

SCOTTS VALLEY FIRE PROTECTION DISTRICT



STANDARD OPERATING PROCEDURES DATE APPROVED: APPROVED:	ARTICLE: III	SOP: 3100
	SECTION: 3100 FIRE PREVENTION	
	SUBJECT: CITATION PROCESS	
	12/31/2008	
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Purpose: Guidance for the issuance of a citation

Scope: Chief Officers and fire prevention staff

Authority: The Penal Code of the State of California, Section 836.5 and the Health and Safety Code Section 18941.5 authorizes citation rights to the fire district.

The Scotts Valley Fire District Fire Code (the SVFPD Ordinance) states how, when, and by whom citations shall be issued.

Scotts Valley Fire Protection District, Fire Prevention Division, Policy 700 states:

“A written **notice** shall be issued whenever a fire code or hazardous material violation is encountered. The notice shall be issued to the persons responsible for the premises or their authorized representatives. The fire district shall regularly adopt ordinances prescribing regulations governing violations of the fire code and providing for designated employees to issue and enforce citations in accordance with the California Penal Code.”

Issuing a **citation** should be done only as a last resort measure and only with failure to comply with previous **notices** or with reasonable cause to believe that a person has committed an infraction or misdemeanor in violation of SVFPD Fire Code in your presence.

Writing the citation:

- All citations are numbered and must be accounted for.
- A citation is either an infraction or a misdemeanor. Check the box on the citation indicating which it is. A misdemeanor offense is considered an arrest, and a violator’s signature is a promise to appear in court. The violator is released upon the signing of the citation.

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- It is important that the code section being cited matches the description of the violation.
- The code section to use is found in the County of Santa Cruz 2008 Bail Schedule and can be accessed on the County of Santa Cruz web site.
- Note on the citation the number of prior notices leading to the citation and include copies of the notices with the court copy.
- There is a place on the citation for the “issuing officer” and “I.D.” number. The I.D. number is your radio call number.
- Be sure to have the violator sign the citation. If he/she refuses summon a law enforcement officer.
- Put a check in the “within 30 days” box at the bottom of the citation
- The white copy is the court copy. It should be hand delivered to Criminal Traffic and Minor Violations in room 120 if it is an infraction, and to the D.A. if it is a misdemeanor, at the first available opportunity. Include copies of previous violation notices.
- The yellow copy is given to the defendant by the issuing officer at the time of contact.
- The pink copy is a permanent record of the SVFPD.

Examples of Bail Schedule violations

FC 111.4 Failure to Comply with an order of the Fire Chief (Misdemeanor processed by the D.A.).

FC 305.4 Deliberate or negligent burning (Infraction) – It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

FC 307.1.1 Open Burning (Infraction), Prohibited open burning – Offensive smoke or odors. Open burning that is offensive or objectionable because of smoke or odor

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emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Notice of Discontinuance of open burning and recreational fires

Reference the following code section when writing a **notice** to cease and desist:

Scotts Valley Fire Protection District Fire Code Section 307.3 Extinguishment authority - The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.

Forward the written notice to the Fire Marshal for follow-up