

# Washington Township Fire Department Standard Operating Procedure

**Division 700:** Fire Prevention, Life Safety and Education  
**Section 701:** Fire and Life Safety Inspection  
**Subject 701.05:** Issuing State Citations for Fire Inspection  
**Supersedes :**



## Approved By:

Date: September 17, 2007 Date Last Reviewed:

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## PURPOSE:

The Fire Department issues citations for violations of the State Fire Code and the locally adopted Southwest Unified Fire Code Standards. This policy explains the process for issuing citations.

## RESPONSIBILITY:

Authorized and properly trained members have the responsibility to issue state citations. Members will familiarize themselves with the provisions of this policy and practice them.

## PROCEDURES:

The Department can issue *notices* or *citations*. These two actions are different in a number of respects. First, *citations* are imposed for violations that constitute a high degree of danger. *Notices*, on the other hand, are imposed when violations are of no immediate health and safety consequence. Second, given the nature of the adverse impact, conditions that warrant *citations* require more immediate corrective actions than the circumstances that necessitate notices. Third, they differ in how they can be resolved. The process for resolving violations requiring *citations* involves higher levels of government and the judicial branch. The process for handling *notices* can be administered within the Department.

If upon inspection or investigation of a building, occupancy, property or premise by a certified fire safety inspector (CFSI), and the CFSI believes that the state fire code has been violated, as detailed in (I)(1)109.1 of the state fire code, the CFSI will issue a:

- Notice of violation (Basic Fire Inspection Report-Form 50e) pursuant to Directive 701.01, *Fire Inspection Techniques and Procedures*, and Directive 701.03, *Fire Inspection Forms and Supplies*; or,
- Citation.

When a CFSI finds a *de minimis* violation of the code, as described in (I)(2)109.02 of the Ohio Fire Code, the CFSI issues a *notice*. The majority of Fire Department inspection activity results in the issuance of a *notice*. This is true because of the lack of severity of the violation, and normally, a violation can be corrected more quickly working through the local government process.

When the conditions described in (I)(b)109.1.2 of the Ohio Fire Code are found to exist, a *citation* may be issued with the advice and consent of the Fire Chief. The issuance of a *citation*, order, and hearing are regulated by sections 3737.41 to 3737.46 of the Ohio Revised Code and initially follow the procedural outline of Ohio Fire Code sections (I)(3)(a)109.3.1, (I)(3)(b)109.3.2, (I)(3)(c)109.3.3, (I)(3)(d)109.3.4, and (I)(3)(e)109.3.5.

## 3737.41 – Citation to remedy dangerous conditions

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Upon finding dangerous conditions, a certified fire safety inspector can have those conditions remedied. Upon finding dangerous conditions that endanger occupants, the CFSI can order remedy or removal of those conditions.

### **3737.42 – Issuing citation or notice of violation**

The citation describes in great detail the nature of the violation and references the section of the state fire code violated. The CFSI establishes a reasonable time for abatement. The CFSI furnishes a copy of the citation to the State Fire Marshal.

### **3737.43 – Notice of penalty and right to appeal**

The CFSI is required to notify a person receiving a citation of the right to appeal the citation and associated penalty. The CFSI also informs the person of the right to appeal a board of appeals decision to the local common pleas court.

### **3737.44 – Injunction – temporary restraining order**

If a CFSI files a complaint, a local common pleas court may issue an order to require steps be taken to avoid, correct or remove the imminent danger created by a fire code violation. If necessary to preserve life, an order may be issued to vacate a building or premise. Failure by an inspector to seek relief may be cause for a person to seek a *writ of mandamus* to compel the inspector to take action.

### **3737.45 – Failure to comply with order**

If a party fails to comply with a court order that sustains the citation findings, the State Fire Marshal takes action to compel correction of the conditions causing the fire code violation.

### **3737.46 – Actions against violators**

An inspector may request his or her legal counsel take action to have a temporary or permanent injunction issued to stop a person from violating or threatening to violate the fire code.