of products of combustion, the existence of hazardous or otherwise oxygen deficient or oxygen enriched atmosphere, the potential for any immediately dangerous to life and health atmosphere, the use of hazardous equipment or operations, or the potential for any of these situations to exist. Additionally, any area or location that predisposes a firefighter to become lost, disoriented, or trapped, including any structure, confined space and wild land areas, shall be considered a hazardous area.

“Incident action plan” means an oral or written plan containing general objectives reflecting the overall strategy for managing an incident.

“Incident commander” means the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

“Incident management system” means a nationally recognized and organized system of rules, responsibilities and standard operating procedures used to manage emergency operations.

“Logistics section” means the section responsible for providing facilities, services, and material support for an incident.

“Member” means a person, at least 18 years of age, who is involved in performing the duties and responsibilities of a fire department, under the auspices of the organization. For the purpose of this chapter, a fire department member may be a full-time or part-time employee, a paid or unpaid volunteer, may occupy any position or rank within the department and may or may not engage in emergency operations.

“Personnel accountability officer” means the person designated by the Incident Commander to monitor entry into and exit out of hazardous areas for the purpose of ensuring accountability of all personnel in the hazardous area or structure.

“Personnel accountability report” means the results of an accounting of all personnel on the emergency incident scene to the Incident Commander.

“Personnel accountability roll call” means the process of accounting of all personnel on the emergency incident scene.

“Safety officer” means a member of an incident command staff responsible for monitoring and assessing safety hazards and unsafe conditions, and for developing measures for ensuring personnel safety.

Amended by R.2002 d.179, effective June 3, 2002 (operative January 2, 2003).

See: 34 N.J.R. 352(a), 34 N.J.R. 1897(a).

Added “Hazardous area”, “Personnel accountability officer”, “Personnel accountability report”, “Personnel accountability roll call”.

Amended by R.2008 d.142, effective June 2, 2008.

See: 39 N.J.R. 1554(a), 40 N.J.R. 2684(a).

Added definitions “Branch”, “Group”, “Incident action plan”, “Incident commander” and “Logistics section”; and in definition “Safety Officer”, substituted “a member of an incident command staff” for “the person”, substituted “and” for “or” following “hazards” and inserted a comma following “conditions”.

5:75-1.6 Penalties

The Commissioner shall enforce and administer this chapter and is authorized to issue compliance orders to persons and public entities in violation thereof, to petition the Superior Court for injunctive relief enforcing any compliance order, to levy and collect civil penalties of not more than \$500.00 per violation and to institute summary proceedings under the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.) in the Superior Court to recover penalties previously levied. Each day that a violation continues after notice to cease has been given by certified mail or personal service shall be deemed a separate violation.

5:75-1.7 Appeals

(a) Any person aggrieved by any notice, action, ruling or order of the Commissioner, with respect to these rules, shall have a right to a hearing before the Office of Administrative Law, in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

1. The aggrieved person shall request a hearing. The request shall be made within 15 days after receipt of the action or ruling being contested. The request shall be made to the Hearing Coordinator, Department of Community Affairs, PO Box 802, Trenton, NJ 08625-0802. The request for hearing shall raise all issues that shall be set forth at the hearing.

5:75-1.8 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, the invalidity shall not effect other provisions or applications of the rules which can be given effect, and to this end the provisions of the rules are severable.

SUBCHAPTER 2. INCIDENT MANAGEMENT SYSTEM

5:75-2.1 Incident management system adopted

(a) Pursuant to authority of P.L. 1995, c.266 (N.J.S.A. 52:27D-25) the Commissioner hereby adopts the model stan-