

CHAPTER 75A
FIRE SERVICE RESOURCE EMERGENCY
DEPLOYMENT

Authority

N.J.S.A. 52:14E-20.

Source and Effective Date

R.2003 d.406, effective September 22, 2003.
See: 35 N.J.R. 4909(a).

Chapter Expiration Date

Chapter 75A, Fire Service Resource Emergency Deployment, expires on March 22, 2004.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:75A-1.1 Short title

This chapter shall be known and may be cited as "Fire Service Resource Emergency Deployment Rules" and, when referred to herein, shall be known as this chapter.

5:75A-1.2 Authority

These rules are promulgated by the Commissioner of Community Affairs and Director of Fire Safety pursuant to

the authority of P.L. 2003, c.28, N.J.S.A. 52:14E-11 et seq., specifically N.J.S.A. 52:14E-20.

5:75A-1.3 Intent and purpose

This chapter establishes a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster.

5:75A-1.4 Scope

This chapter shall apply to State, county and local coordination and utilization of fire service and other emergency resources in response to fire-related emergency incidents and disasters.

5:75A-1.5 Definitions

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

"County fire coordinator" means the individual appointed by the State fire coordinator pursuant to N.J.A.C. 5:75A-2.3.

"County fire mutual aid plan" means a plan, prepared and adopted by a county in accordance with N.J.A.C. 5:75A-2.4, which sets forth the measures that are to be implemented in those instances where the fire service resources of an individual municipality within the county are unable to respond adequately to an emergency incident or a local fire emergency disaster and, therefore, it is necessary for the county to coordinate the delivery of fire service resources and assistance to that municipality from other municipalities in the county.

"Deputy county fire coordinator" means an individual appointed by the county fire coordinator pursuant to N.J.A.C. 5:75A-2.3 to assist the county fire coordinator with the duties and responsibilities of his or her position and to serve as the county fire coordinator in his or her absence.

"Deputy State fire coordinator" means an individual appointed by the State fire coordinator from the employees of the Division of Fire Safety to assist the State fire coordinator with the duties and responsibilities of his or her position and to serve as the State fire coordinator in his or her absence.

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

"Emergency incident" means any situation to which a unit of the fire service responds to deliver emergency services including, but not limited to, rescue, fire suppression, special

operations and other forms of hazard control and mitigation.

“Fire service resources” means fire fighters and other personnel utilized by a unit of the fire service to provide rescue, fire suppression and related activities whether those fire fighters and personnel are volunteer or career; trucks, rescue vehicles and other vehicles used for fire fighting and emergency purposes; and fire fighting and rescue equipment used for fire or emergency purposes, including communications and protective equipment. Fire service resources shall not include emergency medical service providers and personnel, except that any unit or personnel that provides both fire and emergency medical services shall be subject to this chapter while performing fire suppression and related activities.

“Forest fire service” means the agency within the Department of Environmental Protection that is responsible for the protection of life, property and natural resources from wildfire.

“Incident commander” means the individual in overall command or control of the fire service personnel, and associated emergency equipment and emergency vehicles, at the site of an emergency incident.

“Local fire emergency disaster” means an emergency incident which, in the judgment of the incident commander, is of such severe degree and nature that it presents a significant threat to the health, safety and welfare of a municipality and its residents and, therefore, may warrant the implementation of the municipality’s municipal emergency operations plan.

“Local fire mutual aid plan” means a plan, prepared and adopted by a municipality or fire district in accordance with N.J.A.C. 5:75A-2.2, which sets forth the measures that are to be implemented in those instances when the fire service resources of the municipality or fire district cannot adequately respond to an emergency incident or a local fire emergency disaster and, as a consequence, it is necessary for the municipality or fire district to request assistance and fire service resources from contiguous municipalities.

“Order of deployment” means an order issued by the State fire coordinator pursuant to this chapter to a unit of the fire service requiring the immediate response, recall or standby of that unit’s fire service personnel, emergency equipment or emergency vehicles, or any part thereof.

“Regional fire coordinator” means an individual appointed by the State fire coordinator pursuant to N.J.A.C. 5:75A-3.2 to assist the State fire coordinator with the duties of his or her position.

“State fire coordinator” means the Director of the Division of Fire Safety in the Department of Community Affairs, or his or her designee.

“State firewarden” means the chief of the forest fire service in the Department of Environmental Protection or his or her designee.

