From: Anderson, Robert (DPS)
Sent: Monday, October 27, 2008 11:10 AM
To: DPS-DL - Building Inspectors

all municipal Building Commissioners

Subject: FW: Chapter 304 Ticket Booklets

Ladies and Gentlemen –

As you are aware, several legal and regulatory changes were approved relating to inspection practices in the commonwealth and elsewhere around the country as a result of the 2003 Rhode Island, Station Night Club fire. Specifically, Chapter 304 of the Acts of 2004 modified several sections of Massachusetts law. Among other things, modifications allowed municipal building and fire service personnel to issue non-criminal citations to building owners for violations of the state building code and state fire prevention regulations. Initially, municipal building officials were authorized to issue tickets for only seven (7) different building code violations, including:

1. Blocked or impeded egress
2. Emergency lighting and\or signage
3. Occupant load exceeded
4. Interior finish
5. Occupant notification devices
6. Fire detection devices
7. Sprinkler system

Since choices were limited to these seven (7) items, the violations were noted directly on the ticket. A copy of an original ticket is attached to this message.

Recently, municipal building officials have been authorized to issue tickets for six (6) new infractions, including:

1. Occupying a building without an appropriately issued certificate of occupancy
2. Occupying a building beyond the expiration date of a temporary certificate of occupancy
3. Proceeding with construction work without proper inspections
4. Beginning work without applying for and receiving a building permit
5. Failing to submit amended plans to reflect a change in the scope of work
6. Failing to maintain a property in a manner safe for occupancy

This brings the total to thirteen (13) violations for which a ticket may be issued specific to the state building code.

Rather than printing new ticket booklets to reflect this change, it is recommended that municipal inspectors either strike the current language on the ticket and enter revised information or use a sticker to insert language on an existing ticket. Examples of each technique are also attached to this message. Whichever method is used, please be sure to make the violation clear to the party receiving the notice. When printing new booklets in the future, municipalities may wish to delete the violation language currently identified on the tickets, leaving blank lines that may be filled-in at the time of issuance.

Please remember, whether striking and inserting language, using a sticker to insert language, or simply recording a violation on the blank line of a new ticket, municipal building officials are limited to the thirteen (13) violations noted above. In each instance, please take care to record the appropriate section number for the Sixth or Seventh Edition of the Code to which reference is made and to clearly complete remaining portions of the ticket so that notice is plainly provided to the receiving party.

Finally, as a reminder, municipalities *are not required* to partake in ticketing practices; *participation is voluntary*. However, municipalities must have a duly trained hearings officer available to adjudicate appeals if they choose to participate in the program.

It is hoped that this information is helpful and clear. If not, please feel free to return a message and we will attempt to clarify. These changes are effective immediately.

Thank you for all your assistance.

Sincerely,

Rob Anderson
DPS Chief of Inspections
Building Division

MASSACHUSETTS NON-CRIMINAL BUILDING CODE VIOLATION NOTICE

(Issued pursuant to M.G.L. c.148A and 780 CMR)

TICKET # B051-017501

DATE ISSUED	DEPARTMENT ISSUING NOTICE	ISSUED BY: ☐ BUILDING COMMISSIONER (OR DESIGNEE) ☐ STATE BUILDING INSPECTOR (OR DESIGNEE)	BUILDING OFFICIAL (PRINT NAME)
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

OFFICER I.D. NUMBER

VIOLATIONS(s): Building Code, 780 CMR (Code of Massachusetts Regulations) Check One:

A ☐ Warnings of violation(s) only

B ☐ Violation(s) 780 CMR (1st offense=$100. 2nd offense=$500. 3rd or subsequent= $1000.)

C ☐ No specific conditions to be corrected
☐ Continuing conditions to be corrected within 24 hours
☐ Conditions to be corrected by: (date) _____

Description of Condition:

Sec:	Description	Assessment
Sec:	~~Blocked or Impeded Egress~~	$
Sec:	~~Emergency Lighting and/or Signage~~	$
Sec:	~~Occupant Load Exceeded~~	$
Sec:	~~Interior Finish~~	$
Sec:	~~Occupant Notification Devices~~	$
Sec:	~~Fire Detection Devices~~	$
Sec:	~~Sprinkler System~~	$
		$

Report Attached. ☐ Yes ☐ No.

Total Amount Due: $

☐ This is a 2nd or subsequent offense. Date(s) of prior Offense(s) _____

OFFICER CERTIFICATION: *I certify that I am authorized to issue this Massachusetts Building Code Violation Notice in accordance with the provisions of M.G.L. c. 148a. I further certify that (check one):*

☐ 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: _____

☐ Check here if offender refused to accept 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.)

☐ I have mailed a copy of this violation notice to the offender at the offender's last known address.

☐ I have delivered a copy of this violation at the offender's last known address.

