

TITLE 10. FIRE PREVENTION

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shall be a Class "B" misdemeanor. Each separate violation or noncompliance shall be a separate offense, and any defect or violation requiring correction or remedy which is not corrected or remedied within ten (10) days, or sooner if determined to be a matter of public safety by the Fire Chief, shall be a separate offense.

10-5-6 Application of Penalty Provisions. The application of the penalty provisions shall not be held to prevent the enforced removal of prohibited conditions or the granting of a restraining order by a court of competent jurisdiction.

History: 05/10

Chapter 5. General Provisions

10-1-1	Statement of Purpose
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10-5-1 Statement of Purpose. The purpose of this Title is to establish requirements for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, dangerous conditions or regional emergency.

10-5-2 Application. This Title shall apply to all actions associated with the systems established in this Title unless explicitly exempted. Actions being conducted, by the Clinton City Fire Department, outside of Clinton City shall be in accordance with this Title, Interlocal Agreements, and standards of the fire fighting profession.

10-5-3 Adoption. All rules established in this Fire Prevention Title may be cited and designated as the "Fire Code" by reference to the respective Sections.

10-5-4 Fees. The Clinton City Council shall set the amount of fees required to facilitate actions outlined in this Title, from time to time, by resolution and published in the Clinton City Consolidated Fee Schedule. Consideration of fees shall include but not be limited to those needed to cover the cost of administration, inspections, reviews, publications, and related issues.

10-5-5 Penalty for Violations. Unless otherwise provided, a violation of the provisions of this Fire Prevention Title or failure to comply with a lawful order made per this Title, or constructing or building in violation of any detailed statement or specification or plan submitted and approved per this Title, or any certificate or permit issued as outlined in this Title

Chapter 6. Definitions

10-6-1 Definitions

10-6-1 Definitions. The following terms as used within the Fire Prevention Code shall have the following meanings:

“Aggravated Fire Emergency” means a fire caused by the owner, occupier (or others) 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:

- (1) Is caused or contributed to by the failure to comply with an order from the State, County, or City agency, department or official, or
- (2) 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
- (3) A fire that constitutes arson or reckless burning as defined by the Utah Code.
- (4) 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 the transmission that no fire or fire related emergency exists.

“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 the transmission that there are no reasonable grounds for believing that a medical emergency exists.

“Agricultural Burning” means open burning in rural areas, essential to farmers and horticulturalists. A farm or horticultural operation is defined as:

- (1) Fruit orchard of 25 or more fruit trees on one contiguous property, or
- (2) Horticulture or agriculture operations on 2 cultivated acres or more of contiguous property, and
- (3) Farmers may only burn products incident to horticulture or agriculture operations, defined as; prunings, diseased plants, stubble and irrigation ditch banks.

“Air Contaminant” means any particulate matter or any gas, vapor, suspended solid, or any combination thereof, excluding steam and water vapors.

“Air Pollution” means the presence in the ambient air of one or more air contaminants in quantities or characteristics and under conditions and circumstances, and of a duration sufficient to cause or contribute to injury to human, plant, or animal life or

health or to property or which unreasonably interfere with the enjoyment of life or use of property, as determined by the standards, rules, and regulations adopted by the Committee.

“Ambient Air” means the surrounding or outside air.

“Approved” means acceptable to the Clinton City Fire Chief (or his designee) unless otherwise stated.

“Clearing Index” means a number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the U.S. Weather Bureau, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to ten thousand (10,000) feet.

“Committee” means Utah Air Conservation Committee.

“Corporation Counsel” means the City’s attorney.

“Expenses” means the actual labor costs of government and volunteer personnel including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal, the cost of any contract labor, equipment or materials, and the similar costs incurred by Clinton City or any assisting agencies.

“Fire Chief” “Chief” or “Fire Code Official” means the Clinton City Fire Chief or his duly authorized representative.

“Fire Department” or “Department of Fire Prevention” means the City Fire Department.

“Fire Marshal” or “Fire Code Official” means the fire chief or other designated authority charged with the administration and enforcement of the code, fire prevention, and investigation duties related to fire cause determination.

