

1. (No change.)
 2. Doors in smoke barriers shall have a fire-resistance rating of not less than 20 minutes when tested in accordance with ASTM E152 without the hose stream and labeled by an approved agency. Double egress corridor doors shall have vision panels of one-quarter inch thick labeled wired glass mounted in approved steel frames. Such panels may also be provided in other doors in smoke barriers. The glass area of the vision panels shall be limited to 1,296 square inches for each door. The doors shall close the openings with only the clearance necessary for proper operation under self-closing or automatic closing and self-latching and shall be without undercuts, louvers or grilles. Rabbits or astragals are required at the meeting edges of double egress doors, and stops are required on the head and jambs of all doors in smoke barriers. Positive latching devices are not required on double egress corridor doors, and center mullions are prohibited.

- i. (No change.)
 3.-4. (No change.)
 (b) (No change.)

5:70-4.17 High rise buildings

- (a)-(c) (No change.)
 (d) The following shall apply to mechanical systems:
 1. (No change in text.)
 (e)-(f) (No change.)

5:70-4.19 Smoke alarms for one- and two-family dwellings; carbon monoxide alarms; and portable fire extinguishers

(a) In one- and two-family or attached single family dwellings subject to the requirements of N.J.A.C. 5:70-2.3, smoke alarms shall be installed as follows:

- 1.-2. (No change.)

(b) The smoke alarms required in (a) above shall be located and maintained in accordance with NFPA 72.

1. The alarms shall not be required to be interconnected.

(c) Ten-year sealed battery-powered single station smoke alarms shall be installed and shall be listed in accordance with ANSI/UL 217, incorporated herein by reference. However, A/C-powered single or multiple-station smoke alarms installed as part of the original construction or rehabilitation project shall not be replaced with battery-powered smoke alarms. ***The effective date of this subsection shall be January 1, 2019.***

1. A/C-powered smoke alarms shall be accepted as meeting the requirements of this section.

(d) Carbon monoxide alarms shall be installed in all dwelling units in buildings in one- and two-family or attached single family dwellings, except for units in buildings that do not contain a fuel-burning device or have an attached garage, as follows:

- 1.-2. (No change.)

(e) A portable fire extinguisher shall be installed in accordance with the following:

1. The extinguisher shall be within 10 feet of the kitchen and located in the path of egress;

2. The extinguisher shall be readily accessible and not obstructed from view;

3. The extinguisher shall be mounted using the manufacturer's hanging bracket so the operating instructions are clearly visible;

4. The extinguisher shall be an approved listed and labeled type with a minimum rating of 2A-10B:C and no more than 10 pounds;

5. The owner's manual or written operation instructions shall be provided during the inspection and left for the new occupant;

6. The extinguisher shall be serviced and tagged by a certified Division of Fire Safety contractor within the past 12 months or the seller must have a receipt for a recently purchased extinguisher; and

7. The top of the extinguisher shall not be more than five feet above the floor.

8. Exception: Portable fire extinguishers shall not be required for seasonal summer units. For purposes of applying this exception, "seasonal summer unit" shall mean a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere, but shall not include use or

rental of living quarters by migrant, temporary, or seasonal workers in connection with any work or place where work is being performed.

(a)

DIVISION OF FIRE SAFETY

Uniform Fire Code

Fire Code Enforcement

Adopted Amendments: N.J.A.C. 5:71-2.6, 2.8, 3.4, 3.7, 4.4, 4.7, 4.9, and 4.11

Adopted New Rules: N.J.A.C. 5:71-4.12 and 4.13

Proposed: August 21, 2017, at 49 N.J.R. 2624(a).

Adopted: January 9, 2018, by Charles A. Richman, Commissioner, Department of Community Affairs.

Filed: January 9, 2018, as R.2018 d.075, **without change**.

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

Effective Date: February 5, 2018.

Expiration Date: June 29, 2018.

Summary of Public Comments and Agency Responses:

Comments were received from Mark Antozzeski, Fire Chief and Fire Official, Hamilton Township Fire District 9; Dennis Symons, Jr.; Robert Steel, Clerk, Cinnaminson Fire District #1; Christopher Weniger, Chief Fire Marshal, Hillsborough Township; William Gee, President, Ocean County Fire Prevention & Protection Association; and Jeffrey Betz.

1. COMMENT: Mr. Antozzeski and Mr. Symons, Jr. oppose the proposed fee increase, which increases initial application fees and three-year renewal application fees from \$45.00 to \$91.00. The commenters believe that local government budgets are subject to a two percent cap mandated by New Jersey State law and the application fees established by the Department should also be capped at two percent. Further, the commenters believe the fee increases should be offset by collection of life hazard use fees, which the Department retains for its operations. The commenters suggest a two percent increase each year.

