



Division 12 Inspections and Investigations

Chapter 01 – Fire Safety Law Violations

January 2009

POLICY

This General Order shall provide guidelines for the effectiveness of the civil citation issued by authorized Fire Department personnel and to enhance fire code enforcement through streamlined enforcement procedures.

DEFINITIONS

FI/CE/SH- Fire Inspections/Code Enforcement/Special Hazards Office.

SHI – On Duty Special Hazards Inspector

PROCEDURES

1. Scope of Application

Specifically enumerated provisions of the Fire Safety Law, Subtitle 11, as provided for in Section 28-262 of the Prince George's County Code (Attachment A). These specific fire safety provisions may be enforced through the use of adult civil citations. Enforcement by citation will be limited to personnel assigned to the Fire Prevention Command unless otherwise specifically authorized by the Fire Chief.

The current practice of issuing correction orders for violations should be continued by station personnel. At this time, the Fire Inspections and Code Enforcement/Special Hazards Office is to be notified for assistance only in the event immediate compliance is refused for life safety violations posing an imminent threat or after the issuance of a 3rd correction order has not resulted in compliance for other less serious violations.

Correction orders shall be issued using the following procedure: The first correction order shall be dated for follow up in 30 days (or the next closest shift or weekday after 30 days). The second correction order shall be dated for follow up no more than 14 days (closest shift day or weekday after 14 days) and the 3rd for follow up in 7 days (or shift day as needed). Steps to correct violations shall be taken upon issuance of a correction order and an immediate compliance may be required for very serious situations. These situations should be brought to the attention of the FI/CE/SH or the on duty SHI immediately. All correction orders shall be forwarded to the FI/CE/SH office so as to facilitate the follow-up measures required on the 7th day of the third correction order or notice of violation. Station personnel may be required to accompany the SHI to verify non-compliance with previous requests.

2. Enforcement Procedures

Citations shall be served in person whenever possible. In cases where citations cannot be served in person, they may be sent via Certified Mail, Return Receipt Requested.

Citations may be issued to any person (owner, contractors, permit holder, permittee, or any other person) who has violated a specific enumerated provision of the Fire Safety Law, (see Attachment A). It is essential that the responsible person is cited. In cases where this is not clear, contact a supervisor in the Fire Inspections and Code Enforcement/Special Hazards Office who will obtain advice from the Office of Law, if necessary.



Upon receipt of approval from a supervisor in the FI/CE/SH Office, a civil citation will be issued after a third correction order has been issued and has not been complied with, which cites the specific violation enumerated in Section 28-262 of the Prince George's County Code (see Attachment A).

A civil citation may be issued immediately and without approval of a supervisor for the violations as listed below. Fines are \$100.00 unless specified otherwise:

- Locked exit in an occupied public assembly, (Section 11-256).
- Exceeding the capacity limit in a public assembly building or space (Section 11-256).
- Use of a condemned appliance or mutilations or removal of condemnation tags (Section 11-112).
- Negligent fires if a multiple violation by the same individual. This would not apply to fires that result in injury or death (Section 11-107).
- Failure to notify the Fire/EMS Department of an actual, impending, or extinguished fire. This would not apply to fires that result in serious injury or death (Section 11-103).
- Installation of any fire protection system prior to approval of plans or performance of any construction prior to obtaining a permit or occupying a building without a proper permit (Sections -202, and 11-206).
- Utilizing underground flammable liquid storage tanks not in compliance with periodic tightness testing according to standards set in NFPA 329 (Section 11-259).
- Failure to maintain a proper inventory record for the purpose of detecting leakage in underground flammable liquid storage tanks (Section 11-259).
- Use of charcoal burning, other fuel

burning, or electric cooking equipment within thirty (30) feet of a multi-family dwelling (Section 11-269). A citation will normally be issued when it is confirmed the violator was aware he was violating the law; i.e., advised by resident manager, station personnel, etc.

- Smoking in areas marked "No Smoking" when verified that a fire official posted the area (Section 11-281).
- Failure to have automatic hood extinguishing systems inspected and serviced regularly as required by code. (Section 11-289).
- Fire lane violations (Section 11-277).
 Note: The fine in this case is \$200.00.