“Garbage” means waste from the preparation, handling, storing, cooking or consumption of food and food products.

“Grossly Negligently Caused Fire/Hazardous Materials Emergency” means a fire/hazardous materials incident caused by the negligence of any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.

“Hazardous Materials” means those chemicals, or substances defined as such in the International Fire Code. Definitions of hazardous materials, including those materials regulated elsewhere in the International Fire Code or other applicable codes.

"Hazardous Materials 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.

"Intentionally Caused Fire/Hazardous Materials Emergency" means a fire/hazardous materials incident deliberately or recklessly set or caused by any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.

"Jurisdiction" means Clinton City or any area covered under contract with Clinton City.

"Key Boxes" means a secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

"Legal representative of the Jurisdiction" means, as used in the International Fire Code, the Clinton City Attorney or other Attorney as designated by the City Council.

"Listed" means equipment that is shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with nationally recognized standards when installed in accordance with the manufacturer's installation instructions.

"Municipality" means Clinton City.

"Nuisance" means any objectionable instance as outlined in Title 18 or elsewhere in the Clinton City Code.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into open air without passage through a chimney or stack.

"Person" means any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any department, institution, bureau, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

"Refuse" means any solid waste, including garbage and trash.

"Salvage Operation" means any business, trade or industry engaged in whole or part in salvaging or

reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers, or drums.

"Trash" means solids not considered to be highly flammable or explosive, including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"Waste" means all solid, liquid, or gaseous material, including, but not limited to, garbage, trash, household waste, construction or demolition debris or other refuse, including that resulting from the prosecution of any business, trade or industry.

History: 05/10

Chapter 7. Administration

- 10-7-1 Creation
- 10-7-2 Office of Primary Responsibility
- 10-7-3 Creation of Positions
- 10-7-4 Appointment of Positions
- 10-7-5 Supervision
- 10-7-6 Authority to Enforce
- 10-7-7 Powers and Duties of Chief
- 10-7-8 Establishment and Duties of Fire Department
- 10-7-9 Fire Department Personnel
- 10-7-10 Removal of Personnel
- 10-7-11 Authority for Rule Making
- 10-7-12 Emergency Vehicles
- 10-7-13 Control of Personnel
- 10-7-14 Interference with Firemen in Discharge of Duties
- 10-7-15 Investigation After Fire Report
- 10-7-16 Right to Enter Upon and Inspect Premises
- 10-7-17 False Alarm

10-7-1 Creation. There is hereby created a fire department to be known as the Clinton City Fire Department.

History: 12/75, 9/84

10-7-2 Office of Primary Responsibility. The Clinton City Fire Department is the Office of Primary Responsibility for review and proposing changes to this Title. The Chief may call on other departments for assistance in reviewing this Chapter.

History: 05/10

10-7-3 Creation of Position.

- (1) There is hereby created the position Fire Chief of the Clinton City Fire Department.
- (2) There is hereby created the position of Assistant Fire Chief for Clinton City.
- (3) There is hereby created the position Emergency Manager for Clinton City.
- (4) There is hereby created the position of Clinton City Fire Marshal or Fire Code Official.

History: 12/75, 9/84, 05/10

10-7-4 Appointment of Positions.

- (1) The City Council, upon recommendation of the City Manager shall appoint a Fire Chief for Clinton City.
- (2) The Fire Chief is also designated the Clinton City Emergency Manager.

History: 05/10

10-7-5 Supervision. The Clinton City Fire Chief performs under the general guidance and supervision of the City Manager.

10-7-6 Authority to Enforce.

(1) To accomplish the administration and enforcement of this Title, the Chief and those designated by the Chief are hereby authorized to issue citations for violations of this code.

(2) The Clinton City Fire Marshal is authorized to issue citations for violations of this code.

History: 05/10

10-7-7 Powers and Duties of Chief.

(1) It is primarily the responsibility of the Chief to administer the provisions of this Title.

