

TITLE 10. FIRE PROTECTION

Chapter 1. Fire Department, 10-1-1 to 10-1-11.

Chapter 2. Fire Code, 10-2-1 to 10-2-11.

Chapter 3. Code of Open Burning Regulations, 10-3-1 to 10-3-5.

Chapter 4. Cost Recovery for Hazardous Materials Emergencies, Aggravated Fire Emergencies and Aggravated Medical Emergencies.

Chapter 1. Fire Department

- 10-1-1. Creation.
- 10-1-2. Creation of Position of Chief.
- 10-1-3. Powers and Duties of Chief.
- 10-1-4. Fire Department Personnel.
- 10-1-5. Emergency Vehicles.
- 10-1-6. Control of Personnel.
- 10-1-7. Interference with Firemen in Discharge of Duties.
- 10-1-8. Unlawful Interference with Officers, Apparatus, Water, Etc.
- 10-1-9. Investigation After Fire Report.
- 10-1-10. Right to Enter Upon and Inspect Premises.
- 10-1-11. False Alarm.

10-1-1. Creation. There is hereby created a fire department to be known as the Clinton City Fire Department.

History: 12/75, 9/84

10-1-2. Creation of Position of Chief. There is hereby created the position of chief of the fire department.

History: 12/75, 9/84

10-1-3. Powers and Duties of Chief. (1) The chief shall have responsibility for the general supervision of the department.

(2) During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.

(3) The chief shall at least quarterly report to the governing body the condition of the fire equipment, the number of fires and their causes, and the estimated loss therefrom together with such other information as the governing body may request or as he shall deem appropriate.

(4) The chief shall strictly enforce all of the provisions of the title of this city relating to the protection against and prevention of fire.

(5) The chief shall supervise the maintenance of the equipment of the department to insure it is in good repair and order and ready for use.

(6) The chief, subject to the approval of the mayor and city council, shall establish rules and regulations for the operation of the department.

(7) The chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.

(8) The chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated, and such other information as may be relevant to prevent other fires.

History: 12/75, 9/84

10-1-4. Fire Department Personnel. The chief may make recommendations to the city manager relating to the employment of firefighters and such other personnel as may be necessary to enforce the provisions of this chapter. The number of personnel of the department shall be regulated by resolution of the city council.

History: 12/75, 9/84

10-1-5. Emergency Vehicles. Fire trucks are hereby designated authorized emergency vehicles.

History: 12/75, 9/84

10-1-6. Control of Personnel. All persons 18 years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance as directed.

History: 12/75, 9/84

10-1-7. Interference with Firemen in Discharge of Duties. Every person at the scene of any fire who disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the efforts of any fireman, or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a class C misdemeanor.

History: 12/75, 9/84, 05/99

10-1-8. Unlawful Interference with Officers, Apparatus, Water, Etc. Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose, or other fire apparatus belonging to the city, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be deemed guilty of a class B misdemeanor and shall be punished accordingly.

History: 12/75, 9/84

10-1-9. Investigation After Fire Report. The chief, or such other persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department and shall report the same to the governing body at such time as it may direct.

History: 12/75, 9/84

10-1-10. Right to Enter Upon and Inspect Premises. The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises except private dwellings at all reasonable hours for the purpose of making inspections.

History: 12/75, 9/84

10-1-11. False Alarm. It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system. A violation of this section shall be a class B misdemeanor.

History: 12/75, 9/84

Chapter 2. Fire Code

- 10-2-1. Fire Code.
- 10-2-2. Establishment and Duties of Fire Bureau Prevention.
- 10-2-3. Definitions.
- 10-2-4. Establishment of Limits of District in Which Storage of Flammable or Combustible Liquids in Outside Above Ground Tanks is to be Prohibited.

- 10-2-5. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.
- 10-2-6. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.
- 10-2-7. Codes Adopted by Reference.
- 10-2-8. Permits.
- 10-2-9. Appeals.
- 10-2-10. New Materials, Process or Occupancies which may Require Permits.
- 10-2-11. Penalties.

10-2-1. Fire Code. The 1988 edition of the Uniform Fire Code, as recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, except such provisions as are hereinafter deleted, modified, or amended by section 10-2-7 of this act, three (3) copies of which have been filed for use and examination by the public in the office of the recorder, is hereby approved and adopted as the fire code for the city insofar as the same is or can be applicable to the city.

History: 11/79, 9/86, 2/89

10-2-2. Establishment and Duties of Fire Bureau Prevention. (1) The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the fire department of Clinton City, which is hereby established and which shall operate under the supervision of the fire chief of the fire department.

(2) The fire chief shall be in charge of the Bureau of Fire Prevention or shall appoint a chief of the bureau on the basis of examination to determine his qualifications

(3) The fire chief may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the city council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

History: 12/75, 9/84

10-2-3. Definitions. (1) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the City of Clinton.

(2) Wherever the term "corporation counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for Clinton City.

History: 12/75

10-2-4. Establishment of Limits of District in which Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks is to be Prohibited.

