

Fire Code Civil Penalty Policy For Travis County

This policy outline and penalty matrix puts into place a system that will better match a Fire Code Civil Penalty with a violation by quantifying various aspects and circumstances of noncompliance. This approach will offer flexibility to the Travis County Fire Marshal's office, the Travis County Attorney's Office, and the Commissioners Court to address both common types of violations as well as more serious types of violations.

Calculation of a Civil Penalty

The first step in determining the base civil penalty is the consideration of two factors:

(1) The **potential for harm** to fire safety practices, human health, or to the regulatory program,

and

(2) The **extent of deviation** from a statutory, rule, or permit requirement

- this incorporates any number of adjustment factors such as:
 - a. Actions before the violation
 - b. Actions after the violation
 - c. History of noncompliance
 - d. Economic benefit of noncompliance
 - e. Other unique factors

These two factors (expressed in 8 specific criteria on the attached worksheet) constitute the **seriousness of a violation** and are factored into a matrix from which a numeric rating is derived, corresponding to a specific penalty amount.

The matrix penalty is then subject to being multiplied by a number that reflects the number of days of violation. The resulting figure is the **base civil penalty**.

Penalty Calculation

Harm and Deviation Criteria Points

Preliminary Penalty Factor Points			
NONE (0)	POSSIBLY (1)	PROBABLY (2)	DEFINITELY (3)

- 1) Fire Risk? _____
 - 2) Human Risk? _____
 - 3) Willful or Knowing Violation? _____
 - 4) Unresponsive in Correcting Violation? _____
 - 5) Improper Operation or Maintenance? _____
 - 6) Failure to obtain necessary permits? _____
 - 7) Economic Benefit of Noncompliance? _____
 - 8) History of noncompliance (referrals)? _____
- 1st ref (1pt) 2nd ref (2pt) 3rd ref + (3pt)
- Total Rating Points** _____

Harm and Deviation Component Penalties

Rating	1-3	4-5	6-7	8-9	10-11	12-15
Penalty	\$20	\$40	\$60	\$80	\$100	\$120

Rating	16-18	19-21	22-23	24
Penalty	\$140	\$160	\$180	\$200