(2) The Chief shall have responsibility for the supervision of the fire department and shall be responsible for all Clinton City Firefighters at the scene of an incident, whether or not the incident is within the city limits, unless an Interlocal Agreement, approved by the City Council, dictates otherwise.

(3) The Chief shall be responsible for the management and operation of ambulance services provided by the Department. All ambulance services shall be provided in conformance with the rules and regulations established by the State under the Emergency Medical Services System Act.

(4) The Chief is authorized to recommend agreements with nearby incorporated communities or other organizations with fire protection.

(5) The Chief shall conduct suitable drills, training and instruction in the operation and handling of equipment, first-aid, rescue work, salvage, and orientation to the buildings in the City, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(6) 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.

(7) The Chief shall at least annually report to the governing body the condition of the fire equipment, the number of fires and their causes, and the associate estimated loss together with all other information the governing body may request or as he shall deem appropriate.

(8) The Chief shall make recommendations of apparatus and equipment to the City Manager, and all purchases shall be made in the manner designated by the City.

(9) 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.

(10) The Chief shall establish written policies, rules and regulations for the operation of the department.

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

(12) The Chief shall cause all fires to be investigated immediately after the occurrence of the fire and attempt to determine, among other things, whether the fire was the result of carelessness or of design. A written report shall be created and maintained detailing the findings of the investigation to include the cause of the fire, the time originated, and all other information as may be relevant to prevent other fires.

(13) The Chief shall report all structural fires to the Building Official to have the structural stability and habitability of the structure evaluated. The Building Official will provide a copy of his findings for inclusion in the Chiefs report as outlined in § 10-6-15.

(14) The Chief shall maintain as operational the Emergency Operations Plan and Emergency Operations Center and associated equipment.

(15) The Chief shall perform the functions of the "Fire Code Official" as described in the International Fire Code.

History: 12/75, 9/84, 05/10

10-7-8 Establishment and Duties of Fire Department.

(1) The Fire Code shall be enforced by the Fire Department of Clinton City, which is hereby established and which shall operate under the supervision of the Chief.

(2) The Chief shall be in charge of the Fire Department.

(3) The Chief may delegate the primary responsibility to the Fire Marshal to enforce the provisions of this Chapter. The Chief shall make these appointments through an examination to determine fitness for the position. The examination shall be as established by the International Code Council, based upon the International Fire Code and shall be open to members and nonmembers of the fire department.

History: 12/75, 9/84, 05/10

10-7-9 Fire Department Personnel. The Chief may make recommendations to the City Manager relating to the employment of firefighters and other personnel as may be necessary to enforce the provisions of this Title.

History: 12/75, 9/84, 05/10

10-7-10 Removal of Personnel. The Chief shall have authority to remove any officer or member of the Department in accordance to the City Personnel Policies and subject to confirmation of the City Manager.

10-7-11 Authority for Rule Making. The Chief of the Fire Department is hereby authorized to make and adopt rules and policies in furtherance of the objectives of this Title. The rules and policies are subject to the review and approval of the City Manager.

History: 05/10

10-7-12 Emergency Vehicles. Fire apparatus are hereby designated authorized emergency vehicles.

History: 12/75, 9/84, 05/10

10-7-13 Control of Personnel. All persons 18 years or older present at a fire shall be subject to the orders of the officer in command of a fire scene and shall render assistance as directed.

History: 12/75, 9/84, 05/10

10-7-14 Interference with Firemen in Discharge of Duties. It is unlawful to 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 apparatus belonging to the city or to interfere with any fire company or person, or who shall willfully break or injure any water pipe, or in any way interfere with the water or its source of supply.

History: 05/10

10-7-15 Investigation after Fire - Report. The Chief, or other persons as he designates, 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 which shall be documented and the record kept for the appropriate period of time.

