

SUBJECT: FIRE PREVENTION SUMMONS PROCESS**SECTION:** 204.04**REVISED:** FEBRUARY 12, 2008**PAGE(S):** 2

PURPOSE

To gain compliance with the Fire Prevention regulated State and local codes, ordinances and regulations when all reasonable efforts have been unsuccessful. To provide a course of action be taken when a hazardous condition exists that causes an immediate and/or extreme threat to life or property from fire or explosion.

POLICY

The Fire Department shall seek to utilize the traditional means of inspection, notification, granting of a reasonable time to comply and re-inspection, as its primary approach to Fire Prevention Code enforcement. The summons (Notice to appear) process shall be used only after all reasonable means to gain compliance have failed. The summons process may be invoked at the discretion of the Fire Chief or Assistant Fire Chief whenever unusual or extreme conditions exist. The Fire Chief, Assistant Fire Chief or their designated Fire Officer may issue summonses and cite offenders. Fire department members involved in the citation process shall follow these guidelines, within this policy, which are applicable.

PROCEDURE

Summonses will not normally be issued on the first visit. When routine violations of the applicable fire code are encountered, citations will generally be issued when all efforts to correct the violations have failed.

In those instances where the time limit for compliance has expired but the violator is doing their best to comply, and no immediate fire or life safety hazard exists, the decision not to issue a citation can be made by the Fire Official.

A summons may be issued on the first visit when the violation is for outdoor rubbish fires, careless fires, fire lane obstruction, blocking Fire Department connections, obstruction of a mans of egress and the use of hold-open devices on fire doors. The Fire Official reserves the right to issue a summons and citation whenever there is an immediate threat to life or property in violation of the fire code.

The summons must be issued to the person responsible for the premises. This may be the owner, lessee or manager. Should the person fail to appear in court on the date indicated on the summons, the Magistrate may issue a bench warrant for his/her arrest.

Payouts for summons may be made during business hours through the Reading Clerk of Courts. The costs for payouts have been established by the magistrate. The exact cost information is available from the Clerk of Courts. The section numbers previously established are the only violations that a fine may be paid out. All other violations and section numbers must appear in court.

Each summons is numbered and accounted for. An accounting of all summonses is maintained with the Clerk of Courts. If a mistake is made while a summons is being written, a new summons shall be written, with the original copies given to the Clerk of Courts to be voided.

The issuing officer shall be qualified as a Certified Fire Inspector as required by the Ohio Revised Code.

The offense for which the summons is issued shall be a misdemeanor. The date to appear as shown on the summons shall be the nearest court date from the date of issuance. All violations shall be indicated on the summons with reference to the appropriate code or regulation including the specific section number. Summons issued for violations which present imminent life hazards shall not require prior justification.

Adults being cited (18 years old or older) must be able to be reached in the event of a bench warrant being issued. Adults shall be cited to the local Mayor's Court. Juveniles shall be cited to Juvenile Court.

Summons shall be filled out completely and correctly and all pertinent information entered. When the summons is written, completed copies shall be distributed as follows:

- 1) Cited Person's Copy is given to the violator
- 2) Court copies are the original and the hard copy
- 3) A statement of facts by the issuing officer must be provided on the hard copy.

The Clerk of Courts shall keep a summons log entering each summons and final disposition

When a physical arrest is necessary, the Reading Police Department shall be requested to take the violator into custody to insure proper procedures are followed.

RESPONSIBILITY

The Codified Ordinances of the City of Reading grants authority to the Fire Chief and his/her designated officer to issue summonses and cite offenders for violations of the Fire Prevention Code to appear before the Reading Mayor's Court. The Fire Prevention Code states that "It shall be the duty and responsibility of the Fire Chief or Assistant Fire Chief to enforce provisions of the Fire Prevention Code.