RESPONSE: The Department respectfully disagrees with the commenters' remarks. The State property tax cap signed into law by Governor Christie in 2010, pertains to capping local property taxes assessed by local municipalities to two percent of their approved budgets. The Department does not believe that the property tax cap is material to this fee increase. The proposed application fees would only impact certified Fire Inspectors and Fire Officials, and would not pose a significant hardship upon municipal budgets to credential their fire code inspection personnel. The proposed fee increase is the first increase since 1995, and is to fund fire safety programs and continuing education programs administered through the Division of Fire Safety, Office of Training and Certification. Finally, the Department disagrees with the commenters' belief that the fee increases should be offset by the collection of life hazard use fees, as under the existing rules the Department already rebates 65 percent of collected life hazard use fees to the local enforcing agencies.

2. COMMENT: Mr. Steel writes on behalf of the Board of Fire Commissioners of the Cinnaminson Fire District #1 in support of the proposed rules by indicating that the rulemaking addresses numerous issues that the fire service, and in particular fire code enforcing agencies, have been in need of and requesting. The amendments recognize the use of current technology that will benefit fire code enforcement agencies, business owners, and taxpayers. The commenter further supports efforts to clarify the requirements to deliver, attend, and become a certified fire inspector, as well as to establish training and certification requirements for fire officials. He believes that these initiatives will ensure that future fire code enforcers and leaders will be prepared to meet the challenges that they will face.

RESPONSE: The Department appreciates the commenter's affirmative comments, and thanks the commenter for his support of the rulemaking. The Department believes that the training and credentialing

content presented in the code enforcement certifications training programs will strengthen the code enforcement credentialing system in New Jersey.

3. COMMENT: Mr. Weniger states that the allowance for electronic signatures and records storage will make enforcement of the code more accurate and efficient and will help modernize recordkeeping.

RESPONSE: The Department appreciates the commenter's affirmative comments, and thanks the commenter for his support of the rulemaking. The Department anticipates efforts to modernize its digital computer system and to present a streamlined form submittal process.

4. COMMENT: Mr. Gee supports the use of electronic signatures for all applications and inspections, since most Bureau of Fire Safety Offices have gone electronic for records retention reasons. The commenter asks why certain standardized forms are still active in the Uniform Fire Code, given the Department's RIMS computer system. The commenter also states that there is no mention of extensions for an Annual Report submission, and that there is no mention of the Department holding money back for incomplete inspections on the Annual Report. Finally, the commenter believes that there should be an appeal process to get money that may be held back for incomplete inspections.

RESPONSE: The Department thanks the commenter for his support of electronic signatures initiatives. With respect to the commenter's remarks concerning standardized forms, the forms in question are deleted as part of the amendment to N.J.A.C. 5:71-3.7(a). The commenter's comments regarding extensions for an Annual Report submission and an appeal process to get money that may be held back for incomplete inspections go beyond the scope of this rulemaking. Nonetheless, the Department refers the commenter to existing N.J.A.C. 5:71-2.6(a)2ii and 2.11, respectively.

5. COMMENT: Mr. Betz suggests that the criteria found at N.J.A.C. 5:71-4.9(e)2ii(2) too narrowly limits who can teach the Fire Inspector and Fire Official credentialing courses to only those individuals who are employed as Fire Inspectors and Fire Officials. He believes that the criteria should be broadened to permit an individual who is actively involved in the application of the codes, but not as an "appointed" fire inspector or fire official, to instruct either credentialing course. Mr. Betz recommends that the proposed criteria "three years of which must have been enforcing the adopted International Fire Code" be changed upon adoption to "are actively participating in the use, enforcement, and development of the International Fire Code within the last 3 years." Additional comments were presented that suggested substituting credentials of the International Fire Inspector certification of Fire Inspector Level I or II, for those not necessarily actively enforcing the code at the present time.

RESPONSE: The Department thanks the commenter for his suggestions, but does not agree that other credentials should be substituted to meet the instructor criteria established through this rulemaking. Given that the goal of both credentialing programs is to produce educated and competent fire code enforcement personnel who can immediately interpret and enforce the adopted fire code and referenced standards, instructors must be competent in the International Fire Code (New Jersey Edition) and the New Jersey Uniform Fire Code enforcement provisions and their application. Substituting other instructor credentials—for example, those who are "actively involved in the application of the code" or "actively participating in the use, enforcement, and development of the International Fire Code"—could give rise to disputed interpretations and ultimately may not ensure that an instructor is sufficiently familiar with the adopted International Fire Code (New Jersey Edition) and Uniform Fire Code.