History: 12/75, 9/84, 05/10

10-7-16 Right to Enter Upon and Inspect

Premises. Whenever it is necessary to make an inspection to enforce the provisions of the Fire Code, or the fire code official has reasonable cause to believe that there exists conditions or violations, the fire official shall have the authority to enter the building or premises at all reasonable times to inspect the premises. The fire code official shall carry proper identification when inspecting structures or premises.. If such buildings or premises are unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises.. If entry is refused, the Fire Code Official shall make request to obtain a proper inspection warrant or other remedy provided by law to secure entry.

History: 12/75, 9/84, 05/10

10-7-17 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

10-7-18 Permits.

- (1) Where permits are required by the International Fire Code or other applicable codes, a permit shall be obtained from the Fire Marshal.
- (2) Permits shall be obtained for each separate event, occurrence.
- (3) The Chief shall establish a procedure for issuing and record keeping of permits.
- (4) Requests for Fire Department support of special events or filming activities shall be as established in Title 15, Chapter 16, et. seq., of the Clinton City Code.

History: 12/75, 05/10

Chapter 8. Fire Code

- 10-8-1 Fire Code
- 10-8-2 Day Care Family, Family Group
- 10-8-3 Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks
- 10-8-4 Bulk Storage of Liquefied Petroleum Gases is to be Restricted
- 10-8-5 Residential use of Liquefied Petroleum Gases is to be Restricted
- 10-8-6 Location of Tanks for Class III–B Liquids
- 10-8-7 Locations Where Above-Ground Tanks are Prohibited
- 10-8-8 Storage of Explosives, Blasting Agents, and Fireworks
- 10-8-9 Fire Extinguishing Systems Installation Requirements
- 10-8-10 Fire Alarm Systems
- 10-8-11 Fire Department Connections
- 10-8-12 Fire Department Key Boxes
- 10-8-13 Locking Fire Department Connection Caps
- 10-8-14 Private Fire Service Mains and Hydrants
- 10-8-15 Adopting Amendments- Appendices to the Fire Code
- 10-8-16 Adopted Amendments to the Fire Code
- 10-8-17 Adopted Appendices to the Fire Code

10-8-1 Fire Code.

(1) The International Fire Code and all applicable sections of the Model Building Codes, as adopted by the State, et. seq., pertaining to fire prevention and fire protection, are hereby adopted and incorporated by reference as part of this Title.

(2) Changes to and adoption of the amendments to the Fire Code, adopted by the City, are as outlined in this Title.

History: 12/75, 9/84, 9/86, 2/89, 05/10

10-8-2 Day Care Family, Family Group. This section applies to all Day Care Family and Day Care Family Group as defined in the Clinton City Zoning Ordinance.

(1) Every Day Care shall meet the requirements of the Clinton City Zoning Ordinance.

(2) Minimum construction requirements for all Day Care structures must meet the construction requirements as per the International Residential Code for R-3 occupancy or the equivalent.

(3) Every story occupied by clients shall have not less than two (2) remotely located means of escape. Every room used for sleeping shall have at least two (2) means of escape, at least one directly to the outside.

(4) A fire escape plan showing how to escape from each room of the dwelling shall be posted in each room, except the bathroom, and emergency exit drills shall be held quarterly.

(5) Smoke detectors and alarm systems shall be installed in accordance with the currently adopted International Residential Code. In existing homes, battery operated smoke detectors may be used.

(6) A minimum of one (1) listed fire extinguisher with a rating of 2A–10BC must be provided and mounted within five (5) feet of the floor in a conspicuous and readily available location.

(7) Special protective covers for electrical receptacles shall be installed in all receptacles accessible to children.

(8) Heating equipment shall be provided with a protective guard when in areas accessible to children.

(9) Enclosed storage areas under stairs shall be protected with one layer of 5/8" Type X sheetrock, taped and sealed.

(10) Combustible materials shall not be stored in the furnace room or under the stairs.

(11) Closets must be able to be opened from the inside.

(12) Artwork and teaching materials shall not exceed 20% of the wall area.

(13) Class 1 flammable liquids (gas) shall not be stored in the residence and no more than five (5) gallons of gasoline shall be stored in the garage area.

(14) The breaker box shall be labeled indicating the area each breaker controls.

