

PURPOSE

To provide a guideline for the utilization of police powers for the issuance of citations to enforce the Fire Code and City of Peoria amendments of this code.

POLICY

The International Fire Code provides for the use of police powers to enforce the provisions of the code. The Fire Chief is authorized to delegate authority to appointed fire officials to utilize these powers.

PROCEDURE

Citations will be issued as a last resort and only after all reasonable efforts have been exhausted in attempting to mitigate the violation. These efforts shall include the following procedural steps:

- The issuance of a Peoria Fire Department Occupancy Activity Report should include a time limit of not more than thirty-days for correction and compliance.
- A follow-up inspection, utilizing the original Occupancy Activity Report is to be scheduled and conducted. This inspection is to occur after the thirty-day compliance period, but not more than forty-five days following the first inspection.
- The direct contact of the Fire Marshal or designee with the responsible party of the occupancy in violation.
- At the discretion of the Fire Marshal, a written notification of the violation listing the chronology of the enforcement efforts and the scheduling of a final inspection date is to be sent to the responsible party of the inspected occupancy. The notice shall be sent via United States Registered Mail and is to include, with due warning, that failure to comply will result in the issuance of a citation including a statement of the maximum possible fine that may be imposed by the court for the violation.

Exception: Citations may be issued for fire lane parking violations, unauthorized crossing of posted fire lines, and the unauthorized use of fire department appliances without the formal notification process. These violations are to be referred immediately to the Fire Marshal or his designee for enforcement and disposition.

Citations will only be issued by the City of Peoria Fire Marshal, or designee, utilizing the City of Peoria Police Department Traffic and Complaint for fire code violations. Dates and times for all court appearances will be set for the last Tuesday of each month at

9:00 AM. A minimum of ten days will be allowed between citation and the date of the appearance. If ten days are not available in the month of violation, schedule the court date for the following month. The forms are to be completed and forwarded to the City Court for processing and prosecution.

The complaint form is to be completed by the Fire Marshal or his designee. Upon the completion of the citation, the cited party is to sign the complaint guaranteeing their appearance in court at the appointed time.

Should the cited party refuse to sign the complaint form, the unsigned form marked "REFUSE TO SIGN" is to be processed through the City Court.

The issuing fire department representative and the fire officer initiating the enforcement action may be required to appear in City Court, prepared to testify to the nature of the violation and the procedures utilized to resolve and mitigate the issue.

Approved: 
Thomas Solberg, Fire Chief

06/15/2010
Date