



# Jackson Hole Fire/EMS Operations Manual

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## PURPOSE

1. To gain compliance with State and Local Fire Safety Codes, ordinances and regulations, when all other reasonable efforts have been unsuccessful.
2. A course of action to be taken when a condition exists that causes and immediate and/or extreme threat to life or property from fire, explosion, or other emergency.

## SECTION I - GENERAL

1. The Fire and Injury Prevention Bureau shall be responsible for the enforcement of laws and regulations for the safeguarding , to a reasonable degree, of life and property from the hazards of fire and explosion, and from conditions hazardous to life and property in the use or occupancy of buildings or premises and their contents.
2. It is the intent of the Fire Department to achieve code compliance by traditional means of inspection, notification, granting a reasonable time to comply and reinspection. The citation shall be used only after all reasonable means to gain compliance have failed or, with proper justification, at the discretion of the Deputy Chief, Prevention & Administration (Fire Marshal).
3. By department policy, only those members of the Fire Department specifically designated by the Deputy Chief, Prevention & Administration (Fire Marshal) may issue citations. For the purpose of this program, those individuals shall be the Fire Marshal and Chief Electrical Inspector.

## SECTION II – CITATION PROCESS

1. **Authority**

A. Local authority for enforcement of the International Fire Code (IFC) and the International Urban-Wildland Interface Code (Iuwic) is granted through Wyoming Statute §35-9-121. The Town of Jackson Municipal Code, Chapter 15.08, Ordinance 591 adopts the most recent edition of the IFC and Iuwic. The Teton County Fire Code Resolution, dated 9-14-04 adopts the most recent edition of the IFC, Iuwic, and Teton County Fire Protection Resolution for New Subdivisions for County enforcement.

1. International Fire Code Section 104.1 states that: "the fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions."
2. International Fire Code Section 106.1 states that: "the fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code."
3. Pursuant to Wyoming Statute §35-9-130, any local or state code applicable to fire or life safety may be cited.

2. **Penalty**

A. Wyoming Statute §35-9-130 states that:

1. "A person who violates W.S. 35-9-101 through 35-9-130 is guilty of a misdemeanor punishable as follows:
  - a. An individual, including an officer or agent of a corporation or association who participates in or is an accessory to the violation may be punished by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than six (6) months, revocation of his license, or fine, imprisonment and revocation; and
  - b. A corporation may be punished by a fine of not more than one thousand dollars (\$1000.00), revocation of its license, or both.
2. Violators of W.S. 35-9-101 through 35-9-130 may also be enjoined from continuing the violation by proceedings brought by the district or county and prosecuting attorney or by the attorney general.

B. Penalties may also be assessed according to the bond schedule of the Justice Court of Teton County. (Attached).

3. **Materials Helpful in Writing a Citation**

- A. Uniform Fire Code.
- B. Municipal Ordinance or County Resolution.
- C. Wyoming State Statute.
- D. List of court holidays.
- E. List of common codes and sections violated.
- F. Bond Schedule.

4. **Officer's Demeanor**

The manner in which the officer conducts his/her relationship with the violator is of paramount importance. It has an effect on the violator's attitude throughout the duration of the citing period and a strong bearing on public opinion concerning this department. A courteous and business like demeanor must be displayed, and at NO time should an officer enter into an argument. Remember, most violators blame the officer, not themselves. An alert, confident manner and a reasonable attitude may affect the violator, creating a more favorable atmosphere for the issuance of the citation.

5. **Salutation or Introduction**

It is very important for the officer to adequately introduce himself/herself, establish his/her identity and the purpose of his/her presence to the person in charge of the premises.

6. **Reasons to Issue the Citation**

Citations will not normally be issued on the first visit. When routine violations of the applicable fire code are encountered, citations will generally be issued following the third visit or second re-inspection.

If code compliance has not been obtained on the second visit or first re-inspection, the inspector should mention the possibility of a citation and the need to issue one. Either a pre-citation letter will be delivered by certified mail or a citation warning notice will be given at this point in the enforcement process. In all cases adequate time shall be provided between inspections. This will vary with the seriousness of the violation and complexity of the work to be done.

In those instances where the time limit for compliance has expired, but the violator is doing his/her best to comply and immediate fire or life hazard exists, the decision not to issue a citation may be made.

7. **Issuance of the Citation**

The citation (Notice to Appear) must be signed by the person responsible for the premises. This may be the owner, lessee or manager, but the citation must be issued to a responsible person.

8. **Making the Arrest (Issuing the Citation)**

A citation for a misdemeanor/infraction offense is an arrest. The violator's signature is a promise to appear as instructed and the violator is released upon his/her signing. Refusal to sign would require physical arrest.