(15) House address shall be a minimum of three (3") inch characters and plainly legible and visible from the street.

History: 05/10

10-8-3 Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks.

(1) Except for the provisions set forth in Chapter 34 of the 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) Bulk plants for Class I, II and III flammable or combustible liquids are not allowed within the corporate limits of Clinton City.

(3) All tanks, without exception, allowed under § (1) above shall not be installed prior to the obtaining the necessary permits as required by Section 105 of the

Fire Code and the Clinton City Zoning Ordinance.

History: 12/75, 9/86, 2/89, 1/91, 4/93, 05/10

10-8-4 Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

(1) Limitations referred to in Chapter 38 of the Fire Code, the International Fuel Gas Code and the Clinton City Zoning Ordinance, are established for all storage of LP-Gas along with the following:

(a) They shall only be permitted in Zones A-1, MP-1 and CP-2.

(b) 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) Cylinders at locations, awaiting use or resale, open to the public shall be protected against vehicle impact by means, which are in accordance with good engineering practice where vehicle traffic normally is expected. Cylinders shall also be protected by either:

(a) An enclosure with at least a six (6) feet high industrial-type fence or other approved protection method. At least two means of emergency access from the fenced area or other enclosure shall be provided. Clearance of at least three (3) feet shall be provided for emergency access to the required means of egress. If guard service is provided, it shall be extended to the LP-Gas installation. Guard personnel shall be properly trained; or,

(b) A lockable ventilated metal cabinet or rack that prevents tampering with valves and pilferage of the cylinder shall be provided.

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

History: 12/75, 9/84, 9/86, 2/89, 05/10

10-8-5 Residential use of Liquefied Petroleum Gases is to be Restricted. Storage and use of Liquefied Petroleum Gases within residential zones or area shall be restricted as established in the International Fire Code and the Clinton City Zoning Ordinance.

10-8-6 Location of Tanks for Class III-B Liquids.

(1) Lubricating oil which has been drained from motor vehicles shall be stored and handled as a Class III-B liquid. Above-ground tanks for the storage of Class III-B liquids, excluding unstable liquids, shall not exceed one thousand (1,000) gallons. They shall only be allowed in zones PZ, CP-2, and MP and shall be considered a conditional use and prior to

installation must receive conditional use approval from the Planning Commission.

(2) Tanks which are part of a listed heating system designed for space heating or heating of water shall be approved as part of the construction approval process in accordance with the Model Building Codes and do not require conditional use approval of the Planning Commission.

History: 05/10

10-8-7 Locations Where Above-Ground Tanks are Prohibited. The storage of Class I and Class II liquids in above-ground tanks shall only be permitted in zones MP-1 and A-1. During construction, in areas outside of these zones, above ground tanks shall also be authorized upon written permit by the Fire Department.

History: 05/10

10-8-8 Storage of Explosives, Blasting Agents, and Fireworks. The limits referred to in Chapter 33 of the International 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, 05/10

10-8-9 Fire Extinguishing Systems Installation Requirements.

(1) Control valves, wall mount O.S. & Y and P.I.V. valves for automatic sprinklers shall not be located more than five (5) feet above finished floor or grade level.

(2) When an automatic fire sprinkler system serves two (2) or more occupancies, the automatic fire sprinkler system or a smoke/heat detection system shall be designed and installed so as to indicate on the main alarm panel and remote annunciator the location of a fire within the building.

History: 05/10

10-8-10 Fire Alarm Systems.

(1) Fire Alarm systems shall be divided into alarm zones when required by the Chief.

(2) When two (2) or more alarm zones are required, or the system installed is an addressable system, visible annunciation shall be provided in an area near the front main entrance. Visible annunciation shall be located where it can be read from outside of the front main entrance or it may be located on the exterior of the building in a location within ten (10) feet of the front main entrance. A key zone map shall be located next to the main fire alarm panel and/or the

annunciator panels. The key zone map shall include a floor plan of the building and be color-coded to coordinate separate notification zones or in an addressable system, the separate types of notification devices. The information that is indicated on the remote annunciator panel(s) is to match the information that is provided on the main fire alarm panel. This map shall be covered with a protective covering. The main fire alarm panel shall be located in an area which is deemed the most constantly attended location, such as the main office, reception desk/area or the main corridor shared by separate occupancies. The main fire alarm panel may be installed elsewhere in the building as approved by the Chief with the installation of a fully functioning remote annunciator in the areas listed above.

