

CHAPTER 17

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CHAPTER 17

FIRE DEPARTMENT

SECTION 17-1. Fire Chief.

The Mayor, with the consent of and approval of the City Council, shall appoint the Chief of the Fire Department. The City Manager shall initiate the recruitment process as determined by the City personnel policies. Volunteer firefighters will be part of the selection committee. The Fire Chief shall serve as the department head, be the appointing power within the organization of the department, and be responsible for administrative direction of the department by organizing the activities and staff to protect lives and property of the City.

SECTION 17-2. Fire Marshall.

There shall be the position of Fire Marshall, whose duties shall include: Inspections of various types of structures and/or locations to insure compliance with the, Utah Fire Prevention and Safety Law, International Fire Code, International Fuel Gas Code, and International Mechanical Code requirements; enforce applicable fire safety codes and regulations; respond to citizen's complaints, investigate fire cause, manage departments fire prevention program, and other duties and responsibilities appertaining to the position. The Fire Marshall shall work under the general supervision of the Fire Chief.

SECTION 17-3. Salary. When and How Paid.

The salary of the full time employees and the hourly firefighters shall be fixed by resolution of the City Council from time to time, and shall be paid from the funds of the City upon warrants drawn by the City.

SECTION 17-4. Duties and Powers.

The activities of fire prevention and fire suppression and of protecting life and property within the City is entrusted to the Chief of the Fire Department. The Chief may divide the City into fire districts and make such rules and regulations, subject to the approval of the City Council for the government of all officers and members of the Department, as deemed expedient. The Chief may make suitable regulations under which the officers and members of the Department shall be required to wear and appropriate uniform or badge, by which, in case of fire and other times, their authority and position in the Fire Department may be known. The Chief, or his designee, shall have command over all officers and members of the Department at any emergency scene. The Chief, or his designee, shall have full charge at all times of all apparatus and appurtenances belonging to the Department, and shall adopt such measures as deemed expedient for the suppression and prevention of fire, protection of property, or preservation of

order and observance of the laws of the State, and the ordinances of the City. It shall be the duty of the Chief, or his designee, to examine the condition of all fire stations and to inspect all apparatus and equipment of the City Fire Department.

It shall be the duty of the Chief, or his designee, of the Fire Department to see that at all times the provisions of these ordinances relating to the protection and regulation of property are strictly enforced, and also all provisions of those ordinances for the prevention of and the protection against fires.

SECTION 17-5. Authority to Remove Poles, Wires, and Buildings. Limitations.

When a fire is in progress, the Fire Chief of the department, or his designee, may order any building or buildings in close proximity thereto, to be torn down or otherwise disposed of for the purpose of checking for fire extension, determining fire cause and to prevent fire spread, but neither the Chief nor any other officer or member of the Fire Department shall unnecessarily or recklessly destroy or injure any building or other property.

SECTION 17-6. Fire Department May Blockade Street.

When a fire shall occur, it shall be lawful for the Chief, or his designee, to blockade any street, or other place if in their judgment, it is necessary to secure a safe and efficient working zone for fire personnel and apparatus under their command. It shall be unlawful for any person to break through said blockade.

SECTION 17-7. Limits at Fire.

The police department officer in charge, in conjunction with the fire officer in charge may prescribe the limits in the vicinity of the fire within which no person, except members of the department, and police, or those admitted by order of the officer in charge shall be permitted

SECTION 17-8. Unlawful Interference with Officers, Apparatus, Water, etc. Penalty.

Any person who shall willfully hinder any fire officer or firefighter in the discharge of their duty at a fire, or in any manner injure, deface or destroy any engine, hose, or other fire apparatus belonging to the City or in any way interfering with the water or its source of supply, shall be deemed guilty of a Class B misdemeanor.

SECTION 17-9 Fire Code

The Fire Code shall be adopted in accordance with Chapter 36 Section 8 of the City Ordinance along with the appendixes A through J. This code shall be used to govern the fire department and the actions of their members in code enforcement and fire prevention.

SECTION 17-10. Use of Water.

The Fire Chief or other officer in charge, shall have the right to use water from any source for the purpose of extinguishing fires or for saving property in danger of being destroyed thereby.

SECTION 17-11. Investigation After Fire. Report.

Once a fire is extinguished the Chief, or his designee, shall, make a prompt and thorough investigation of the fire cause, the time of the fire, the amount of loss, a description of the affected buildings and premises, and shall secure all other useful information and data available, and record the same in the National Fire Incident Reporting System (NFIRS). The department has the right to enter any building, or real property, for fire suppression activities and the contemporary investigation. Once lawfully present, the department may keep custody of the incident for a reasonable time without a need for a warrant in order to conduct their investigation.

SECTION 17-12. Willfully or Negligently Causing Fire.

Any person who willfully or negligently sets on fire or causes to be set on fire, or procures to be set on fire, any trees, shrubs, bush, grass, undergrowth, cultivated crops, or other property on any land, public or private, is guilty of a misdemeanor. Any exception to the above shall be regulated by the Utah Air Conservation Regulations permit process as governed by the Bureau of Air Quality, State Department of Health. **amended 6/91**

SECTION 17-13. 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 fire hose on any street in this City.