An adult civil citation may be issued for the following code provisions only upon approval of a supervisor, the Office of Fire Prevention:

- Section 11-108 -Setting fire to waste or refuse
- Section 11-109 -Access to utilities
- Section 11-111 -Compliance with fire safety law orders or notices
- Section 11-113 -Tampering with fire safety equipment
- Section 11-156 -Fire reports
- Section 11-159 -Inspections
- Section 11-203 -Certificate for approval for fire warning systems
- Section 11-207 - Operation without a valid permit, or under an expired, suspended or revoked permit
- Section 11-254 - Exits and means of egress in buildings, generally
- Section 11-255 -Fire drills
- Section 11-257 -Fire safety instructions for multi-residential occupancies
- Section 11-258 -Smoke Alarms
- Section 11-260 -Aboveground tank storage of flammable liquids
- Section 11-261 -Parking and garaging of vehicles used for transportation of flammable liquids



- Section 11-262 -Use of certain gasoline stoves
- Section 11-263 -Liquefied petroleum gas
- Section 11-264 -Gas shut off
- Section 11-265 -Compressed gases generally
- Section 11-266 -Fumigation
- Section 11-267 -Fireworks
- Section 11-268 -Open fires generally
- Section 11-270 -Use of charcoal-burning equipment in buildings
- Section 11-271 -Use of portable heaters
- Section 11-272 -Water supply and fire hydrants generally
- Section 11-273 -Obstructing fire hydrants or Fire Department connections
- Section 11-274 -Multiple address; conspicuous numeral display
- Section 11-275 -Fire hydrant maintenance
- Section 11-276 -Required access for fire apparatus
- Section 11-278 -Construction and demolition of buildings or structure
- Section 11-279 -Hazardous chemicals and substances generally
- Section 11-280 -Combustible waste and refuse
- Section 11-281 -Smoking generally
- Section 11-284 -Lumberyards and woodworking plants
- Section 11-285 -Tire -rebuilding plants
- Section 11-286 -Matches (sale and storage)
- Section 11-287 -Scrap, waste, junkyard, and collection stations
- Section 11-288 -Operation of gasoline powered equipment in certain structures
- Section 11-290 -Bowling alleys
- Section 11-291 -Inspection and test of fire protection systems, devices, and equipment
- Section 11-292 -Maintenance of Fire Safety equipment

Citations shall be issued for repeated civil violations only upon prior approval of a supervisor. In these cases the fines are as follows:

- Second violation -\$200.
- Third violation -\$400.
- Each in excess of three -\$1,000.

Administrative Procedures

Copies of all issued citations will be forwarded promptly to the immediate supervisor Fire Inspections and Code Enforcement/Special Hazards Office. After review, the copy will be forwarded to the Administrative Aide assigned to FI/CE/SH for processing

In cases where the fine has not been paid, a letter (Attachment B) will be prepared for the signature of the Major assigned to the FI/CE/SH Office. This letter will advise the responsible party that if the fine is not paid within fifteen (15) days, the matter will be referred to District Court for the scheduling of a trial date.

If payment has not been received within 15 days from the date the letter is received by the recipient (paragraph IV-B), the case is to be referred to the County Attorney's Office for the scheduling of a trial with the District Court.

REFERENCES

N/A

FORMS/ATTACHMENTS

Attachment A- agenda Item Summary, Prince George's County Council, Reference No. CB-23-1987

Attachment B- sample of the letter to be prepared for the signature of the Major, FI/CE/SH, advising the responsible party that if the fine is not paid within fifteen (15) days, the matter will be referred to District Court for the scheduling of a trial date.



Attachment C- Daily Transmittal of Uniform
Criminal/Civil Citations to the District Court
if Maryland Form

C-H

AGENDA ITEM SUMMARY

REFERENCE NO: CB-23-1987

MEETING DATE: April 21, 1987

**PRINCE GEORGE'S
COUNTY COUNCIL**

REQUESTER: County Executive/
Fire Department

ITEM TITLE: An Act to allow for civil penalties for fire safety violators.

