

**CHAPTER 7-15            GENERAL FIRE REGULAITONS**

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**7-15-010.        South Davis Metro Fire Agency.**

Woods Cross City is a participant member of the South Davis Metro Fire Agency (the "Agency"), a separate legal entity duly organized and created under the laws of Utah by Interlocal Cooperation Agreement entered into by participating entities of the Agency. The Agency shall provide all fire, emergency medical and other emergency first responder services for the City in accordance with the terms and conditions of the Interlocal Cooperation Agreement entered into by the participating entities, as amended (the "Interlocal Agreement").

**7-15-020.        Fire Code.**

The International Fire Code (IFC), 200 Edition, promulgated by the International Code Council, as adopted by the State of Utah, including all appendices thereto except as amended herein, is hereby adopted as the Fire Code of Woods Cross City. The IFC is hereby incorporated as if set out at length herein, and from the effective date of this Ordinance, the provisions thereof shall be controlling within the corporate limits of Woods Cross City. A copy of the IFC has been filed for use and examination by the public in the office of the Woods Cross City Recorder as required by law. Section 109.3 of the IFC is hereby modified and amended to read in its entirety as follows:

**109.3 Penalties.** Any person convicted of violating any provision of the IFC, shall be guilty of a Class Be misdemeanor and such violations shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not longer than six (6) months, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**7-15-030.        Delegation of Authority.**

Woods Cross City hereby delegates power and responsibility for fire suppression, prevention, primary investigation, primary enforcement, emergency medical, and other emergency and first responder services within the jurisdiction of Woods Cross City to the Agency and hereby recognizes the Agency as the governmental and political subdivision for such purposes consistent and in accordance with the Interlocal Agreement and the Fire Code.

**7-15-040. Fire Code Official.**

The Agency shall serve as the fire code official for Woods Cross City as more particularly described in Section 104 of the Fire Code.

**7-15-050. Liability for Damages.**

Except as otherwise provided by law, this Chapter shall not be construed to hold the City or any officer or employee responsible for any damage to persons or property arising from any inspection or re-inspection authorized herein, the approval or disapproval of any equipment or process authorized herein, or for any action in connection with the control or extinguishment of any fire or in connection with any other official duties.

**7-15-060. Fire Board of Appeals.**

(a) The Fire Board of Appeals of the South Davis County Fire District is hereby appointed as the Fire Board of Appeals in Woods Cross City to determine the suitability of alternate materials and type of construction and to hear and decide appealable orders, decisions and determinations made by the Fire Chief or Fire Marshall relative to the application and interpretation of the Uniform Fire Code, as adopted by Woods Cross City.

(b) Notice of Hearing. The Board of Appeals shall fix a reasonable time for a hearing of the appeal, give any required public notice thereof as well as due notice to the parties in interest. The hearing shall be conducted in accordance with the provisions of the relevant Construction Codes. Any party may appear in person or by attorney at the hearing.

(c) Limitation. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the Fire Code, nor shall the Board of Appeals be empowered to waive any requirements of the Fire Code.

(d) Stay of Proceedings Pending Appeal. An appeal stays all proceedings and furtherance of the action appealed from, unless the Fire Chief certifies to the relevant Board of Appeals after the request for hearing has been filed, that by reason of the facts stated, the stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction on application, notice and good cause showing.

(e) Judicial Review of Board's Decision. The City, or any person aggrieved by any decision of the Board of Appeals, may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction, provided, the petition for such relief is presented to the Court within thirty (30) days after the date such decision is rendered.

**7-15-070. Cost Recovery for Negligently Caused Fire Emergencies.**

(a) Definitions. The following terms shall have the meanings set forth herein:

(1) "Hazardous materials emergency" means a sudden or unexpected release, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or substance or waste, pollutant or contaminant) 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 that threat.

(2) "Aggravated fire emergency" means a fire caused or contributed to by the failure to comply with an order from any State, County, City or local agency, department or official; or occurs as a direct result of a deliberate act in violation of State law or the ordinances or regulations of the City, County or other local agency; a fire that constitutes arson or reckless burning as defined by the *Utah Code*; or an alarm that results in a 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 an 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 actual costs of the City, County, South Davis Fire District or any other Mutual Aid department, including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, operation, equipment repair or replacement, costs of materials, decontamination, waste management (treatment, storage or disposal), any contract labor and materials, and costs of any health assessment or health effects study and related treatment carried out for responding personnel as a necessity resulting from a hazardous materials incident.

(b) Cost Recovery Authorization. The City and/or its authorized agent is hereby empowered to recover expenses incurred by virtue of the City's or other local governmental agencies' response to a hazardous materials emergency, aggravated fire emergency or aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the procedures set forth herein.