History: 05/10

10-8-11 Fire Department Connections.

(1) The required Fire Department Connection (FDC) of automatic fire sprinkler systems shall be of the Freestanding Fire Department Connection type and when practicable, shall be located at the front of the building at a minimum distance that is equal to 1 ½ times the height of the building. Freestanding FDC's are to be installed as per Clinton City Fire Department FDC Installation Policy. A fire hydrant shall be located within fifty (50) feet of the FDC. The alarm bell shall be installed on the street side of the building. In the event that the front main entrance of the building is located on other than the street side of the building, an additional alarm bell shall also be located on the front side of the building. The Chief shall approve the location of the FDC and the alarm bell.

(2) KNOX Locking FDC Plugs shall be provided for all newly constructed FDC's. Existing FDC's shall be provided with KNOX Locking FDC Plugs upon required replacement of the break-away type FDC caps due to breakage or removal, or as deemed necessary by the Chief. Both inlets on Siamese FDC's are to be provided with KNOX Locking FDC Plugs albeit one FDC cap is in need of replacement.

History: 05/10

10-8-12 Key Boxes. Key boxes shall be installed on all non residential, occupiable building with a monitored fire alarm system. The key box shall be of an approved type and shall contain keys and/or other devices necessary to gain access to all doors and rooms throughout the building. Key boxes shall be installed in an improved location.

History: 05/10

10-8-13 Locking Fire Department Connection

Caps. KNOX Locking FDC Plugs shall be provided for all newly constructed FDC's. Existing FDC's shall be provided with KNOX Locking FDC Plugs upon required replacement of the break-away type FDC caps due to breakage or removal, or as deemed necessary by the Chief. Both inlets on Siamese FDC's are to be provided with KNOX Locking FDC Plugs albeit one FDC cap is in need of replacement.

History: 05/10

10-8-14 Private Fire Service Mains and Hydrants.

(1) Testing, inspection, maintenance, and repair of private fire hydrants shall be the responsibility of the property owner. Private fire hydrants shall be maintained in an operable condition at all times. Testing, inspection, and maintenance of private fire hydrants shall be conducted on an annual basis and after each use.

(2) The annual maintenance shall include steps as promulgated in the Private Fire Hydrant Testing, Inspection and Maintenance Policy.

(3) Visual identification of Private Fire Hydrants shall be accomplished by painting the screw on "Caps" of the hydrant black.

(4) If a private fire hydrant is defective, has been damaged or otherwise been rendered inoperable repairs or other necessary efforts must be made to render the hydrant fully operational within ten (10) working days. All repair work shall be preapproved by the Clinton City Public Works Department and inspected and approved by Clinton City Public Works Department after repairs have been made. If the property owner fails to comply within the ten (10) working days a fine of not more than One Hundred Dollars (\$100.00) will be levied against the property owner each day the hydrant remains out of service.

(5) Every five (5) years, a fire flow test of the fire service main piping shall be conducted as outlined in National Fire Protection Association (NFPA) Standard 291 Recommended Practice for Fire Flow Testing and Marking of Hydrants. Fire flow tests shall be conducted by a person trained in the procedures specified in NFPA 291 and the conducting of the test shall be coordinated with Clinton City Public Works Department.

(6) Written documentation of the testing and maintenance required in § (3) above, and (4) above shall be provided to the Public Works and Fire Departments upon the completion.

History: 05/10

10-8-15 Adopting Amendments – Appendices to the Fire Code.

(1) Based upon recommendations from the Chief the City Council may make ordinances that are more restrictive than the Fire Code, in order to meet the public safety needs of the City. More restrictive requirements need not be approved by the State as outlined in § (2) below.

