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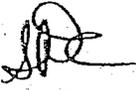
The Commonwealth of Massachusetts
Executive Office of Public Safety
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STEPHEN D. COAN
STATE FIRE MARSHAL
THOMAS P. LEONARD
DEPUTY STATE FIRE MARSHAL

MEMORANDUM

TO: Heads of Fire Departments/Building Commissioners

FROM: Stephen D. Coan, 
State Fire Marshal

Thomas G. Gatzunis, P.E., Commissioner 
Department of Public Safety

DATE: May 1, 2007

SUBJECT: Fire Code/Building Code Violation Tickets

Your municipality has been identified by the Department of Public Safety (DPS) as a city or town that implemented the voluntary ticket procedure for the citation of Building and Fire Code violations authorized pursuant to chapter 148A of the General Laws. We write to request your assistance in providing DPS with information regarding issuance of these tickets.

In accordance with MGL c. 148A, §2, local code enforcement officers are empowered to enforce violations of the State Building Code and State Fire Code by issuing a written notice of code violation or "ticket." The ticket program is voluntary and was implemented to provide an alternative to criminal prosecution where appropriate. Underlying the ticket program was the intent that this alternative procedure benefits both the municipality and the building owners because it would simplify enforcement efforts by the municipalities while also avoiding the often time-consuming process associated with the filing of a criminal complaint against the building owner.

A secondary benefit is the ticket program's potential to provide useful information relative to the types and nature of code violations. This information would be helpful in an assessment of the impact of Code provisions; training of local code enforcement officials; and monitoring of enforcement trends. Trends gleaned from the ticket information may point toward needed Code amendments or other steps that may be taken to assist municipalities in enforcement efforts.

In the Summer of 2005, DPS and DFS conducted training sessions for the implementation of the ticketing program and requested that both the fire and building officials from each community send or fax in a copy of the tickets which were issued to the Department. Unfortunately, as of this writing, this has not occurred. Accordingly, we write today to renew that request so that this information may be used to realize the full potential of the ticket program which is dependent upon the participation of municipalities.

In particular, DPS is seeking: 1) the number of code violation tickets that your municipality has issued, and, 2) any available copies of tickets that local code enforcement officers have issued to this point. This information will be entered into a DPS database exclusively for the purpose of identifying and tracking trends. **Please send copies of the tickets to Bonnie Davis, Program Coordinator, Department of Public Safety, P.O. Box 779, Tewksbury, MA 01876 or by fax to 1-978-858-0869.**

As the local code enforcement officials you are the first to encounter violations. Although the ticket program is wholly voluntary, I am sure that you understand the potential significance of the information that is collected, not only to your municipality, but also to the Commonwealth. Thank you for your consideration of this request. If you have any questions, please contact Rob Anderson at robert.anderson@state.ma.us for building related inquires and Peter Senopoulos at peter.senopoulos@state.ma.us for fire ticket related inquires.

SDC/bhs