

## **105-001 Civil Penalty Matrix and Instructions.**

### **105-001-010 Purpose.**

These administrative rules establish a matrix for use in determining the monetary amounts of civil penalties imposed by the City of Salem. The matrix is based on the criteria set forth in Salem Revised Code 20J.150. The matrix and its associated definitions will allow the fire code officials to impose civil penalties using a clear, defined and consistent methodology.

### **105-001-020 Definitions.**

Unless the context otherwise specifically requires, as used in these administrative rules, the following terms mean:

- (a) **Accidental** means arising from extrinsic causes or happening without intent.
- (b) **Administrator** means the Deputy Chief of the Fire and Life Safety Division of the Salem Fire Department, or his/her designee.
- (c) **Code** means the "Salem Revised Code."
- (d) **Intentional** means that a person acts with a conscious objective to cause the result or to engage in the conduct so described.
- (e) **Knowing** means that a person acts with an awareness of that the conduct of the person is of a nature so described or that a circumstance so described exists.
- (f) **Major violation** means any violation that creates a definite risk to the public health, safety, or welfare.
- (g) **Minor violation** means any violation that creates no or a low risk to the public health, safety, or welfare.
- (h) **Moderate violation** means any violation that creates potential or limited risk to the public health, safety, or welfare.
- (i) **Negligent** means the failure of a person to exercise the care that a reasonable person would exercise under the circumstances.

### **105-001-030 Application Standards.**

- (a) In order to calculate the amount of a civil penalty for a single violation, the fire code official shall use the definitions found in 105-001-020 and the matrix found in 105-001 Figure 1.
- (b) In order to calculate the amount of an on-going civil penalty for each day that a violation continues, the fire code official shall use the definitions found in 105-001-020 and the matrix found in 105-001 Figure 1 and shall then impose 25% of the result for each separate violation.
- (d) The amounts of any civil penalty calculated shall be approved by the Administrator before being imposed.

**105-001 Figure 1: Civil Penalty Matrix and Instructions**

To use the matrix to calculate a civil penalty, assign a value to each of the four criterion found below (Intent, Cooperation, Mitigation, and History). Total the four values assigned and find the matching value in the column under "Criteria Total" in the matrix. Then select the gravity or magnitude of the violation that best fits the nature of the violation (minor, moderate, or major). The amount found where the two values intersect shall be the correct amount of the civil penalty to impose.

**Criteria**

<b>Intent:</b>	Accidental (0)	Negligent (.5)	Knowing (1)	Intentional (1.5)
<b>Cooperation:</b>	Cooperative (0)	Indifferent (.5)	Un-cooperative (1)	
<b>Mitigation:</b>	Steps taken to correct (0)	Some action (.5)	Refusal to take steps (1)	
<b>History:</b>	No prior related violation (0)	Prior related violation (.5)	Prior same violation (1)	

**MATRIX**

**Gravity or Magnitude of Violation(s)**  
**Potential for Harm or Impact to the Community**

<b><u>Criteria Total:</u></b>	<b><u>Minor</u></b>	<b><u>Moderate</u></b>	<b><u>Major</u></b>
<b>0 - .5</b>	\$50.00	\$100.00	\$200.00
<b>1 - 1.5</b>	\$150.00	\$300.00	\$600.00
<b>2 - 2.5</b>	\$250.00	\$500.00	\$1000.00
<b>3 - 3.5</b>	\$375.00	\$750.00	\$1500.00
<b>4+</b>	\$500.00	\$1000.00	\$2000.00