“Unit of the fire service” means a department or force, be it paid, part-paid or volunteer, established and maintained by the State or any of its instrumentalities, any local governmental unit or any of its instrumentalities, any State or local authority, fire district or non-profit corporation, association or organization for the purposes of fire suppression, rescue and related activities.

SUBCHAPTER 2. LOCAL AND COUNTY FIRE SERVICE RESOURCE EMERGENCY DEPLOYMENT

5:75A-2.1 Fire department classifications

(a) For the purpose of ensuring that the State, regional, or county fire coordinators assign companies based on experience, training, and home area protected during the movement of fire apparatus for mutual aid, cover and specialized assignments and to increase the possibility that companies are put in the position of providing fire protection for familiar occupancies, a fire department classification system is established as follows:

1. A Class 1 fire department provides protection to a densely populated, extensively developed, urban center with 50,000 residents or more;
2. A Class 2 fire department provides protection near an urban center to a lesser-developed urban/suburban area with more residential areas;
3. A Class 3 fire department provides protection to a suburban area of predominantly single-family dwellings within a short distance of an urban area;
4. A Class 4 fire department provides protection to a rural area including scattered small communities and isolated single-family dwellings; and
5. A Class 5 fire department provides protection to a rural center that is predominantly a high-density core area with surrounding rural municipalities.

(b) The State fire coordinator, in consultation with the regional and county fire coordinators, will initially assign every fire department in New Jersey to one of the categories in (a) above. When the need arises to deploy fire departments beyond normal mutual aid utilizing the State’s fire coordination system, the fire coordinator making those choices will, to the best of his or her ability, assign companies based on their compatibility as outlined below:

1. Class 1 fire departments shall be deployed to assist other Class 1 fire departments and may also be deployed to assist Class 2 and Class 3 departments;

2. Class 2 fire departments shall be deployed to assist other Class 2 fire departments and may also be deployed to assist Class 1 fire departments when no other Class 1 departments are available. Assistance may also be provided to Class 3, Class 4, and Class 5 fire departments;

3. Class 3 fire departments shall be deployed to assist other Class 3 fire departments and may also be deployed to assist Class 1 and Class 2 fire departments when no other Class 1 or Class 2 departments are available. Assistance may also be provided to Class 3 and Class 4 fire departments;

4. Class 4 fire departments shall be deployed to assist Class 3, Class 4 and Class 5 fire departments; and

5. Class 5 fire departments shall be deployed to assist Class 3, Class 4 and Class 5 fire departments.

5:75A-2.2 Preparation, adoption of local fire mutual aid plans

(a) Each municipality or fire district, as the case may be, in this State shall prepare and adopt a local fire mutual aid plan.

(b) The plan shall set forth policies and procedures to coordinate the effective utilization of fire service resources in those instances where the implementation of the local fire mutual aid plan is determined to be necessary or appropriate.

(c) Each local fire mutual aid plan shall be based upon the planning criteria, objectives, requirements, responsibilities and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents.

(d) Each local fire mutual aid plan shall be adopted no later than March 10, 2004.

(e) Following adoption, each municipality or fire district shall file a copy of its local fire mutual aid plan with the county fire coordinator.

(f) In any instance where a local fire mutual aid plan provides for the provision of assistance and fire service resources by or to a political subdivision of another county, the municipality or fire district also shall file a copy of that plan with that county and regional fire coordinator.

(g) In any instance where a local fire mutual aid plan provides for the provision of assistance and fire service resources by or to a political subdivision of another state, the municipality or fire district also shall file a copy of that plan with the State fire coordinator.

(h) Each local fire mutual aid plan shall be reviewed and updated every two years.

(i) Each local fire mutual aid plan shall include pre-incident plans for occupancies or possible incidents likely to require local mutual aid.

5:75A-2.3 Appointment, duties of county fire coordinator; deputies

(a) The State fire coordinator shall appoint a county fire coordinator in each county, pursuant to the provisions of this chapter.

(b) The county fire coordinator shall appoint at least one deputy county fire coordinator in each county, in accordance with the provisions of this chapter. More than one deputy county fire coordinator may be appointed in each county.

