



PRINCE GEORGE'S COUNTY, MARYLAND
FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

General Order Number: 12-01	Effective Date: January 2010
Division: Inspections and Investigations	
Chapter: Fire Safety Law Violations	
By Order of the Fire Chief: Marc S. Bashoor	Revision Date: N/A

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 / RESPONSIBILITIES

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.



PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

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



PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

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



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



COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session 1987

Proposed and Presented by Chairperson (by request - County Executive)

Introduces by Council Members Casula, Hurl, Mills, Castaldi, and Pemberton

Bill No. CB-23-1987

Chapter No. 16

Introduced by Council on March 31, 1987

BILL

AN ACT concerning

Civil Monetary Fines and Penalties for

Certain Fire Code Violations

FOR the purpose of establishing civil monetary fines and procedures for violations of certain provisions of Subtitle 11 of the County Code regarding fire safety.

By adding:

SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.

Section 28-262,

The Prince George's County Code

(1983 Edition, 1985 Supplement).

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

SUBTITLE 28. CIVIL MONETARY FINES OR PENALTIES.

DIVISION 3. MISCELLANEOUS CIVIL VIOLATIONS.

Subdivision 2. Specific Civil Penalties Prescribed.

Sec. 28-262. Fire Code Violations.

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

Sections 11-103,

11-299 through 11-212, inclusive.

Second Violation \$ 200.00

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:

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

Date: May 4, 1987

KEY:

Underscoring indicates language added to existing law.

Effective June 19, 1987

AGENDA ITEM SUMMARY

PRINCE GEORGE'S
COUNTY COUNCIL

REFERENCE NO: CB-23-1987

MEETING DATE: April 21, 1987

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:	

CITATION LEGISLATION
ESTIMATED FISCAL IMPACT STATEMENT

I. ExpendituresOperating Costs

Citation Book, Printing Cost (Initial)	
25 x \$7.00	\$175.00
Citation Book, Printing Cost (Annual)	
4 x \$7.00	<u>\$ 28.00</u>
Total	\$203.00

II. Revenue Generated

Citations issued (Annually)	
Average six monthly,	
at \$100.00 ea x 12 months	\$7,200.00
Citations,	
multiple offense revenue	\$ 600.00

Expense Reduction

Reduced costs in overtime	
due to reduced court appearance	
hours	<u>\$ 800.00 (est.)</u>
Total	\$8,600.00

Revenue	\$8,600.00	
Expenditures	<u>\$ 203.00</u>	
	\$8,397.00	Total revenue, first year



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, appearing to read "Parris", is written over the typed name.

Parris N. Glendening
County Executive

Attachment

UNIFORM ☐ CRIMINAL ☐ CIVIL CITATION TRANSMITTAL

AGENCY NAME (full name)
BARRACK/PRECINCT/DISTRICT/LOCATION (full name)

INSTRUCTIONS FOR COMPLETION OF TRANSMITTAL AND FORWARDING CITATIONS:

1. Complete the top portion of the Transmittal:

Ø Agency Name
Ø Barrack/Precinct/District/Location
2. Starting in the upper left column under Citation Number and continuing down the first column, list the citation number of each citation being transmitted. **Do not mix Criminal and Civil Citations on the same transmittal, use separate transmittals.**

Ø List the full citation number for every citation, including the prefix.
 Ø Do not take shortcuts, even if the citation numbers are in a consecutive sequence
3. When all citations have been listed:

Ø Compare the numbers listed on the Transmittal with the citations being submitted to ensure that all of the citations are accurately listed
 Ø Arrange the citations in the same order as they are listed on the Transmittal
4. Complete the bottom of the Transmittal:

Ø Total number of citations sent
Ø Submitted by (your signature)

Ø ID# (if applicable)
Ø Date Sent
5. Keep one copy of the Transmittal for your agency. Mail or deliver the original and one copy of the Transmittal with the Court Copies of the citations to the District Court.

CITATION NUMBER	CITATION NUMBER	CITATION NUMBER

Total Number of Citations Sent: _____ Submitted By: _____ Signature _____ ID # _____
 Date Sent: _____

FOR USE BY DISTRICT COURT ONLY		
Total received but not listed	Total listed but not received	Total number of citations received
Signature		Date