(2) Amendments to the State adopted Fire Code proposed by the Chief shall be forwarded to the City Council to be adopted by ordinance. Amendments adopted by the Council shall not be finalized until forwarded to the State Fire Prevention Board for approval and forwarded with a recommendation to the State Legislature for appropriate action. Once enacted by the State Legislature the amendments shall be added to this Title.

(3) Adoption of appendices' to the Fire Code may be proposed, by the Chief, to the City Council and adopted by Ordinance. Once enacted by the Council the appendices shall be added to this Title by reference.

(4) Amendments to appendices' to the Fire Code may be proposed, by the Chief to the City Council and adopted by Ordinance. Once enacted by the Council the amendments shall be added to this Title.

(5) The Chief shall provide to the Utah Fire Prevention Board one copy of each ordinance enacted under this section and Utah State Code §53-7-106.

History: 12/75, 9/84, 05/10

10-8-16 Adopted Amendments to the Fire Code.
Reserved

History: 05/10

10-8-17 Adopted Appendices to the Fire Code.

(1) Appendix "A" is adopted by reference as a guide to be followed in setting up a board of appeals with the following amendments:

(a) A101.2 Membership. The membership of the board shall consist of five voting members having qualifications appropriate for dealing with appeals to the Fire Code. Members shall be nominated by the Chief subject to appointment by the Mayor with the advice and consent of the City Council. Members shall serve without remuneration or compensation, and shall be removed from office prior to the end of their appointed terms only for cause.

(b) A101.7 Meetings. The board shall meet at least annually and at intervals, to be determined by the chairman. In any event, the board shall meet within

fifteen (15) days after notice of appeal has been received.

(c) A101.10 Procedures. The board shall be operated in accordance with procedures developed by the Chief and adopted by the board.

(2) Appendix "B" is adopted by reference.

(3) Appendix "C" is adopted by reference.

(4) Appendix "D" is adopted by reference.

History: 05/10

Chapter 9. Open Burning Regulations

- 10-9-1 Open Burning Regulations
- 10-9-2 Burning Restrictions
- 10-9-3 Burning
- 10-9-4 Rules associated with Open Burning
- 10-9-5 Community Waste Disposal
- 10-9-6 Fire Department Burns

10-9-1 Open Burning Regulations. Open burning is subject to Rule R307-202. Emission Standards: General Burning adopted by the Utah Division of Environmental Quality, and this chapter. All burns are subject to the "clearing index" system approved and coordinated by the Utah State Department of Environmental Quality.

History: 7/70, 6/83, 9/84, 05/10

10-9-2 Burning Restrictions. No person shall burn any trash, garbage, or other waste or conduct any salvage operation by means of an open fire except as provided in Sections § 10-9-3 and 10-9-4.

History: 05/10

10-9-3 Burning.

(1) When not prohibited by other laws or by other officials having jurisdiction, and provided that no nuisance is created, the following types of open burning are permitted.

- (a) The burning of prunings from fruit trees when they come from an orchard with twenty-five (25) or more fruit trees.
- (b) The burning of weed growth along fence lines on cultivated lands, canals, or irrigation ditches.
- (c) The burning of stubble incident to horticultural or agricultural operations on property of a contiguous two (2) acres or more of cultivated property.
- (d) The controlled heating of orchards or other crops to lessen the chances of their being frozen, so long as the emissions from the heating shall not violate minimum standards as set by the Committee.
- (e) Outdoor grills, fireplaces, and similar devices whose primary purpose is the preparation of food.
- (f) Campfires and fires used solely for recreational purposes, under four (4) feet in diameter and under the control of a person eighteen (18) years of age or older.
- (g) Indoor fireplaces.
- (h) Properly operated industrial flares for combustion of flammable gases.

(2) Except for items (1)(e), (1)(f), and (1)(g) above, before conducting any open burning described in § 10-9-3 above, the applicant shall, furnish to a representative of the Fire Department the following information: The date, place, time of day, and length of time the burning is proposed to be carried on, purpose and proposed extent of the burning, the name, address, and age of the person to be in control of the burning and any other information the representative may reasonably require.