(1) Except for the provisions set forth in section 79-1001 of the 1988 Uniform Fire Code and Chapter 3 of the Clinton City Zoning Ordinance, the storage of Class I and II liquids in outside above-ground tanks is prohibited within all zones of Clinton City.

(2) The limits referred to in Section 79-501 of the 1988 Uniform Fire Code shall be construed to prohibit any new construction of bulk plants for Class I, II and III flammable or combustible liquids anywhere within the corporate limits of Clinton City.

(3) All tanks, without exception, allowed under paragraph (1) shall not be installed prior to the obtaining of the necessary permits as required by Article 4 of the 1991 Uniform Fire Code.

History: 12/75, 9/86, 2/89, 1/91, 4/93

10-2-5. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in section 82-105 of the 1988 Uniform Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows:

(1) The aggregate capacity of any one installation shall be a maximum of 2000 gallons water capacity in heavily populated and congested commercial areas of the city.

(2) Weed burners using liquefied petroleum gas will be permitted in agricultural zones only.

History: 12/75, 9/84, 9/86, 2/89

10-2-6. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in section 77-201(b) of the 1988 Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, apply everywhere within the city limits.

History: 12/75, 9/86, 2/89

10-2-7. Codes Adopted by Reference. The 1988 Uniform Fire Code Appendix with the exception of Section III-B, the Life Safety Code, 1985 edition, and

all applicable sections of the Uniform Building Code, 1988 edition, pertaining to fire prevention and fire protection, are hereby adopted and incorporated by reference as part of this chapter.

History: 12/75, 9/84, 9/86, 2/89

10-2-8. Permits. Where permits are required by the Uniform Fire Code, said permits shall be obtained for each separate event, occurrence, or burning, rather than for a specified period of time.

History: 12/75

10-2-9. Appeals. Whenever the chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the city council within 30 days from the date of the date of the decision appealed by giving notice of appeal in writing to any city council member.

History: 12/75, 9/84

10-2-10. New Materials, Process or Occupancies which may Require Permits. The mayor, the fire chief, and the chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now included in said code. The chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

History: 12/75, 9/84

10-2-11. Penalties. (1) Any person who shall violate any of the provisions of this code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build a fire in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor. The imposition of one (1) penalty for any violation shall not excuse the violation or permit to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not

otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

History: 12/75, 9/84, 05/99

Chapter 3. Code of Open Burning Regulations

- 10-3-1. Adoption of Code of Open Burning Regulations.
- 10-3-2. Burning Permits.
- 10-3-3. Changes to Section III.
- 10-3-4. Changes to Section V.
- 10-3-5. Changes to Section IV.

10-3-1. Adoption of Code of Open Burning Regulations. Subject to the changes delineated in sections 10-3-3 through 10-3-5, below, that certain code establishing regulations for the control of open burning entitled, "Code of Open Burning Regulations," adopted by the Utah Air Conservation Committee as a code December 19, 1968, and published in mimeographed form and as the same shall hereafter be amended, is hereby approved and adopted as the Code of Open Burning Regulations of the City of Clinton, Utah, and by reference made a part of this code to the same effect and extent as though said code were copied herein in full. Three (3) copies of such code shall be filed for use and examination by the public in the office of the recorder of the city.

History: 7/70, 6/83, 9/84

10-3-2. Burning Permits. The health officer or other official designated by the governing body of the city shall establish a procedure for issuance of burning permits under the terms of the Code of Open Burning Regulations. Said official shall also devise a method of visual determination of any violations of the Code of Open Burning Regulations and shall institute appropriate enforcement procedures as necessary.

History: 7/70, 9/84

10-3-3. Changes to Section III. Section III of the Code of Open Burning Regulations, entitled "general prohibitions," is hereby supplanted with the following:

III. General Opening Burning Regulations: (1) All open burning on Sunday or holidays is prohibited.

(2) All fires shall be a minimum of 50 feet from any combustible building.

(3) Adequate means in terms of equipment and manpower shall be always present to control or extinguish, if necessary, all fires.

(4) No fire shall be left unattended at any time.

(5) All fires shall be extinguished at once if wind velocity exceeds 20 miles per hour or of such a force as to blow sparks that could possibly set fire to surrounding materials.

(6) All fires shall be extinguished at dark.

(7) No open burning shall be allowed in any subdivision except as provided in this act.

(8) All burning of refuse, waste, trash, or garbage is prohibited, including, but not limited to, cloth, leather, rubber, plastic, wood and paper products, tree leaves, and yard trimmings.

History: 6/83, 9/84

10-3-4. Changes to Section V. Section V of the code is supplanted with the following:

V. Permissible Burning--With Permit: When not prohibited by other laws or by other officials having jurisdiction and when a nuisance is not created, the following types of open burning are permissible with a permit:

(1) Agricultural burning, including non-premise orchard prunings, field stubble, weeds, and open burning to clear irrigation ditches. This provision expressly excludes refuse, waste, trash, or garbage.