☐ Address of mailing or delivery: _____

Officer Signature

D. MAKE PAYMENT OR REQUEST AN APPEAL TO:

(PLACE LABEL HERE)

SEE REVERSE SIDE FOR IMPORTANT INSTRUCTIONS

MASSACHUSETTS NON-CRIMINAL BUILDING CODE VIOLATION NOTICE

(Issued pursuant to MGL c.148A and 780 CMR)

TICKET # B051-01750

DATE ISSUED	DEPARTMENT ISSUING NOTICE	ISSUED BY: ☐ BUILDING COMMISSIONER (OR DESIGNEE) ☐ STATE BUILDING INSPECTOR (OR DESIGNEE)	BUILDING OFFICIAL (PRINT NAME)	OFFICER I.D. NU

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): Building Code, 780 CMR (Code of Massachusetts Regulations) Check One:

A ☐ Warnings of violation(s) only

B ☐ Violation(s) 780 CMR (1st offense=$100. 2nd offense=$500. 3rd or subsequent= $1000.)

C ☐ No specific conditions to be corrected
☐ Continuing conditions to be corrected within 24 hou
☐ Conditions to be corrected by: (date) _____

Description of Condition: _____

	Description	Assessment
Sec: 120.1	~~Blocked or Impeded Egress~~ Occupying building	$
Sec:	~~Emergency Lighting and/or Signage~~ without appropriately	$
Sec:	~~Occupant Load Exceeded~~ issued certificate	$
Sec:	~~Interior Finish~~ of occupancy	$
Sec:	~~Occupant Notification Devices~~ 780 CMR 120.1	$
Sec:	~~Fire Detection Devices~~ Sixth Edition	$
Sec:	~~Sprinkler System~~	$
		Total Amount Due: $

Report Attached ☐ Yes ☐ No

☐ This is a 2nd or subsequent offense Date(s)of prior Offense(s) _____

OFFICER CERTIFICATION: *I certify that I am authorized to issue this Massachusetts Building Code Violation Notice in accordance with the provisions of M.G.L. c. 148a. I further certify that (check one):*

☐ 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: _____

☐ Check here if offender refused to accept delivery (Note: Whoever upon the request of any local or state code enforcement officer refuses to state his/her and address shall be punished by a fine of not more than $200.00 (M.G.L. C.148A.)

☐ I have mailed a copy of this violation notice to the offender at the offender's last known address.

☐ I have delivered a copy of this violation at the offender's last known address.

☐ Address of mailing or delivery: _____

Officer Signature: _____

D MAKE PAYMENT OR REQUEST AN APPEAL TO:

(PLACE LABEL HERE)

SEE REVERSE SIDE FOR IMPORTANT INSTRUCTION

MASSACHUSETTS NON-CRIMINAL BUILDING CODE VIOLATION NOTICE

(Issued pursuant to MGL c.148A and 780 CMR)

TICKET # B051-01750

DATE ISSUED	DEPARTMENT ISSUING NOTICE	ISSUED BY: ☐ BUILDING COMMISSIONER (OR DESIGNEE) ☐ STATE BUILDING INSPECTOR (OR DESIGNEE)	BUILDING OFFICIAL (PRINT NAME)
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

OFFICER I.D. NU

VIOLATIONS(s): Building Code, 780 CMR (Code of Massachusetts Regulations) Check One:

A. ☐ Warnings of violation(s) only

B. ☐ Violation(s) 780 CMR (1st offense=$100. 2nd offense=$500. 3rd or subsequent= $1000.)

C. ☐ No specific conditions to be corrected
☐ Continuing conditions to be corrected within 24 hou
☐ Conditions to be corrected by: (date) _____

Description of Condition: _____

Sec:	Description	Assessment
Sec:	Blocked or Impeded Egress	$
Sec:		$
Sec:	Occupying Building without appropriately issued Certificate of Occupancy Violation of 780 CMR 120.1 (Sixth Edition)	$
Sec:		$
Sec:		$
Sec:		$
Sec:		$
		Total Amount Due: $

Report Attached ☐ Yes ☐ No

☐ This is a 2nd or subsequent offense Date(s)of prior Offense(s) _____

OFFICER CERTIFICATION: *I certify that I am authorized to issue this Massachusetts Building Code Violation Notice in accordance with the provisions of M.G.L. c. 148a. I further certify that (check one):*

☐ 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: _____

☐ Check here if offender refused to accept delivery (Note: Whoever upon the request of any local or state code enforcement officer refuses to state his/her and address shall be punished by a fine of not more than $200.00 (M.G.L. C.148A.)

☐ I have mailed a copy of this violation notice to the offender at the offender's last known address.

☐ I have delivered a copy of this violation at the offender's last known address.

☐ Address of mailing or delivery: _____

Officer Signature: _____

D. MAKE PAYMENT OR REQUEST AN APPEAL TO:

(PLACE LABEL HERE)

SEE REVERSE SIDE FOR IMPORTANT INSTRUCTION

DRAFT