Federal Standards Statement

No Federal standards analysis is required because the amendments and new rules are not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows:

SUBCHAPTER 2. ENFORCING AGENCIES; ESTABLISHMENT AND RESPONSIBILITIES

5:71-2.6 Collection of and accounting for fees and penalties

(a) Collection of registration fees:

1. (No change.)

2. The Division shall remit 65 percent of the amount collected, unless indicated otherwise below, to the local enforcing agency established for the inspection of life hazard uses. This payment shall be disbursed by the end of the quarter next succeeding the one in which fees were collected.

i. No later than 30 days following the end of the calendar year (December 31), the local enforcing agency shall forward to the Division a form verifying the status of all life hazard use inspections performed during the year. The agency shall utilize a Division-approved format which satisfies the following requirements:

(1) The form shall be electronically certified by both the fire official and the chief administrative officer of the municipality or the fire district, as the case may be; and

(2) (No change in text.)

ii. (No change.)

3.-4. (No change.)

(b)-(f) (No change.)

5:71-2.8 Amendments to the Code

(a) (No change.)

(b) No amendment to N.J.A.C. 5:70-1 and 2 is permitted except for permits required in N.J.A.C. 5:70-2.7 and fees for permits in N.J.A.C. 5:70-2.9(c) and certificate of smoke detector compliance fees in accordance with N.J.A.C. 5:70-2.9(f).

(c)-(d) (No change.)

SUBCHAPTER 3. ORGANIZATION, ADMINISTRATION, AND ENFORCEMENT

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.-3. (No change.)

4. File copies of all documents shall be retained in the official records as provided by law. Electronic files are also permissible, provided the local enforcement agency acts consistently with any and all retention rules and as required by the Bureau of Records Management within the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services-Records Management Services.

(b)-(c) (No change.)

5:71-3.7 Forms; logs; reports

Recodify existing (b)-(g) as (a)-(f) (No change in text.)

(g) Where signatures are required, approved electronic signatures are acceptable.

SUBCHAPTER 4. CERTIFICATION OF THE FIRE OFFICIALS

5:71-4.4 Requirements for certification

(a) Any candidate for certification in Fire Code enforcement pursuant to this subchapter shall submit an application to the Office of Training and Certification in the Division of Fire Safety, accompanied by the required fee established at N.J.A.C. 5:71-4.7. The application shall include such information and documentation as the Office may require.

1. Where a signature is required on an application, an electronic signature will be accepted.

(b)-(d) (No change.)

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 \$91.00.

2. The three-year renewal application fee shall be \$91.00.

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

(a)-(d) (No change.)

(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. (No change.)

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;

ii. Instructors for the Fire Inspector certification program shall meet the following criteria:

(1) Possess a valid and current Fire Official or Fire Inspector certification issued by the Office of Training and Certification;

(2) Possess five years of code enforcement experience, enforcing the New Jersey Uniform Fire Code or Uniform Construction Code, three years of which must have been enforcing the adopted International Fire Code;

(3) Be currently appointed, or have previously held the position as an "appointed" fire official or fire inspector within a local enforcing agency for a period of not less than two years; and

(4) Possess a valid and current Instructor I or Instructor II certification issued by the Office of Training and Certification or have completed a 40-hour educational methodology program approved by the Office of Training and Certification; and

iii. Subject matter experts can be used to "augment" instructional delivery in specialized code enforcement topics within the training program. The augmented instruction content must be reviewed and approved by the chief instructor of the program prior to delivery.

3. Faculty utilized to teach Fire Inspector or Fire Official Certification Courses shall be currently certified as a Fire Official or Fire Inspector, except that the instructor for Module 7 and Module 11 of the Fire Inspector Certification Course shall also be currently licensed as a Fire Subcode Official HHS or equivalent.

4. (No change.)