(2) Open burning of solid or liquid fuels or structures considered hazardous or aesthetically objectionable.

(3) Open burning for fire fighter training purposes when conducted under the direction, control, and supervision of the fire department.

(4) Open burning for other special purposes or unusual circumstances with approval of the fire chief or designated representative.

(5) Open burning in subdivisions for the purpose of clearing residue from garden lots under the following conditions:

(a) Permits will be issued only during the month of April of each calendar year.

(b) The garden residue will be limited to stacks or piles not to exceed a base diameter of four (4) feet and a height of three (3) feet, and it can be ignited in an area ten (10) feet in diameter free of any combustible materials.

(c) Accelerants (gasoline, kerosene, etc.) are prohibited in starting or keeping fires burning.

(d) The burning of refuse, waste, trash, or garbage is prohibited.

History: 6/83, 9/84, 9/86

10-3-5. Changes to Section IV. Section IV of the code is supplanted with the following:

IV. Permissible Burning--Without Permit: When not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

(1) Grills, fireplaces, and other devices used for the purpose of preparing food outdoors.

(2) All campfires and fires used solely for recreation purposes under the control of a responsible person.

(3) Indoor fireplaces.

History: 6/83, 9/84

Chapter 4. Cost Recovery for Hazardous Materials Emergencies, Aggravated Fire Emergencies and Aggravated Medical Emergencies

- 10-4-1. Purpose.
- 10-4-2. Definitions.
- 10-4-3. Recovery Authorization Procedure.
- 10-4-4. Liability.
- 10-4-5. Expense Recovery.
- 10-4-6. Uniform Fire Cost Recovery.

10-4-1 Purpose

This chapter shall provide procedures for recovering costs incurred by the City for City assistance rendered in responding to hazardous material emergencies, aggravated fire emergencies and aggravated medical emergencies pursuant to 53-2-105, Utah Code Annotated.

10-4-2 Definition As used in this chapter:

(1) **Hazardous Material Emergency** means a sudden and unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.

(2) **Aggravated Fire Emergency** means a fire caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety, thus requiring immediate action to mitigate the threat, and the fire:

(a) is caused or contributed to by the failure to comply with an order from the State, County, or City agency, department or official, or

(b) occurs as a direct result of a deliberate act in violation of State law or the ordinance or regulation of the County or City agency, or

(c) a fire that constitutes arson or reckless burning as defined by the Utah Code.

(d) an alarm that results in the city fire unit being dispatched and the person transmitting or causing the transmission of the alarm, knows at the time of said transmission that no fire or fire related emergency exists.

(3) **Aggravated Medical Emergency** means an alarm that results in a City emergency medical unit being dispatched, and the person transmitting, or causing the transmission of the alarm, knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

(4) **Expenses** means the labor cost of Clinton City personnel, (labor and apparatus costs outlined on the Cost Recovery Fee table), cost of city equipment and or apparatus, cost of materials, cost of disposal, the cost of any contract labor, and any costs from other assisting agencies.

10-4-3 Recovery Authorization Procedure

(a) The City is hereby empowered to recover expenses from any person whose intentional or gross negligence act caused the City and/or assisting agencies to incur any expenses directly associated with responding to a hazardous material emergency, aggravated fire emergency or an aggravated medical

emergency. These expenses may be collected in accordance with the following procedures:

(1) The Clinton City Fire Chief shall determine responsibility for the emergency incident and notify the responsible party in person or by mail (first class, postage pre-paid) of the City's determination of responsibility and the expenses to be recovered.

(2) The notice shall specify that the party determined to be responsible may appeal the Clinton City Fire Chief's decision to the City Manager. Any appeal shall be filed, in writing, with the City Recorder's Office not more than thirty days from the date of service of notice. The date of service of notice shall be the date of personal delivery or three days after the date of mailing.

(3) In the event the party determined to be responsible appeals the Fire Chief's decision, the City Manager shall hold a hearing to consider any issues raised by the appeal. At the hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions. The City Manager shall issue a final decision assessing responsibility and expenses.

10-4-4 Liability

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

10-4-5 Expense Recovery

In the event any person determined to be responsible for the payment of hazardous material emergency expenses, aggravated fire expenses or aggravated medical expenses fails to make payment to the City within thirty (30) days after a final determination of any appeal to the City Manager, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the City may initiate legal action to recover from the determined responsible party the expenses determined to be owing, including the City's reasonable attorney's fee's and cost of such recovery.

10-4-6 Uniform Cost Recovery

In an effort to uniformly bill for apparatus and personnel by fire departments in response to fire and Hazmat calls, a uniform cost recovery schedule has been recommended by the Davis County Fire Officers Association. All costs for fire apparatus and personnel incurred by Clinton City shall be billed as

outlined on the Cost Recovery Fee Table. All fee's shall be reviewed from time to time by the City Council and set by resolution as part of the Clinton City Consolidation Fee Schedule. (See Table 10-4-6)
History: 10/04