

## CITATION PROGRAM

The goal of our department is for cooperative compliance in correcting the violations found during our periodic fire inspection program. We hope that education about the fire code requirements and their potential for harm will cause the owner/occupant to take corrective action.

There are times where we must use a citation as a response to code violations that endanger the public. Citations provide an immediate financial impact on those responsible for these code violations to discourage repeat offenses.

A. If, after investigation, a Deputy Fire Marshal determines that a violation of Fire Code has occurred and that the person, entity or owner/occupant committing the violation knew or should have known that the action was in violation, a citation may be issued to the person, entity or owner/occupant committing the violation. Citable violations include, but are not limited to:

1. Failure to obtain a permit or failure to adhere to permit conditions.
2. Failure to adhere to assigned occupant load limit in an occupancy.
3. Exit blocked, obstructed, Exit corridor or aisle obstructed or width reduced.
4. Fire alarm device or fire extinguishing system blocked, obstructed or otherwise rendered unusable.
5. Parking in a posted fire lane on a private street or public property, blocking or obstructing any fire hydrant or fire department connection
6. Possession or use of illegal fireworks.
7. Illegal Storage/use of fireworks or explosives.
8. Illegal occupancy in violation of Building Cod.
9. Burning in violation of Fire Code.
10. Repetitive false alarms in occupancies equipped with fire, smoke and/or sprinkler flow detection systems.
11. Knowingly maintaining a fire hazard by failure to correct fire code violations noted in writing.
12. Violations that would constitute or contribute to an immediate and/or imminent hazard to life and/or property.

B. Each day, or other time period as noted by your Deputy Fire Marshal, a person, owner, or occupant violates or fails to comply with fire code regulations may be considered a separate violation for which another citation may be issued.

### **PROCESS TO APPEAL A CITATION**

The City of Asheville has established an administrative appeal process (Ref. COA Policy 51) to consider whether a citation was correctly issued. You must file an appeal not later than **ten business days** after the citation date from the Fire Marshal's Office. You must serve written notice of your appeal by completing an appeal form; please follow the directions on the form. Submit the appeal form either as an attachment to an e-mail (mail to: [whamilton@ashevillenc.gov](mailto:whamilton@ashevillenc.gov)), in person, or mail to the Asheville Fire & Rescue Fire Marshal's Office located at:

Asheville Fire and Rescue Department  
Fire Marshal's Office  
100 Court Plaza ; 4<sup>th</sup> Floor  
PO Box 7148  
Asheville, NC 28802

Contact your Deputy Fire Marshal or call 828-259-5640, if you need assistance completing the form.

Upon receipt of the appeal form, the Fire Marshal's Office reviews it for completeness. Final decisions are made by the Fire Marshal after review of the evidence presented. These decisions are then mailed to appellants. Our goal is to conduct this review no more than 30 days after receiving the appeal form.