BACKGROUND AND INFORMATION:

The fire department has suggested the use of civil, monetary penalties as a better enforcement tool. CB-23 would permit the use of either criminal or civil penalties. Based on revenue expected to be generated versus the cost of court appearances, CB-23 is expected to generate \$8397 the first year.

Presented on 2/17/87 and referred to FP&GO.

FP&GO COMMITTEE MEETING

DATE: March 4, 1987

Committee Vote: Favorable, 3-0 (In Favor: Wilson, Mills, and Wineland)

County Fire Chief Jim Estep submitted written support of CB-23, stating that the legislation will have a positive effect on fire code enforcement. Council Member Wineland suggested that the revenues generated be directed to the Fire Department, where additional funding is needed. Mr. Andre Gingles, Council Liaison, indicated that the County Executive's Office will consider the feasibility of Mr. Wineland's suggestion.

Introduced 3/31/87

Enacted 4/21/87 - 5-0 vote (Bell, Casula, Wilson and Wineland absent)

DRAFTER: Col. Caddington

RESOURCE PERSONNEL: Michael Comeau

ITEMS UNDER SEPARATE COVER:

STATUTORY REFERENCES:

Third Violation \$ 400.00

Each in Excess of Three \$1,000.00

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 21st day of April, 1987.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

By: Hilda R. Pemberton
Hilda R. Pemberton
Chairperson

ATTEST:

Jean M. Schmuhl
Jean M. Schmuhl, Clerk

APPROVED:

Date: May 4, 1987

By: Parris N. Glendening
Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.

Effective June 19, 1987

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1 the County Code shall, upon citation issued pursuant to Subdivision
 2 1, be deemed to have committed a civil violation and shall pay to
 3 the County a civil monetary fine in the amount prescribed by
 4 Subsection (b) of this Section:

5 Sections 11-103,

6 11-107 through 11-109, inclusive,

7 11-111 through 1-113, inclusive,

8 11-156,

9 11-158,

10 11-159,

11 11-203,

12 11-204,

13 11-206,

14 11-207,

15 11-254 through 11-282, inclusive,

16 11-284 through 11-287, inclusive, and

17 11-289 through 11-292, inclusive.

18 (1) Each separate day of violation that remains uncorrected
 19 is a distinct civil violation subject to an additional citation and
 20 fine in the amount prescribed by Subsection (b) of this Section.

21 (b) The civil monetary fine for each civil violation of the
 22 provisions enumerated in Subsection (a) shall be One Hundred Dollars
 23 (\$100.00), except as provided in Subsection (c) of this Section and
 24 as provided in Section 11-277(c).

25 (c) For a repeated civil violation, the following fines shall
 26 apply:

27 Second Violation \$ 200.00

1 COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2 Legislative Session 1987
3 Proposed and Presented by Chairperson (by request - County
4 Executive)
5 Introduced by Council Members Casula, Herl, Mills, Castaldi,
6 and Pemberton
7 Bill No. CB-23-1987
8 Chapter No. 16
9 Introduced by Council on March 31, 1987

BILL

9 AN ACT concerning
10 Civil Monetary Fines and Penalties for
11 Certain Fire Code Violations
12 FOR the purpose of establishing civil monetary fines and procedures
13 for violations of certain provisions of Subtitle 11 of the County
14 Code regarding fire safety.

15 By adding:

16 SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.
17 Section 28-262,
18 The Prince George's County Code
19 (1983 Edition, 1985 Supplement).

20 SECTION 1. BE IT ENACTED by the County Council of Prince
21 George's County, Maryland, that new Section 28-262 be and the same
22 is hereby added to the Prince George's County Code:

23 SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.
24 DIVISION 3. MISCELLANEOUS CIVIL VIOLATIONS.

25 Subdivision 2. Specific Civil Penalties Prescribed.

26 Sec. 28-262. Fire Code Violations.

27 (a) Any person who violates any of the following provisions of

OFFICE OF THE COUNTY EXECUTIVE

I hereby acknowledge receipt of Bill No. CB-23-1987
which was delivered to this Office by B. Lauderdale
on the 28th of April, 1987, at 4:00.

Stanton Cusick

OFFICE OF THE CLERK OF THE COUNCIL

Bill No. CB-23-1987 was returned by the County Executive
to the Office of the Clerk of the Council on the 5th day of
May, 1987.