(c) The State fire coordinator shall determine the duties and responsibilities as deemed necessary for the positions of county fire coordinator and deputy county fire coordinator. The duties and responsibilities shall include, but not be limited to:

1. Fire service resources management and coordination;

2. Preparation of the county Emergency Operations Plan Fire Annex in conjunction with the county emergency management coordinator and in accordance with the standards established by the State Office of Emergency Management; and

3. County fire mutual aid planning, as set forth in N.J.A.C. 5:75A-2.4.

(d) The county emergency management coordinator in each county shall, in consultation with the fire chiefs of the units of the fire service within each county, submit the name of at least one candidate to the State fire coordinator for consideration as the county fire coordinator.

1. Each candidate shall possess a minimum of seven years of documented fire service experience and shall meet the following criteria to be eligible for appointment as the county fire coordinator:

i. Incident Management Certification Level 1 issued by the Division of Fire Safety;

ii. Incident Management Certification Level 2 issued by the Division of Fire Safety by January 1, 2005;

iii. Incident Management Certification Level 3 issued by the Division of Fire Safety by January 1, 2006; and

iv. Continuing training and education requirements as determined by the State Fire Coordinator.

2. Local fire chiefs are encouraged to name their county fire marshal, if one has been appointed and he or she meets the requirements in (d)1 above, as the county fire coordinator.

(e) The State fire coordinator shall appoint the county fire coordinator from the list of eligible candidates submitted by the county emergency management coordinator.

1. Each county fire coordinator shall serve for a two-year term and until his or her successor is appointed. Vacancies shall be filled in the same manner as the original appointment.

(f) The county fire coordinator in each county shall, in consultation with the fire chiefs of the units of the fire service within each county, appoint the deputy county fire coordinator or coordinators.

1. Each candidate shall possess a minimum of four years of documented fire service experience and meet the following criteria to be eligible for appointment as a deputy county fire coordinator.

- i. Incident Management Certification Level 1 issued by the Division of Fire Safety;
- ii. Incident Management Certification Level 2 issued by the Division of Fire Safety by January 1, 2005; and
- iii. Continuing training and education requirements as determined by the State Fire Coordinator.

(g) Each deputy county fire coordinator shall serve for a two-year term, which shall be served concurrently with the term of the county fire coordinator appointed in that county.

1. Deputy county fire coordinator vacancies shall be filed for the unexpired term only and in the same manner as the original appointment.

(h) The county fire coordinator shall implement the county's fire mutual aid plan, coordinate the utilization of fire service resources with the county in response to emergency incidents which require implementation of the county's fire mutual aid plan and perform such other duties as may be necessary and appropriate to effectuate the purposes of this chapter.

5:75A-2.4 County fire mutual aid plans

(a) Each county in this State shall prepare and adopt a county fire mutual aid plan.

(b) The county fire mutual aid plan shall set forth policies and procedures to coordinate the effective utilization of fire service resources in those instances where the implementation of the county fire mutual aid plan is determined to be necessary or appropriate.

(c) Each county fire mutual aid plan shall be based upon the planning criteria, objectives, requirements, responsibilities and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents.

(d) Each county fire mutual aid plan shall be adopted no later than March 9, 2004.

(e) Following adoption, each county shall file a copy of its county fire mutual aid plan with the State fire coordinator.

(f) Each county fire mutual aid plan shall be reviewed and updated every two years.

(g) Each county fire mutual aid plan shall include pre-incident plans for occupancies or possible incidents likely to require county fire mutual aid.

5:75A-2.5 Local fire service unit; county mutual aid plan

(a) Each unit of the fire service in the county shall participate in the county fire mutual aid plan and shall submit every two years to its county fire coordinator the following information:

1. A complete inventory of personnel and equipment;
2. A local fire mutual aid plan prepared and updated pursuant to N.J.A.C. 5:75A-2.2; and
3. A listing of fire companies and departments involved in the local fire mutual aid plan.

5:75A-2.6 Procedure during fire emergency incident; local; county

(a) In the event of an emergency incident, the incident commander shall determine whether additional fire service resources are required and, if so, shall first call upon the members of his or her local fire mutual aid plan.

(b) Should the incident commander determine, after calling for assistance from members of his or her local fire mutual aid plan, that further fire service resources are required to respond to the emergency incident, he or she shall request that the county fire coordinator place the county fire mutual aid plan into effect.

1. Upon making such a request, the incident commander also shall notify the municipal emergency management coordinator appointed pursuant to section 8 of P.L. 1953, c.438 (N.J.S.A. App. A:9-40.1) of the emergency incident so that the municipal emergency management coordinator may alert and utilize his or her staff should additional emergency resources be required.