(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 90 contact hours of instruction not including examination and support time and it shall ensure by examination technical competence in the following subject areas:

1. Module 1: Introduction and History of Code Enforcement:

i. History of Fire Prevention/Code Enforcement; and
ii. Basic fire chemistry;

2. Module 2: The Theory of Fire Code Enforcement:

i. Building and fire codes;
ii. Building classifications; and
iii. Code applications;

3. Module 3: Code Administrative Requirements:

i. Classification of Use Groups;
ii. Uniform Fire Code-NJ Life Hazard Uses;
iii. Relation of Fire Code to Building Code; and
iv. Uniform Construction Code Regulations and Subcodes;

4. Module 4: Legal Aspects of Fire Prevention:

i. Uniform Fire Safety Act Statutes, N.J.S.A. 52:27D-192; and
ii. Introduction to N.J.A.C. 5:70-1 and 2 and 5:71-3;

5. Module 5: Referenced Standards:

i. Difference between a Code and a Standard;
ii. When to apply referenced Standards;
iii. How to apply NFPA reference Standards;
iv. Breakdown of NFPA Standards, Guides, and Manuals; and
v. Overview of NFPA Standards, ANSI, ASME, NIOSH, BOCA, ICC;

6. Module 6: Inspection Overview:

i. Ethics and demeanor;
ii. Pre-inspection preparation;

iii. Right of entry and methods;

iv. Interviewing;

v. Documentation methods;

vi. Onsite record reviews;

vii. Sampling and testing;

viii. Report content; and

ix. The inspector as a witness;

7. Module 7: Building Construction and Plan Review:

i. Types of construction as listed in the IBC;

ii. Height and area limitations in the IBC;

iii. Fire resistance ratings;

iv. Methods of fire resistance rating IBC;

v. Continuity of ratings;

vi. Truss construction concepts;

vii. Types of loads (dead, live, fuel);

viii. Load carrying design of beams and columns;

ix. Recognizing construction deficiencies; and

x. Types of plans:

(1) Site plans;

(2) Plot plans;

(3) Architectural plans;

(4) Mechanical plans;

(5) Foundation plans;

(6) Floor plans;

(7) Electrical plans;

(8) Views (plan, elevation, sectional, detail); and

(9) Sprinkler system plans;

8. Module 8: General Fire/Hazard Recognition:

i. Equipment, processes, and storage;

ii. Special events, opening burning/bonfires;

iii. Housekeeping practices, issuance, and permit inspection; and

iv. Principals of electrical hazards (static, dielectric, resistance);

9. Module 9: Occupancy Loads/Means of Egress:

i. Purpose and Importance;

ii. Historical perspectives; and

iii. Components, terms, application;

10. Module 10: Fire Protection Systems:

i. Fire sprinkler systems;

ii. Standpipe systems;

iii. Water supplies and testing;

iv. Fire pumps;

v. Fire alarm systems;

vi. System monitoring;

vii. Hood protection systems;

viii. Smoke removal system; and

ix. Fire extinguishers;

11. Module 11: Fire Protection System Code Requirements:

i. A general review of water based protection systems;

ii. Code requirements pertaining to Fire Protection Systems; and

iii. Uniform Construction Code-NJ various adopted codes and relationships;

12. Module 12: Hazardous Materials:

i. Basic hazardous materials chemistry;

ii. Physical hazards definitions and examples;

iii. Health hazards definitions and examples;

iv. Research materials and MSDS;

v. Relationship to U.S. Environmental Protection Agency, U.S. Department of Transportation, and New Jersey Department of Environmental Protection rules and regulations;

vi. Containment systems and methods;

vii. Discharges and local response protocols; and

viii. State Fire Prevention Code Requirements;

13. Module 13: Specific Operations:

i. Fireworks;

ii. Explosives;

iii. Sleep overs;

iv. Paint Spraying;

v. Welding and Cutting; and

vi. Applications of Flammable/Combustible liquids;

14. Module 14: Retrofit Code:

- i. History of the Retrofit provisions;
 - ii. NFPA Life Safety Code 101 background;
 - iii. Relationship to the Uniform Construction Code;
 - iv. When Retrofit applies;
 - v. Historic structures;
 - vi. Fire protection plans; and
 - vii. Specific Subchapter 4 requirements;
15. Module 15: Inspection Skills and Tools:
- i. Types of inspections;
 - ii. Purpose of inspections;
 - iii. Applying the "Three Es" of fire prevention;
 - iv. Inspection equipment and tools;
 - v. Inspector health and safety; and
 - vi. Issuing violation notices;
16. Module 16: Practical Evolutions:
- i. Guided field inspections of a multi occupancy structure; and
 - ii. Hands-on water flow tests;
17. Module 17: Current Code Changes:
- i. Code Update CEU program review;
18. Module 18: Fire Investigation:
- i. Review duties of fire officials to investigate fires;
 - ii. Types of investigations;
 - iii. Basic fire investigation techniques;
 - iv. Scene approach and documentation;
 - v. Interviewing victims, witnesses, and responders; and
 - vi. Preserving evidence, legal aspect of evidence collection, working with other agencies, requesting assistance; and
 - vii. Documentation processes;
19. Module 19: Terrorism Indicators:
- i. Overview of terrorism;
 - ii. History;
 - iii. Intelligence gathering;
 - iv. Situational awareness;
 - v. Hazardous materials and CBRNE awareness;
 - vi. Visual indicators;
 - vii. Clandestine lab hazards, types, and clean-up; and
 - viii. Pros, cons, and ramifications of becoming an agent for law enforcement; and
20. Module 20: Add Ons (optional):
- i. Classroom review of slides representing hazards/violations with students identifying the problem and providing exact code citations to support conclusion;
 - ii. Large loss or multiple fatality fire code history analysis;
 - iii. Legal liability;
 - iv. Relationship to other government agencies;
 - v. LEA operations;
 - vi. Local government operations;
 - vii. Use of the internet; and
 - viii. Ride-along.
- (g) (No change.)

