

## To Establish a Municipal Hearings Officer

You must do the following:

- ◆ Designate and appoint a Municipal Hearings Officer
- ◆ Purchase the approved Notice of Violation ticket books from the appropriate vendor
- ◆ Develop a case and fine tracking system
- ◆ Establish appropriate notices
- ◆ Establish hearings procedures
- ◆ Follow notice of decisions / rights of appeal procedures

For further information you may contact the Executive Director of the ECFCA:

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[www.essexcountyfire.org](http://www.essexcountyfire.org)

# *MUNICIPAL HEARINGS OFFICER*



As a result of the Station Nightclub Fire that occurred on February 20, 2003 in West Warwick, Rhode Island where 100 people perished and an additional 200 were injured, the Commonwealth of Massachusetts Office of Public Safety formulated a Fire & Safety Task Force. Several months later the Task Force reported their findings and developed several major recommendations that included *new and enhanced fines and criminal penalties, additional funding resources and new ticketing and code enforcement procedures.*

Based on the Task Force recommendations, then Governor Mitt Romney signed Chapter 304 an act relative to fire safety in the Commonwealth on August 17, 2004. The legislation was effective on November 15, 2004. Under the new legislation M.G.L. Chapter 148A that allows for new ticketing provisions by Fire Service personnel took effect on March 1, 2005.

This portion of the legislation allows for each community to insure violation summonses for specific violations of the fire code with the proceeds going back to the community for training of fire prevention personnel.

The reason for the new procedure was to allow each community to create documentation of violations allowing enforcement personnel to concentrate their efforts.

- Link violations with licenses, permits or certificates relating to the building or structure
- Allows for returned revenue source to target local training and enforcement efforts

### Major Features of Chapter 148A

- Enforced by a “local” code enforcement officer defined as: *Head of Fire Department or designee empowered to enforce fire code*
- Local building inspector empowered to enforce the Building Code under c. 143, s.3A
- Comprehensive uniform statewide ticketing process and standardization of forms
- Hearings are conducted by persons who have been appointed by the local community’s Appointing Authority as the Municipal Hearings Officer

As a result of an identified need in many area communities, the Essex County Fire Chiefs Association has established the process for which a Municipal Hearings Officer will work with those communities not currently served by a Municipal Hearings Officer. This service is free of charge to all the member Fire Chiefs and their respective communities through the ECFCA.

### Ticketing Process

- Violation Occurs
- Ticket issued with associated fine \$100, \$500, \$1000
  - ◇ Hand delivered by Fire Prevention Officer or Building Inspector
  - ◇ Mailed or delivered within 15 days of violation

- Within 21 days of violation, Violator must:
  - ◇ Pay fine or,
  - ◇ Request a hearing from the Hearings Officer

Hearing must be held within 45 days of request

Hearing decision may be appealed to Clerk Magistrate or Housing Court within 10 days of the decision by Municipal Hearings Officer.

### Scheduled Assessments

#### Warning - No Fine

**1<sup>st</sup> Offense - \$100**

**2<sup>nd</sup> Offense - \$500**

**3<sup>rd</sup> Offense - \$1000**

Fines are paid to the local municipality and earmarked for the training and education of Fire Prevention Officers and Building Inspectors

There are approximately 150 violations contained in violation reference book - Fire Code 527 CMR

- Blocked or obstructed exists
- Exceeding occupant load
- Non functioning fire suppression system
- Non functioning emergency lighting
- Non conforming interior finishes