(c) Cost Recovery Procedure. The City or its authorized agent shall determine responsibility for the emergency or response as defined above and notify the responsible party by mail of the determination of responsibility and the expenses to be recovered. The South Davis Fire District is hereby authorized to serve as the City's agent for collecting invoices and billing the responsible party for costs. Mutual Aid agencies of the District will be eligible to submit bills. Invoices that identify eligible costs under this Chapter shall be submitted to the South Davis Fire District Chief or his or her designee within ten (10) working days after the costs are incurred or identified. Submitted invoices should include sufficient documentation for cost reimbursement (e.g., copies of time sheets for specific personnel, copies of bills for materials, equipment and supplies procured or used, etc). Accepting invoices from Mutual Aid agencies shall not incur liability to the City or District to pay costs from such agencies until payment has been received by the City or the District from the responsible party.

(d) Cost Recovery Appeal. The notice set forth in Subsection (c) shall specify that the determined responsible party may appeal the decision before a hearing officer designated by the City Council and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice. In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing the appealing party and the South Davis Fire District or local government shall be entitled to present evidence in support of their respective positions. After the hearing, the hearing officer shall make a recommendation to the City Council, which shall issue a decision determining responsibility and assessing expenses. The Council may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The Council may in its sole discretion, hear additional evidence prior to issuing its decision.

(e) No Admission of 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, or a criminal fine.

(f) Action to Recover Expenses. The City or its authorized agent shall submit one or a series of consolidated invoice(s) to the responsible party identifying agencies or agents and their specific costs for reimbursement. The responsible party shall issue a certified check to the City or its authorized agent within sixty (60) days of receiving any invoice. All funds received under the authority of this ordinance shall be disbursed according to the claims submitted. Where the reimbursement is less than the requested amount, each agency shall receive a pro rata share of such reimbursement as the agencies' reimbursable costs bear to the total reimbursable cost. The City or its authorized agent shall not be liable to the agency for any deficiency. In the event the party or parties determined to be responsible for the repayment of expenses incurred by the City or its authorized agent fail to make payment after the final administrative determination of any appeal to the City, or sixty (60) days from the deadline for 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 or its authorized agent's reasonable attorney fees.

(g) Conflict Provision. Whenever the requirements or provisions of this Section are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply. Further, this Section shall not restrict or replace cost recovery from funding sources available under State and federal regulations.

**7-15-080. Right of Way.**

It is hereby provided that any fire truck and movable fire fighting apparatus traveling within the City with emergency apparatus activated shall have the right-of-way over all other vehicles of every kind, and it shall be unlawful for the owner or operator of any vehicle to drive or operate the same in head of said fire truck or at a distance less than five hundred (500) feet therefrom, or to follow the same at a distance closer than five hundred (500) feet.

**7-15-090. May Blockade Street.**

Whenever a fire shall occur, it shall be lawful and within the authority of the officer in charge to blockade any street, avenue, alley, sidewalk or other place within the limits of the City, if, in his or her judgment, it is necessary to secure the efficient working of the fire personnel, hose, engines, or hook and ladder apparatus under his or her command, and to protect the hose from injury. It shall be unlawful for any person to pass through or to break through said blockade.

**7-15-100. Right to Enter Upon Premises.**

Fire personnel shall at any time have the right to enter upon any premises for the purpose of investigating, extinguishing or controlling fires; and they may, at any reasonable hour, enter premises for the purpose of inspecting the same.

**7-15-110. Removal of Obstructions.**

When a fire is in progress, the officer in charge may order the removal or destruction of any building, fence, or any telephone, telegraph, or electric light poles or wires, or any other obstruction in order to prevent the progress of the fire, but no officer or fire personnel shall unnecessarily or recklessly destroy or injure any building or other property.

**7-15-120. Use of Water.**

The officer in charge at a fire shall have the right to use water from any source for the

purpose of extinguishing the fire or for saving property in danger of being destroyed by fire.

**7-15-130. False Alarms.**

Any person who shall, without cause make or send an alarm of fire by outcry, false report, or otherwise, shall be deemed guilty of a Class B misdemeanor.

**7-15-140. Wilfully or Negligently Causing Fire.**

It shall be unlawful for any person to willfully or negligently ignite or cause to be ignited any trees, shrubs, cultivated crop, fence, building, weeds, grass, or other burnable material on any land not his or her own, or to throw any lighted cigar, cigarette, match, or other burning material whatsoever on any land cover or material which will ignite or carry fire.

**7-15-150. Unlawful Interference.**

It shall be unlawful for any person to willfully hinder any officer in the discharge of his or her duty at a fire, or in any manner to injure, deface, or destroy any engine, hose, or other fire apparatus or to interfere with any fire company or person, or to willfully break or injure any water pipe, or in any way interfere with the water or its source of supply.

**7-15-160. Driving Over Fire Hose.**

It shall be unlawful for the owner or person in charge or control of any motor vehicle or for anyone driving or operating any other type of vehicle to drive the same over any unprotected fire hose when laid down on any street in the City to be used at any fire or alarm of fire, without the consent of the fire department official in command.

**7-15-170. Penalties.**

(a) Any person who shall violate any of the provisions of the Fire Code or standards hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder, or who shall build 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 Chief or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a Class B misdemeanor. The imposition of one penalty for violation shall not excuse the violation or permit it 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.

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

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