Jean M. Schuch
Jean M. Schuch, Clerk



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-4131

County Executive
PARRIS N. GLENDENING

February 10, 1987

The Honorable Hilda R. Pemberton
Chairperson
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Dear Hilda:

Attached for the County Council's consideration is legislation allowing civil penalty for fire safety violations. Our inability to fiscally impact violators has led to a lack of adherence to code standards. Disregard for safety cannot be accepted and we believe monetary penalties will serve as a combatant and a deterrent.

Your expeditious consideration, as always, will be appreciated. Please feel free to call upon my staff if additional information or assistance is required.

Sincerely,

A handwritten signature in cursive script that reads "Parris".

Parris N. Glendening
County Executive

Attachment



THE PRINCE GEORGE'S COUNTY GOVERNMENT
Fire/EMS Department



Fire Inspections/Code Enforcement/Special Hazards

CERTIFIED MAIL

Date: _____

Addressee
Address
City and State

Re: Civil Violation
Citation # (A)
Address of Premises
City and State

Dear (Addressee):

On (B) Date, you were issued a Civil Violation Citation for violation of the Prince George's County Code (copy attached).

In accordance with Subtitle 11-111 of the Prince George's County Code, you are advised by this FORMAL NOTICE OF VIOLATION that the fine prescribed was not paid by the date of payment set forth in the citation and notice of intent to stand trial has not been received. If the fine is not paid by 15 days from date of the letter, the matter will be forwarded to the District Court for adjudication. The District Court will schedule the case for trial and summon you to appear.

Sincerely,

Sean Eames, Major
Office of the Fire Marshal

WEB/dlh

Attachment

CC: Stanley Wilson, Chief Treasurer

6820 Webster Street
Landover Hills, Maryland 20784





UNIFORM CIVIL CITATION

WITNESS

4235045728

RELATED CITATION ->

District Court of Maryland for

County/Municipality/State of Maryland vs.

Agency

Defendant's (Last) Name

First

Middle

Current Street Address

Apt. No.

City

State

Zip Code

DOB

Height

Weight

Sex

Race

Hair

Eyes

Telephone No. Day:

Telephone No. Night:

Based on personal knowledge of the undersigned officer the attached affidavit, the defendant is charged with

at at Time AM PM on / / Month / Day / Year

..... Location County, MD in violation

of: Md. Ann. Code Municipal Infraction/County Ordinance/Public Local Law/Local Code COMAR

Document/Article

Section

Sub Section

Paragraph

Each day a violation continues is a separate infraction subject to an additional citation.

I sign my name as a receipt of a copy of this Citation and not as an admission of guilt. I will comply with the requirements set forth in this Citation.

Defendant's Signature

INSTRUCTIONS

YOU MUST APPEAR IN COURT. A notice of trial date will be mailed to you.

YOU MAY PAY A FINE of \$ by to the District Court

..... Date at Agency/Municipality

..... and AVOID TRIAL. This will be deemed an admission of guilt and a trial date will not be set.

YOU MAY ELECT TO STAND TRIAL. DO NOT SEND PAYMENT OF FINE. Notify

..... in writing by Agency/Municipality Date

at Address

The District Court will mail you a notice of your trial date and location. AT TRIAL the Court may impose a fine up to \$ plus court costs.

IN ADDITION, Agency/Municipality is seeking abatement of this infraction. You may be ordered to abate this infraction or be assessed the costs for the abatement, as well as a fine of up to \$1,000, plus court costs.

FAILING TO APPEAR OR PAY THE FINE MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

FAILING TO PAY THE FINE OR REQUEST A TRIAL DATE: will deem you liable for the fine assessed; the fine may be doubled and/or a judgment on affidavit may be entered against you including an order of abatement.

FAILURE TO APPEAR FOR A REQUESTED TRIAL DATE: the fine may be doubled and a judgment on affidavit entered against you.

I solemnly affirm under the penalties of perjury, and based upon personal knowledge or the attached affidavit, that the contents of this citation are true and that I am competent to testify on these matters. The defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.

..... Officer's Signature Officer's Printed Name Date

..... Agency Sub-Agency I.D. No. Phone