History: 05/10

10-9-4 Rules Associated with Open Burning.

(1) All fires shall be kept a minimum of fifty (25) feet from any combustible buildings, fences, or structures.

(2) Any fire deemed a Nuisance, as to dangerous to human life or health determined by the Fire department will be extinguished immediately.

(3) An adequate means, in terms of equipment and manpower, to control or extinguish, if necessary, all fires is provided at all times there is a possibility that the fire may become uncontrolled.

(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 becomes so strong 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.

History: 6/83, 9/84, 05/10

10-9-5 Community Waste Disposal. No open burning shall be done at sites used for disposal of community trash, garbage, and other wastes except when authorized for a specific period of time by the (Fire Chief or Designee) on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at an appropriate hearing following written application.

History: 05/10

10-9-6 Fire Department Burns.

(1) As provided in Utah State Code § 19-2-114, the provisions of R307-202 are not applicable to the controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service

personnel when the United States Weather Service clearing index is above 500.

(2) Other municipalities desiring to conduct a training burn as outlined in § (1) above shall coordinate the training with the Chief and the burn shall not be counted as one of the Fire Department's burns unless coordinated training is conducted and with the Chief's concurrence.

History: 05/10

Chapter 10. Cost Recovery

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

10-10-1 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.

10-10-2 Recovery Authorization Procedure. 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 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 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 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.

10-10-3 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.

10-10-4 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 the recovery.

10-10-5 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.

History: 10/04

Chapter 11. Appeals

- 10-11-1 Application to Appeal
- 10-11-2 Action by Chief Upon an Appeal
- 10-11-3 Terms of Office
- 10-11-4 Meetings
- 10-11-5 Appeal to the Boards Decision

10-11-1 Application to Appeals. Pursuant to Section 108 and Appendix “A” of the Fire Code, appeals to the requirements of the Fire Code must be submitted, in writing, to the Chief and must be filed within thirty (30) days of notice of the action taken by the Chief, Fire Marshal, or other authorized agent to the Department.

10-11-2 Action by Chief Upon an Appeal. Upon receipt of written appeal, the Chief shall convene an appeals board and follow the appeals process as outlined in Section 108 and Appendix “A” of the Fire Code and this chapter.

10-11-3 Terms of Office. Members shall be appointed at the time an appeal is filed with the City Manager and will remain a member of the board until the appeal has been resolved.

10-11-4 Meetings. The board shall meet as often as deemed necessary by the chairman in order to resolve the filed appeal.

10-11-5 Appeal to the Boards Decision. Upon the completion of the appeals process established in the Fire Code, any person aggrieved by the decision of that board may appeal the decision to the City Manager. The appeal must be in writing and filed with the office of the City Manager within thirty (30) days of the board's decision.

History: 05/10

Chapter 12. Ambulance Services

- 10-12-1 Purpose
- 10-12-2 Service Established
- 10-12-3 Rates and Charges

10-12-1 Purpose. The City Council finds that it is in the best interests of the health and safety of the citizens of the City for ambulance transport services to be provided by the City Fire Department. In order for the ambulance service to be self-supporting and in order to deliver the highest quality of patient care, the Fire Department shall be authorized to charge the user of ambulance services for the reasonable costs of providing those services, including those EMT or paramedic services used in ambulance transport. The City Council also finds that it is necessary to provide emergency and nonemergency ambulance services as well as ambulance services outside of the corporate limits of the City in order to operate a self-supporting ambulance service which will not require subsidy from the General Fund.

10-12-2 Service Established. The Fire Department shall provide ambulance services under the direction and supervision of the Chief.

10-12-3 Rates and Charges. The rates and charges for ambulance and paramedic transport services provided by the Fire Department shall be those maximum rates and charges determined by rule of the State Emergency Medical Services Committee under the provisions of the Emergency Medical Services System Act which rates and charges reflect the reasonable cost of providing ambulance services.

History: 05/10