(c) Upon the activation of a county fire mutual aid plan, the county fire coordinator shall notify the regional fire coordinator assigned to that county and the State fire coordinator with regard to the emergency incident and shall further provide periodic updates to both until termination of the emergency incident.

1. The State fire coordinator shall ensure that the county and State Offices of Emergency Management are notified and provide them with periodic updates until termination of the emergency incident.

(d) In the event that the municipal emergency management coordinator determines to mobilize local resources in response to an emergency incident, he or she shall so notify the county emergency management coordinator appointed pursuant to section 12 of P.L. 1953, c.438 (N.J.S.A. App. A:9-42.1) in order that the county emergency management coordinator shall be prepared to respond in the event that local resources are insufficient to effectively deal with the emergency incident.

5:75A-2.7 Procedures during fire disaster incident; local; county

(a) In the event of an emergency incident, the incident commander may declare a local fire emergency disaster. In making any such determination, the incident commander shall utilize the best information then available.

(b) Whenever a local fire emergency disaster is declared pursuant to (a) above, the municipal emergency management coordinator shall activate the municipal emergency operations plan adopted pursuant to section 19 of P.L. 1989, c.222 (N.J.S.A. App. A:9-43.2).

1. The municipal emergency management coordinator shall coordinate the interactions of all those providing emergency response, emergency resources or both for the emergency incident.

2. The municipal emergency management coordinator shall provide periodic updates to the county emergency management coordinator with regard to the emergency incident.

(c) The county emergency management coordinator shall provide additional resources as may be necessary and available.

(d) The county emergency management coordinator also shall notify the State Office of Emergency Management in the Division of State Police in the Department of Law and Public Safety of the emergency incident.

(e) Requests for assistance from the State Office of Emergency Management shall be made by the county office of emergency management.

(f) The county fire coordinator shall maintain a liaison with the supervisory representative of the forest fire service in deploying fire service resources and coordinating protection activities during wildfire emergency incidents pursuant to N.J.S.A. 13:9-1 et seq.

(g) The county fire coordinator shall request additional resources, beyond those from within his or her county, through the regional or State fire coordinator. The regional

or State fire coordinator shall utilize the Office of Emergency Management system to request these resources.

SUBCHAPTER 3. REGIONAL AND STATE COORDINATION OF FIRE SERVICE RESOURCES

5:75A-3.1 Powers of State fire coordinator

(a) The State fire coordinator shall have all powers necessary or convenient to effectuate the purposes of this chapter including, without limitation, power:

1. To enforce and administer the provisions of this chapter;
2. To seek mandatory injunctive relief in State courts;
3. To issue subpoenas for the production of persons, things, and documents that are necessary to achieve compliance with the provisions of this chapter;
4. To prosecute or cause to be prosecuted violators of the provisions of this chapter in administrative hearings and in civil proceedings in State and local courts;
5. To assess penalties and to compromise and settle a claim for a penalty for a violation of the provisions of this chapter in an amount as may appear appropriate and equitable;
6. To hold and exercise all the rights and remedies available to a judgment creditor; and
7. To require any unit of the fire service to provide information periodically on the status, condition and readiness of any of the unit's fire service resources or any other information deemed necessary in a form and manner established by the State fire coordinator.

5:75A-3.2 Regional coordinators

(a) There shall be a minimum of three regional fire coordinators each assigned to geographical areas as determined by the State fire coordinator.

(b) The State fire coordinator in consultation with the county fire coordinators shall determine the qualifications, duties and responsibilities of regional coordinators.

(c) Division of Fire Safety employees may be named as regional coordinators.

5:75A-3.3 Inter-county and regional coordination of fire service resources

(a) Whenever a county fire coordinator determines that fire service resources are needed from other counties due to an emergency incident or a local fire emergency disaster, the county fire coordinator shall notify the regional fire coordinator with responsibility for that county.

(b) Upon receipt of a request for out of county fire service resources from the county fire coordinator, the regional fire coordinator shall notify the State fire coordinator as well as the county fire coordinators from the counties adjacent to the county from which the emergency incident or local fire emergency disaster originates.

