

7. A meeting of the review committee shall not be deemed to be a hearing or an adversarial proceeding and the findings of the review committee shall be deemed to be only a recommendation that is not binding on the Department.

(e) Conviction of a crime, or an offense in connection with exercising the duties of a certified fire official or inspector, shall result in revocation of certification.

(f) Any sanctions imposed by the Construction Code Enforcement Element, pursuant to N.J.S.A. 52:27D-119 et seq., shall constitute grounds for imposition of sanctions under this section.

(g) Any person aggrieved by any action of the Department pursuant to this chapter shall be entitled to a hearing before the Office of Administrative Law in accordance with the Administrative Procedure Act, as provided in N.J.A.C. 5:71-4.2.

1. A person holding certification shall be entitled to contest any order imposing sanctions in an administrative hearing, regardless of whether he or she has exercised the option of appearing before the review committee.

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

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

References to license changed to certification.

Amended by R.1992 d.243, effective July 6, 1992.

See: 24 N.J.R. 678(a), 24 N.J.R. 2422(a).

Stylistic revisions in (d).

Amended by R.1993 d.197, effective May 3, 1993.

See: 25 N.J.R. 393(a), 25 N.J.R. 1874(a).

Added new subsection (c).

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).

Added (a)4.

5:71-4.7 Fees

(a) No application for a certification shall be acted upon unless the application is accompanied by a fee as follows:

1. The initial application fee shall be \$45.00.
2. The three-year renewal application fee shall be \$45.00.

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

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

Fees raised to \$30.00.

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

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

5:71-4.8 Standards for educational programs

To carry out their responsibilities, Code enforcement officials must be fully knowledgeable about Fire Code standards and be adequately prepared to administer and enforce them properly. Fire Code enforcement education programs must meet certain standards to ensure Code enforcement

officials have the necessary technical and administrative training to effectively enforce the Uniform Fire Code at the local level. This section and N.J.A.C. 5:71-4.9 adopts standards for Fire Code enforcement official education programs. Procedures governing the approval of such educational programs are set forth in N.J.A.C. 5:71-4.10.

5:71-4.9 Organizational, administrative, and operational functions of the Fire Code enforcement educational programs

(a) Programs for the effective education of Code enforcement officials are expected to operate with appropriate purposes and objectives. An institution or organization seeking initial and continuing approval of educational programs shall include in its application clearly defined statements of such purposes and objectives.

(b) Sound educational programs can be operated effectively only when supported by adequate institutional arrangements. Accordingly, only programs offered by or under the auspices of institutions of higher education, licensed by the New Jersey Department of Higher Education, fire schools, or fire training academies operated by Federal, State, county or local government, or non-profit organizations organized for purposes which include the training of fire fighting and Fire Code enforcement personnel, can be considered for approval.

1. Provision shall be made within the organization or institution for orderly methods of obtaining and filing information relative to candidates applying for admission to Code enforcement official education programs.

(c) An organization or institution shall have evaluation procedures to assess the quality of its students when they complete programs and as a minimum establish and apply pass/fail criteria.

(d) An organization or institution shall assure that:

1. Each student shall be advised where to secure guidance and who is officially responsible for his program. Attention must be given to a plan for maintaining desirable student-faculty relationships.

2. It is the responsibility of the institution to maintain an adequate system of student personnel accounting, including a permanent cumulative record of each student enrolled. To facilitate ready interpretation by the Division, the graduate is entitled to an intelligible and adequate transcript of record, including a statement of the course title.

(e) Faculty members shall be competent in the field and have contacts with Fire Code enforcement environments and other sources so their teaching and research are current and relevant.

1. The quality of the faculty is one of the more important factors in judging the effectiveness of an institution.

Appraisal of the faculty shall be made in terms of its competence to provide the program for which approval is being sought. Each faculty member shall have a high degree of competency in this area. The faculty consists of those instructors who teach the curricula and all personnel who direct students in all types of activities included as part of the curriculum. Those who teach courses shall be familiar with practices in Fire Code enforcement and/or fire protection technology generally.

2. The institution, recognizing that an appropriate faculty is one of the major determinants of the quality of its education program, shall make provision for the use of the part-timer or adjunct faculty.

i. No individual who has ever had a license suspended for a period of six months or more or has ever had a license or certification revoked for any reason set forth in N.J.A.C. 5:23-5.11 or N.J.A.C. 5:71-4.6 shall be eligible to instruct Fire Code enforcement educational programs.

3. Faculty certification (reserved).

4. Each organization or institution shall undertake a continuing program of faculty and instructor evaluation in order to assure that instruction is adequate and shall take such remedial actions as may be necessary where it is not.

(f) The course of study for fire inspector certification shall consist of a planned pattern of instruction and experiences designed to meet the following standards. The course shall provide at least 45 contact hours of instruction not including examination and support time and it shall ensure by examination technical competence in the following subject areas:

1. The theory of fire code enforcement;
2. Enforcement of fire codes;
3. The life safety systems of buildings and uses including but not limited to means of egress, fire suppression systems, fire alarm systems, and methods for limiting the flame spread, flammability or combustibility of materials;
4. The safe use and maintenance of facilities, buildings and uses which are subject to the New Jersey Uniform Fire Code including but not limited to:
 - i. Airports, heliports and helistops;
 - ii. Application of flammable finishes;
 - iii. Bowling alleys;
 - iv. Dry cleaning plants;
 - v. Dust explosion hazards;
 - vi. Fruit ripening processes;
 - vii. Lumber yards and woodworking plants;
 - viii. Oil burning equipment;
 - ix. Ovens and furnaces;

- x. Places of assembly;
- xi. Service stations and garages;
- xii. Tents and air supported structures;
- xiii. Welding or cutting;
- xiv. Places of amusement; and
- xv. High level alarms.