5:71-4.11 Examination requirements

(a) Examinations shall be administered by the International Code Council prior to December 31, 2015, and thereafter, shall be administered by the Office of Training and Certification within the Division of Fire Safety to establish eligibility for certification as a fire inspector.

1. Applicants for Fire Inspector certification shall demonstrate competence by successful completion of the International Code Council Fire Inspector 1 examination prior to December 31, 2015, thereafter, shall demonstrate competence by successful completion of the New Jersey Fire Inspector written examination developed and administered by the Office of Training and Certification within the Division of Fire Safety.

2. A minimum passing score of 70 percent correct shall be required from applicants to demonstrate competence on the New Jersey Fire Inspector written examination administered by the Office of Training and Certification within the Division of Fire Safety.

i. Applicants shall have three opportunities to successfully pass the written examination. If an applicant fails upon the third attempt to pass

an examination, he or she shall be required to repeat the adopted training program in its entirety before additional examinations will be administered to the individual for the title tested.

5:71-4.12 Learning disabilities accommodations

(a) Accommodations for persons with documented learning disabilities will be established for written examinations as follows:

1. The Office of Training and Certification within the Division of Fire Safety and eligible institutions or organizations approved through this chapter shall offer reasonable and appropriate accommodations for those persons with learning disabilities in reading decoding, reading comprehension, and/or written expression.

2. A person requesting accommodations for written examinations shall make the request to the instructor of the training program, at least 30 calendar days prior to the examination date.

3. Documentation of the learning disability shall include one of the following:

i. A diagnosis based upon the results of a standardized psycho-educational assessment, including an individually administered standardized measure of intelligence and an individually administered standardized measure of achievement in reading decoding, reading comprehension, and/or written expression; or

ii. A diagnosis made by a qualified professional, according to the criteria outlined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-5) (5th Edition), incorporated herein by reference, as amended and supplemented. This manual may be obtained by contacting the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington, VA 22209 or at www.psychiatry.org.

(b) All diagnoses shall have been made within five years of the date of the written examination.

(c) A person who qualifies for accommodations, as reviewed and determined by the training program staff, shall be permitted a total of three hours to complete a 100-question exam, one and one-half hours for a 50-question exam, and 45 minutes for a 25-question exam. Variations of these written examinations which use different quantities of examination questions shall be adjusted at the discretion of the Chief/Senior instructor to reflect a comparable accommodation.

(d) A person who qualifies for accommodations, as reviewed and determined by the training program staff, shall be permitted to receive the written examination by oral delivery from the training program staff. Oral examinations shall be delivered using the ratio of 1:1 (one instructor to one student).

(e) A maximum of three attempts per examination title shall be provided for a student to pass written examinations. A minimum passing score shall be 70 percent correct.

(f) All attempts to successfully pass written examinations shall be completed by the student according to the eligible organization's policies and course completion timeline requirements.

5:71-4.13 National credentialing of certifications issued

(a) Certifications issued pursuant to this subchapter, which have been accredited by the National Board on Fire Service Professional Qualifications ("NBFSPQ" or "Pro Board") and/or by the International Fire Service Accreditation Congress (IFSAC), shall be processed through the Office of Training and Certification.

1. Applicants seeking national credentialing of certifications issued through this subchapter shall meet the policies and procedures established by the Office of Training and Certification.

(b) National credentialing shall conform to the policies and procedures of the Pro Board and IFSAC, incorporated herein by reference, as amended and supplemented by either organization.

(c) The payment of a certificate registration fee established through the Pro Board and/or IFSAC for each certification issued may be required, as established or amended by these independent credentialing organizations. The specific fees applied shall be set forth in the application form established by the Office of Training and Certification.