5:75A-3.4 State coordination of fire service resources

(a) The State fire coordinator shall be empowered and authorized to issue immediately an order of deployment and require any unit of the fire service to respond, be recalled, standby or deploy any or all of its fire service resources to any location and for any period of the emergency incident or local fire emergency disaster whenever the State fire coordinator:

1. Makes the determination that fire service resources should be deployed to assist in fire suppression and related activities in another state during a fire emergency in that state; or

2. Makes the determination, in consultation with the regional fire coordinator and county fire coordinator for the county from which an emergency incident or a local fire emergency disaster originates, that the emergency incident or local fire emergency disaster requires the deployment of additional fire service resources.

(b) During any emergency incident or local fire emergency disaster requiring deployment by the State fire coordinator, the assigned fire service resources shall be under the operational command of the incident commander at the site.

(c) In issuing an order of deployment, the State fire coordinator also shall be empowered and authorized to direct that any unit of fire service not respond to an emergency incident or a local fire emergency disaster, but remain on standby.

(d) If the State fire coordinator determines that the residents of a municipality or any portion thereof may not have sufficient fire service resources as a result of an order of deployment issued pursuant to this section to the unit of the fire service responsible for the fire protection of that municipality or that portion thereof, the State fire coordinator may issue an order of deployment to an adjacent or nearby unit of the fire service to provide necessary fire protection services, including the provision of fire service resources in the affected municipality or portion thereof.

(e) An order of deployment issued pursuant to this section shall be terminated by the State fire coordinator when he or she determines that the deployed unit of the fire service is once again able to provide adequate fire protection to the residents within its area of responsibility without the provision of fire services resources from other units of the fire service.

(f) An order of deployment shall remain in effect during the period of the emergency incident or local fire emergency disaster or until otherwise rescinded by the State fire coordinator, superseded by order of the Governor pursuant to P.L. 1942, c.251 (N.J.S.A. App. A:9-33 et seq.), or superseded by the determination that mutual aid should be provided in accordance with the Emergency Management Assistance Compact, P.L. 2001, c.249 (N.J.S.A. 38A:20-4 et seq.), or the Interstate Civil Defense and Disaster Compact, N.J.S.A. 38A:20-3.

(g) Upon the issuance of an order of the Governor pursuant to P.L. 1942, c.251 (N.J.S.A. App. A:9-33 et seq.), the State fire coordinator shall coordinate all fire resources in accordance with the State Emergency Operations Plan.

(h) If deemed necessary, and if the emergency incident or local fire emergency disaster continues to exist, the State fire coordinator may reinstate any previously issued order of deployment or any portion of any such order of deployment.

(i) The State fire coordinator may modify the terms of an order of deployment issued to a unit of the fire service in order to respond immediately to a current or developing emergency incident or local fire emergency disaster or to provide adequate fire protection to a municipality or any portion thereof impacted by the order of deployment, including, but not limited to, reducing or increasing the number of deployed fire service personnel, emergency equipment or emergency vehicles.

(j) The State fire coordinator shall maintain a liaison with the supervisory representative of the forest fire service in deploying fire service resources and coordinating protection activities during wildfire emergency incidents pursuant to N.J.S.A. 13:9-1 et seq.

5:75A-3.5 Enforcement of order of deployment

(a) Any State or local law enforcement agency or officer may enforce an order of deployment issued by the State fire coordinator pursuant to this chapter.

(b) If the State fire coordinator shall determine that such enforcement is essential in order to facilitate the immediate response to an emergency incident or local fire emergency disaster, he or she shall so notify any State or local law enforcement agency or officer and that agency or officer shall forthwith enforce that order of deployment.

5:75A-3.6 Violations; penalties; hearings

(a) Any person who knowingly and willfully violates, causes to violate, hinders, or otherwise interferes with an order of the State fire coordinator issued pursuant to this chapter shall be liable to a penalty of not more than \$10,000 for each violation.

(b) Any person aggrieved by an order imposing a penalty pursuant to this chapter shall be entitled to an administrative hearing.

1. Any person who wishes to appeal a penalty order shall file an application for an administrative hearing with the Division by the 15th day after receipt by the person of the penalty notice.

2. The application for an administrative hearing shall not stay or otherwise delay the implementation of an

order of deployment issued by the State fire coordinator pursuant to this chapter.

(c) If the administrative penalty order has not been satisfied by the 30th day after its issuance and an application for an administrative hearing has not been made, the penalty may be recovered in the name of the Commissioner of Community Affairs pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.).