

CITY OF BEND FIRE & RESCUE  
POLICY, PROCEDURE, AND INSTRUCTION

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SECTION: Fire Prevention

TITLE: Citations

NUMBER: 1400-007

**A. POLICY**

- 1) It is the policy of Bend Fire & Rescue (BF&R) to establish guidelines for a safe and effective procedure of issuing citations to individuals within Protection boundaries. Citations require a person to appear before a Judge and possibly a Jury for one or more alleged fire safety violations of Oregon State Statute, Local Ordinances or the Fire Code.
- 2) Whenever necessary, BF&R Fire Prevention personnel (FPP) may request law enforcement personnel issuing citations and personal safety is a concern.

**B. PROCEDURE**

- 1) The Fire Marshal, Incident Commander or Chief Officer may assign a FPP to investigate a potential fire and life safety violation.
- 2) An assigned Fire Inspector or Deputy Fire Marshal (FPP) will have the duty to complete an inspection for the fire and life safety violations. These violations will be documented on the appropriate BF&R Fire Prevention Division electronic reporting system.
- 3) Prior to issuing a citation FPP shall contact the Fire Marshal or a Chief Officer to discuss the correction of a fire and life safety deficiency.
- 4) The Fire Marshal will determine if a citation is needed to correct the alleged fire and life safety deficiency. For burning complaint incidents, citations may be issued on a first offense at the discretion of the FPP when the department is in extreme fire danger. This can be done without direct contact with the Fire Marshal or their designee prior to issuance.
- 5) When required by the Fire Marshal or Chief Officer, FPP may be requested to assist law enforcement agencies with an investigation of fire and life safety deficiencies.
- 6) FPP may testify before a Judge or before a Jury to assist a law enforcement agency.

**C. INSTRUCTION**

- 1) When requested by the Fire Marshal or other Chief Officer FPP may be asked to investigate an alleged violation of Oregon State Statute, Ordinances of the City of Bend or Deschutes County Fire District No. 2 or the Fire Code.
- 2) Due to the severity of the alleged violation, FPP will investigate and take corrective action in a reasonable amount of time.

CITY OF BEND FIRE DEPARTMENT  
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- 3) Notice of Violation (N.O.V.) may be used as a written “warning” to instruct an individual that a fire hazard or violation(s) of fire safety regulations exist and shall be corrected. The N.O.V. shall be used only for the listed violations described on the notice. The hard bottom copy of the N.O.V. shall be delivered to the violator or left at the premises of the violating party.
- 4) If a fire safety deficiency is not corrected within the required amount of time or because the deficiency is declared an imminent hazard to life or property, FPP may decide a citation is needed to correct the hazard. FPP shall contact the Fire Marshal or their designee for approval to proceed with the citation process. FPP shall immediately forward copies of the specific violation documentation including fire safety regulation section numbers, to the Fire Marshal or their designee.
- 5) FPP are required to ensure that all reports and documentation are properly filed.
- 6) FPP shall keep the Fire Marshal aware of the citation progress and final result.
- 7) Citations for Fire Code violations within the City of Bend shall reference City of Bend Ordinance 8.10.050 Enforcement a Class “A” civil infraction.
- 8) Citations for open burning violations within the City of Bend shall reference City of Bend Ordinance 5.30.005 a Class “B” civil infraction.
- 9) Citations for Fire Code violations within Deschutes County Rural Fire District #2 or contract area shall reference District #2 Ordinance No. 10-1 Section 12 (Penalties) a Class “A” infraction.