



DEPARTMENT OF FIRE SERVICES

Division of Fire Safety



Non-Criminal Ticketing

Massachusetts General Law Chapter 148A

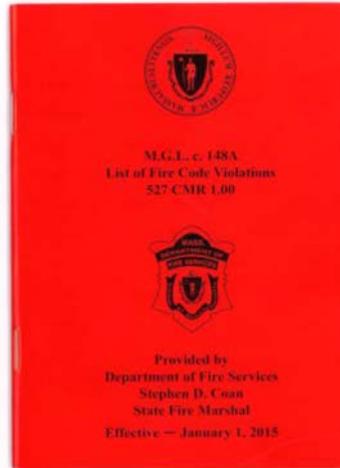


DEPARTMENT OF FIRE SERVICES
Division of Fire Safety

Chapter 148A

- Inserted by Chapter 304 of the Acts of 2004
- Applicable to violations of the State Fire Code (527 CMR 1.00) and the State Building Code (780 CMR). *Not applicable to violations of Chapter 148 and Chapter 143 violations.*
- Schedule of Assessments require approval of
 - State Fire Marshal
 - Commissioner of Public Safety
 - Chief Justice of the Housing Court
 - Chief Justice of the District Court.





Schedule of Assessments "Red Book"

Current version effective January 1, 2015

MASSACHUSETTS NON-CRIMINAL FIRE CODE VIOLATION NOTICE (Issued pursuant to M.G.L. c. 148A and 527 CMR 1.00)						TICKET # FO51- 054051	
DATE ISSUED	DEPARTMENT ISSUING NOTICE	ISSUED BY: <input type="checkbox"/> HEAD OF FIRE DEPARTMENT (OR DESIGNEE) <input type="checkbox"/> STATE FIRE MARSHAL (OR DESIGNEE)	FIRE CODE ENFORCEMENT OFFICER (PRINT NAME)	OFFICER I.D. NUMBER			
NAME OF OFFENDER (LAST)			(FIRST)	MI			
ADDRESS		CITY/TOWN		STATE	ZIP CODE		
DATE OF VIOLATION	TIME	LOCATION OF VIOLATION (INCLUDE #, ST, CITY, TOWN)		STATE	ZIP CODE		
VIOLATIONS(s): Fire Code, 527 CMR 1.00 (Code of Massachusetts Regulations Only) Check One:							
<input type="checkbox"/> A. Warnings of violation(s) only <input type="checkbox"/> B. Violation(s) 527 CMR 1.00		<input type="checkbox"/> C. <input type="checkbox"/> No specific conditions to be corrected <input type="checkbox"/> Continuing conditions to be corrected within 24 hours <input type="checkbox"/> Conditions to be corrected within ___ days		Description of Condition:			
	<u>Description</u>	<u>Assessment</u>					
Sec. _____	_____	\$ _____	_____				
Sec. _____	_____	\$ _____	_____				
Sec. _____	_____	\$ _____	_____				
Sec. _____	_____	\$ _____	_____				
Sec. _____	_____	\$ _____	_____				
Report Attached <input type="checkbox"/> Yes <input type="checkbox"/> No		Total Amount Due: \$ _____					
<input type="checkbox"/> This is a 2 nd or subsequent offense		Date(s) of prior Offense(s) _____					
OFFICER CERTIFICATION: I certify that I am authorized to issue this Massachusetts Fire Code Violation Notice in accordance with the provisions of M.G.L. c. 148A. I further certify that (check one):							
<input type="checkbox"/> I have delivered a copy of this violation to the offender, or the offender's agent at the time and place of the violation Signature of offender or agent of the offender upon receipt: _____ Name: _____ Date: _____							
<input type="checkbox"/> Check here if offender refused delivery (Note: Whoever upon the request of any local or state code enforcement officer refuses to state his/her name and address shall be punished by a fine of not more than \$200.00 (M.G.L. C.148A)							
<input type="checkbox"/> I have mailed a copy of this violation notice to the offender at the offender's last known address.							
<input type="checkbox"/> I have delivered a copy of this violation at the offender's last known address. <input type="checkbox"/> Address of mailing or delivery: _____							
Officer Signature: _____							
D. MAKE PAYMENT OR REQUEST AN APPEAL TO: (PLACE LABEL HERE)			SEE REVERSE SIDE FOR IMPORTANT INSTRUCTIONS				

VIOLATORS COPY

Fire Code Violation Notice "Ticket"