After the officer has made his/her decision to arrest, he/she should make the arrest by notifying the violator that he is arrested, the cause for the arrest and the authority to make the arrest (enabling state or local law).

9. **Refusal to Sign the Citation**

The citation is a release stating that the defendant will appear in court or post bail in lieu of physical arrest. In extreme cases, one may encounter an individual who will refuse to sign the citation. After all reasonable efforts have been pursued and a signature is not obtainable, the fire department officer will summon a police officer or sheriff's deputy, explain the situation to him/her, and request a physical arrest (per state law section).

10. **Accountability**

Each citation is numbered and accounted for. A list of all citations will be maintained in the Fire Administration Office.

If a mistake is made while a citation is being written, it shall be voided and the office copy placed in the appropriate file in the Fire Administration Office.

### SECTION III - PROCEDURES

1. **Routine Violations**

A written notice shall be issued whenever a code violation is encountered. The notice shall be issued to the person(s) responsible for the premises or his/her authorized agent.

The time for re-inspection may vary depending on circumstances, but generally within 15 to 30 days one of the following should occur:

- A. Compliance with all requirements.
- B. Partial compliance with a designated re-inspection date.
- C. A satisfactory proposal for compliance with an agreed upon time for completion.
- D. A final notice issued with a warning of pending citation/legal action.

The amount of time permitted for compliance shall be dependent upon the hazard and danger created by the violation. Excessive time for compliance may weaken the fire department's position in the event that legal action is required.

2. **Imminent Hazard**

Order the hazard abated:

- A. If the hazard is abated as ordered, follow with a pre-citation letter advising of a citation procedure for future or similar violations. A citation may be issued if it is repeat violation.
- B. If the hazard is not abated, the officer shall take action as necessary to abate the

hazard and a citation may be issued immediately.

3. **Transient Violators**

Transient violators are violations not occurring at a permanent place of business or premises:

- A. Violations involving persons who are transient are handled by a citation or by physical arrest if the violation is committed in the officer's presence.
- B. When a physical arrest is necessary, a law enforcement officer shall be requested to take the violator into custody and to ensure proper arrest procedures are followed.

4. **Written Citation**

Written citations shall be issued as follows:

- A. Adults being cited (18 years or older) must be able to be reached in the event a bench warrant is issued.
- B. Citation books shall be issued by citation number to the assigned officer. The officer is accountable for each citation by number.
- C. The citation shall be filled out completely and correctly and all pertinent information entered.
- D. When the citation is written and completed, copies shall be distributed as follows:
  - 1. Court Copy (original) - attach copies of inspection notices and a summary sheet and deliver to the County Prosecuting Attorney's office.
  - 2. Violator's copy - 2<sup>nd</sup> copy.
  - 3. File copy - 3<sup>rd</sup> copy to the Fire Prevention Bureau files; one copy in citation files and a photo copy placed in the occupancy file.
- E. The fire department shall keep a citation log, entering each citation and the final disposition of each.

5. **Restrictions**

- A. Citations shall be issued only after all reasonable means to gain voluntary compliance have been exhausted as supported by documentation.

**Exception:** Citations issued for violations which present imminent life or fire hazards, such a locked or chained exits, smoking in restricted areas, unlawful discharge of fireworks or explosives, illegal spray painting, faulty

equipment or procedure, failure to obey lawful orders of a fire officer, and violations similar in nature will not require prior justification.

- B. Citations shall be issued only by those fire department officers or law enforcement officers authorized herein by the chief.

6. **Use of Citations**

- A. Citations shall be used only where a violation of a specific section of the appropriate code or ordinance has occurred.
- B. Documentation establishing prior efforts to gain compliance shall be in evidence.

**Exception:** Citations issued for violations which present imminent life or fire hazards, such as a locked or chained exits, smoking in restricted areas, unlawful discharge of fireworks or explosives, illegal spray painting, faulty equipment or procedure, failure to obey lawful orders of a fire officer, and violations similar in nature will not require prior justification.

- C. Issuing officer shall be qualified as required by Department policy.
- D. The offense for which the citation is issued shall be an infraction/misdemeanor and NOT a felony.
- E. Whenever the issuing officer questions the uncertainty of releasing the violator upon signing the citation on his/her promise to appear, the assistance of a law enforcement officer should be requested.
- F. All violations shall be indicated on the citation with references to the appropriate state statute, code or regulation, including the specific section number.
- G. All violations, as shown on the citation, shall be explained to the violator prior to his/her signing.
- H. Whenever possible, the issuing officer shall appear in Justice Court on the date set forth on the citation in order to be available for questioning by the court.