5. The safe handling of materials which pose a fire hazard, including but not limited to:

- i. Cellulose nitrate products;
- ii. Combustible fibers;
- iii. Compressed gases;
- iv. Cryogenic liquids;
- v. Explosives, ammunition and blasting agents;
- vi. Fireworks;
- vii. Flammable and combustible liquids;
- viii. Hazardous materials and chemicals such as oxidizing materials, radioactive materials, unstable (reactive) chemicals, and poisonous gases;
- ix. Liquefied petroleum gases and liquefied natural gases;
- x. Magnesium;
- xi. Matches; and
- xii. Organic coatings.

(g) The course of study for fire official certification shall consist of a planned pattern of instruction and experiences designed to meet the following standards. The course shall provide at least 30 contact hours of instruction not including examination and support time. The course shall also ensure, by examination, technical competence in the following subject areas:

1. Administration: Fire Code administration, purpose, place in local government structure and relation to Fire Code administration programs at other levels of government; basic principles of supervision, and personnel management including personnel records, budgeting and disciplinary actions; the preparation of records, reports, local enforcing agency budget, recordkeeping requirements as contained in the Uniform Fire Code, including permits, appeals, variances, applications, and violation files and records; and the method of establishing and maintaining proper review and approval procedures for permit applications to ensure compliance with the Fire code and applicable laws and ordinances;

2. Legal methods of code enforcement: Purpose and fundamentals of notices of violation, notices of penalties and court action; powers and procedures available to deal with hazardous conditions and emergency situations; preparation of case records; situations requiring a search warrant and the process of obtaining and issuing the warrant; the administrative hearing process under the State Uniform Fire Code Act; and legal responsibilities of inspection personnel, including legal processes and rules of evidence;

3. Legal rights of landlords and tenants under Federal, State and local laws, and Relationship of Fire Code maintenance provisions as required by State and local agencies; and

4. Local enforcing agency organization and duties of the fire official; and coordination with construction officials, fire subcode officials and other Federal, state, county or local agencies.

Administrative Correction to (d)1.

See: 21 N.J.R. 3085(a).

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

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

Fire inspector course hours raised to 45; fire official certification course standards added at (g).

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

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

5:71-4.10 Procedure for applying for approval of educational programs

(a) Any eligible institution or organization may submit any course for approval as an educational program required by N.J.A.C. 5:71-4.8. The application shall be in letter form, be submitted at least 60 days prior to the first class session of the course and contain all the information specified below.

1. A course that provides content and contact hours required by N.J.A.C. 5:71-4.9(f) or (g) will be acceptable even if it is part of a longer course of study that covers additional material.

(b) Each application shall be submitted in the name of the institution or organization by a person authorized to do so. It shall contain, at a minimum, the following information:

1. The name of the course or program;
2. A description of the length of each session, the frequency of the sessions and the total number of sessions;
3. An outline showing the course or program content by session;
4. A description of any text or materials to be used. The description shall identify whether the text or materials will be mandatory or suggested;

5. A description of the institution's or organization's standard for faculty members who will be employed to instruct the course or program;

6. An estimate of the number of times the course will be offered;

7. A statement that the institution or organization shall notify the Division if the program is withdrawn or changed at any time;

8. A statement that the institution or organization will conduct the course or program in accordance with N.J.A.C. 5:71-4.8 herein and will maintain such records as are therein required; and

9. A statement of the charges the institution has established for the course or program.

(c) The Division shall have the right to undertake such reviews as may be necessary to verify the accuracy of an application or its conformity with this subchapter. The institution, by submitting an application, expressly agrees to cooperate in such reviews.

(d) Upon verification that the program or course will satisfy the educational program requirements, the Division shall:

1. Issue a letter of approval to the institution or organization which letter shall contain any terms or conditions of such approval;

2. Place the name of the institution and the course on the Division's list of approved courses. That list shall be made available to the public.

i. Any approval shall be limited in that it is effective only as long as the course conforms to the application submitted and approved.

(e) Whenever a course or program has been approved by the Division, the institution or organization offering the course may include the statement "This course is approved for credit toward a certification issued by the Department of Community Affairs pursuant to the Uniform Fire Safety Act" in any catalog, bulletin or informational circulars. Whenever such a statement is included, however, the catalog, bulletin or circular shall also contain a statement describing precisely the nature and extent of the approval.

(f) The Division may revoke its approval, after notice and the opportunity to be heard, whenever it ascertains that a course has lapsed or is no longer in conformity with the requirements of this subchapter and/or the terms of the Division's approval. Whenever approval has been revoked or a course has been withdrawn by an institution or organization, a new application and approval shall be required before the course may again be offered as providing credit toward a certification.

(g) Any institution or organization may submit an application for approval for a course administered after January 1, 1978 so that certification applications may receive credit for it. Any such application shall be judged against the standards for programs established at N.J.A.C. 5:71-4.8.

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

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

Minimum contact hours deleted at (a)1.

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

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