Current version effective January 1, 2015

Chapter 148A Writing the Citation

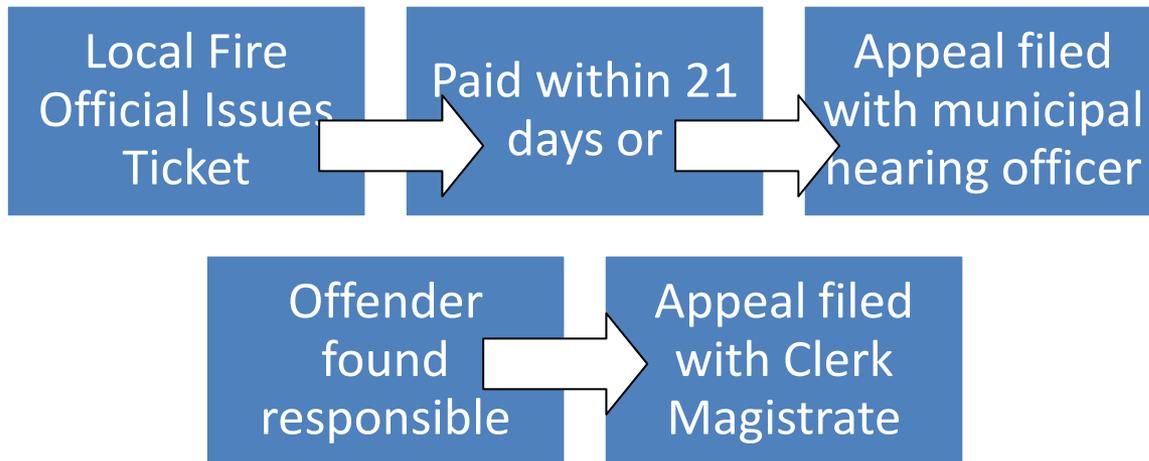
- Be sure to name the correct responsible party
 - Correct name and corporate entity.
- Be sure that the citation is applicable to the party that is being cited.
 - Hood Cleaners not Hood Cleaning Companies
- Citations may be delivered in hand or mailed.
 - Always use certified mail.

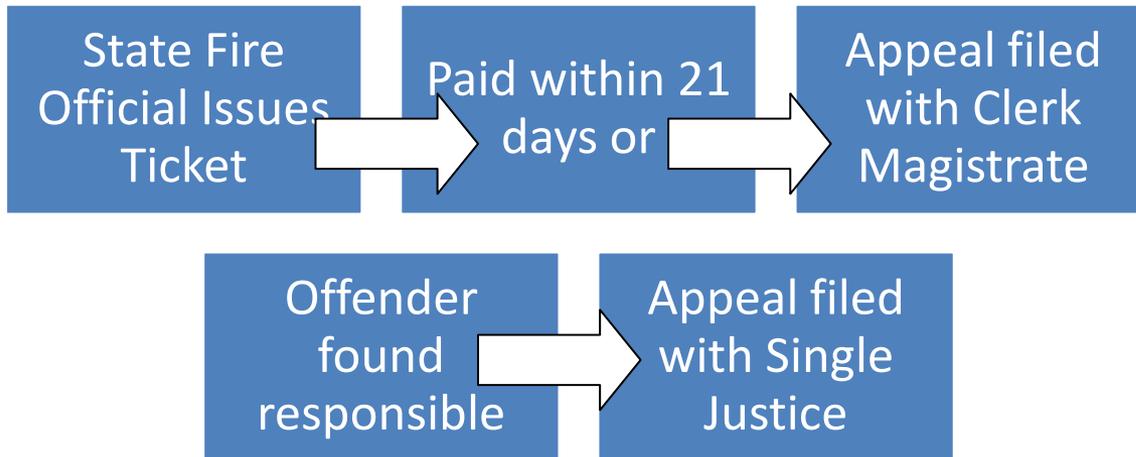


Chapter 148A

- Two Track Appeal Process
 - One for local code enforcement officials
 - One for state enforcement officials
- Directs that appeals to the Housing Court or to the District Court if there is no Housing Court.
 - The courts are a second step appeal for local enforcement officials
 - The courts are the first step appeal for state code enforcement officials.







Chapter 148A

- Failure to pay the assessment, file an appeal or appear for the hearing is deemed responsible
- That fact may be used as prima facie evidence in any civil proceeding and is admissible in a criminal proceeding.



Chapter 148A

- Continuing violations, together with a finding of responsibility and an officers affidavit constitute prima facie evidence for the suspension or revocation of any license, permit or certificate issued by the Commonwealth or a municipality



Chapter 148A

- The use of assessment funds is limited to enforcement, training & education of fire prevention officers and building officials.



Chapter 148A-Answers to Frequently asked Questions

- Where can we obtain ticket books? (First Time Only)
 - Rob Anderson at the Department of Public Safety, You will need to fax a copy of the hearing officer appointment letter 617-227-1754.
 - Include the name and address of the fire official to whom the tickets should be sent.
 - For questions or assistance with ticket books contact Bonnie David at 617-727-3200 x 25236
- Where can I get the “Red Books”?
 - Mary Elizabeth Lynch at DFS, 978-567-3181
- Are Hearing Officers required to be trained?
 - Yes
- Can we issue tickets if we have no hearing officer?
 - No, Due Process requires the right of appeal.



Chapter 148A-Answers to Frequently asked Questions

- Can I issue a second violations the day or week after I issue the first violation.
 - No, not until the appeal has expired.
- Can I write a ticket for a violation that is not contained within the “red book”?
 - No, only the approved assessments can be cited.
- Can I write a ticket under the old code?
 - (Yes it’s been asked) No, the “old code” became ineffective on 1/1/15.



Chapter 148A-Answers to Frequently asked Questions

- Can I cite multiple code sections for the same violation?
 - Yes and No. Nothing specifically prohibits it, however it may be viewed as “piling on” by the hearing officer or clerk magistrate.
- Can I still use the old citation books?
 - Yes
- Where do Hearing Officers get training?
 - Contact Mary Elizabeth Lynch at (978)567-3181



Questions????



- Code Compliance & Enforcement Unit
 - 978-567-3375
- DFS Legal Office
 - 978-567-3181
- David J. Beaudin
 - 978-567-3711
 - David.beaudin@state.ma.us
- Thank you!

