

SENATE, No. 2230

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senator CASEY

1 AN ACT concerning the powers and duties of county fire marshals,  
2 amending N.J.S.40A:14-2, supplementing chapter 14 of Title 40A  
3 of the New Jersey Statutes and repealing N.J.S.40A:14-4 and  
4 N.J.S.40A:14-5.

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6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

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9 1. N.J.S.40A:14-2 is amended to read as follows:

10 N.J.S.40A:14-2. County Fire Marshal; powers and duties.

11 The county fire marshal shall; act in an advisory capacity to all of  
12 the fire companies in the county, conduct investigations pertaining to  
13 the cause and origins of fires, conduct studies pertaining to the  
14 elimination of fire hazards and [in reference thereto make  
15 recommendations to the board of chosen freeholders. The said board  
16 may act upon such recommendations and take action for the  
17 abatement of fire hazards] , subject to the approval of the board of  
18 chosen freeholders, have authority to enforce the provisions of the  
19 "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.).  
20 The county fire marshal shall report to the entity with control over the  
21 executive functions of the county. The term "entity with control over  
22 the executive functions of the county" means:

23 a. in counties other than those that have adopted a form of  
24 government pursuant to the provisions of P.L.1972, c.154 (C.40:41A-  
25 1 et seq.), the board of freeholders, unless such a county has created  
26 the position of county administrator pursuant to (N.J.S.40A:9-42), in  
27 which case the term means the county administrator;

28 b. in counties that have adopted a form of government pursuant to  
29 the provisions of P.L.1972, c.154 (C.40:41A-1 et seq.), the county  
30 executive, the county manager, the county supervisor or the board  
31 president, depending upon the county form of government.

32 The county fire marshal, subject to the approval of the [said] board  
33 of chosen freeholders, may:

34 (1) [regulate the use, storage, sale and disposal of inflammable or

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 combustible materials;](deleted by amendment)

2 (2) [provide for the protection of life and property from danger of  
3 fires and explosions; and] (deleted by amendment)

4 (3) [provide for the inspection of fire hazards in buildings, docks,  
5 wharves, warehouses and other places.](deleted by amendment)

6 (4) accept the responsibility to be the enforcing agency for a  
7 municipality or fire district under the "Uniform Fire Safety Act,"  
8 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by  
9 ordinance of the municipality or resolution of the fire district;

10 (5) act as training administrator of county fire training facilities and  
11 coordinate training programs with fire departments, agencies and  
12 established training committees;

13 (6) offer assistance to families, units of government and mental  
14 health agencies including law enforcement for intervention in juvenile  
15 fire setting incidents;

16 (7) provide for the prevention of fire hazards and initiate programs  
17 for public awareness; and

18 (8) provide municipal fire departments with such assistance as  
19 necessary to coordinate, control or extinguish any emergency situation  
20 when requested by the incident commander or fire chief of the  
21 department having jurisdiction.

22 (cf: N.J.S.40A:4-2)

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24 2. (New section) a. The board of freeholders of any county which  
25 has created the office of county fire marshal may by ordinance or  
26 resolution, as appropriate, create an arson investigation unit within the  
27 office of county fire marshal and provide for the maintenance,  
28 regulation and control thereof. The arson investigation unit shall be  
29 responsible for conducting investigations of arson, suspicious fires or  
30 explosions in those municipalities within the county that have not  
31 created an arson investigation unit pursuant to the provisions of  
32 section 1 of P.L.1981, c.409 (C.40A:14-7.1).

33 b. Before any county fire marshal or assistant fire marshal shall be  
34 assigned to an arson investigation unit, that person shall have  
35 successfully completed an appropriate course of training approved by  
36 the Police Training Commission and an arson investigation training  
37 course approved by the Department of Law and Public Safety.

38 c. Any county fire marshal or assistant fire marshal who is assigned  
39 to an arson investigation unit pursuant to this section shall attend and  
40 successfully complete in-service training programs as required by the  
41 Division of Criminal Justice.

42 d. Any county fire marshal or assistant fire marshal who is assigned  
43 to an arson investigation unit pursuant to this section shall have the  
44 same powers and authority of a police officer within the municipality  
45 while engaging in the actual performance of arson investigation duties.

1 3. N.J.S.40A:14-4 and N.J.S.40A:14-5 are hereby repealed.

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3 4. This act shall take effect immediately.

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#### STATEMENT

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7 This bill would eliminate the powers and duties of county fire  
8 marshals that have become antiquated over time and conflict with  
9 other State regulations. Powers such as the power to inspect fire  
10 hazards in buildings, docks, wharves, warehouses and other places no  
11 longer pertain due to adoption the New Jersey State "Uniform Fire  
12 Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.). This bill would  
13 also amend existing law to more accurately reflect the duties that  
14 county fire marshals perform.

15 While the bill would require the county fire marshal to report to the  
16 entity with control over the executive functions of the county, it would  
17 retain the power of boards of chosen freeholders to establish an office  
18 of county fire marshal. Furthermore, the bill would require board  
19 approval before an office of county fire marshal could engage in the  
20 powers and duties that could be bestowed by this bill.

21 These powers and duties include the ability to:

22 accept the responsibility to be the enforcing agency for a  
23 municipality or fire district under the "Uniform Fire Safety Act,"  
24 P.L.1983, c.383 (C.52:27D-192 et seq.) if requested to do so by  
25 ordinance of the municipality or resolution of the fire district;

26 act as training administrator of county fire training facilities and  
27 coordinate training programs with fire departments, agencies and  
28 established training committees;

29 offer assistance to families, units of government and mental health  
30 agencies including law enforcement for intervention in juvenile fire  
31 setting incidents;

32 provide for the prevention of fire hazards and initiate programs for  
33 public awareness; and

34 provide municipal fire departments with such assistance as  
35 necessary to coordinate, control or extinguish any emergency situation  
36 when requested by the incident commander or fire chief of the  
37 department having jurisdiction.

38 The bill would also authorize boards of freeholders to create an  
39 arson investigation unit within the office of county fire marshal, which  
40 unit would be responsible for conducting investigations of arson,  
41 suspicious fires or explosions in those municipalities that have not  
42 created a municipal arson investigation unit under existing law.  
43 Because current law only allows a municipality to create an arson  
44 investigation unit if the municipality has established a paid or part-paid  
45 fire department or force, all municipalities that have volunteer fire  
46 departments are unable to create arson investigation units.

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3 Authorizes certain changes to office of county fire marshal and allows  
4 creation of arson investigation unit therein.