SECTION 17-14. Apparatus.

All engines, hoses and other fire equipment shall be kept at such places as the City Council shall provide and designate, and shall be kept in proper condition for immediate use.

SECTION 17-15. Interference with Apparatus. Penalty.

Any person who may use or in any way interfere with any of the fire apparatus, without the consent of the Chief, shall be guilty of a Class B misdemeanor.

SECTION 17-16. False Alarms. Penalty.

False alarms will be covered by Chapter 23 Section 9(K).

SECTION 17-17. Open Burning

SECTION 17-17(A). Open Burning Definitions

- a) **Open Burning** - The burning of material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning is any fire or smoldering (burning with or without visible flames) where any material is burned in the outdoor air, or receptacle other than a furnace or fire place connected to a stack or chimney.
- b) **Waste** - 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.
- c) **Trash** - 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.
- d) **Household Waste** - any solid or liquid material normally generated by a family in a residence in the course of ordinary day-to-day living; including, but not limited to, garbage, paper products, rags, leaves and garden trash.
- e) **Fire Extinguishing Equipment** - a minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water, garden hose or water truck, shall be available for immediate utilization.
- f) **Out-of-Control Fire** - A fire which under this ordinance is not under the management or control of the person who ignited the fire which causes the fire to burn in an uncontrolled state or to burn wild without direction. The failure to keep the fire in check which causes the fire to flourish and spread quickly in an uncontrolled way.
- g) **Nuisance** - Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fire hazardous shall be prohibited. The Fire Department is authorized to order the extinguishment of a fire which creates or adds to a hazardous or objectionable situation. Furthermore any nuisance as defined under chapter 25 shall be applicable to this definition.

SECTION 17-17(B). Open Burning of Trash Household Waste and Waste.

Open burning of trash, waste material, construction waste and yard waste material within the limits of Cedar City is hereby prohibited. Any individual who violates this section shall be deemed guilty of a Class B misdemeanor.

SECTION 17-26(C). Open Burning Recreational Cooking

- a) Open burning for the purpose of cooking food is permitted if the following conditions are met; the fire is not within 25 feet of a structure and has a clear space in all directions of three (3) feet; the fire must be small and designed for cooking food; the fire shall be contained to an area smaller than 30 inches in diameter and less than 706 square inches total, with flame lengths no higher than three feet during ignition and thereafter kept as a small smoldering fire. Fire extinguishing equipment shall be provided sufficient to extinguish the fire, the fire must be attended until the fire is completely extinguished and under the control of a person (18) eighteen years of age or older.
- b) At any time the fire becomes a nuisance to your neighbors the responsible party may be asked to extinguish the fire. The fire department also has authority to extinguish any fire that creates or adds to a hazardous or objectionable situation. If the fire results in an out-of-control fire, the responsible party will be charged for all suppression costs and for the losses associated from said fire.
- c) Non commercial barbeques designed for the purpose of cooking food are exempt from this ordinance

SECTION 17-26(D). Open Burning - Large Recreational Fires

- a) Open burning for special circumstances such as religious or group activities that require a larger fire (roasting a pig, burning of Christmas trees and bonfires) shall obtain a permit from the fire department; and shall follow rules as set forth in this section. The larger fires will require 100 feet of clearance in all directions from a structure, and the fire must be attended until the fire is completely extinguished. Fire extinguishing equipment shall be provided sufficient to extinguish the fire, the fire must be attended until the fire is completely extinguished and under the control of a person (18) eighteen years of age or older.
- b) At any time the fire becomes a nuisance to your neighbors, the responsible party may be asked to extinguish the fire. The fire department also has authority to extinguish any fire that creates or adds to a hazardous or objectionable situation. If the fire results in an out-of-control fire, the responsible party will be charged for all suppression costs and for the losses associated from said fire.

SECTION 17-18 Fireworks

SECTION 17-18(A). Sale or Use of Fireworks Declared Against Safety And Welfare.

The sale, exposure for, use, distribution or possession of fireworks or pyrotechnics within the City of Cedar City, except as hereinafter provided, is hereby declared by the City Council to be against the public health, safety and welfare of the people of the City of Cedar City, Utah.

SECTION 17-18(B). Sale or Use of Fireworks Unlawful.

It shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, or possess, or use, or explode any fireworks in violation of the State Fireworks Act of 1983 (11-3-1 et seq. Utah Code Annotated) and all regulations promulgated pursuant thereto by the State of Utah. The sale of Class C fireworks permitted by said Act and regulations shall only be made in compliance with the restrictions set forth therein and after such person has purchased a business license as required in Section 23-9(G) of the Cedar City Ordinances with the exception of those persons only selling toy pistols, toy canes, toy guns, or sparklers. A violation of this Section or of the State Fireworks Act and its accompanying regulations shall be deemed to be a violation of the Ordinances of Cedar City subject to the penalties set forth hereafter in Section 18-18. **(Amended 5/83)**

SECTION 17-18(C). Public Display. When Permitted--Permit.

The Fire Department upon application in writing, and upon proof of liability insurance may grant a permit for the public display of fireworks by religious, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals when such display is to be handled by a competent State of Utah licenced operator to be approved by the Fire Marshal under the direction of the chief of the fire department of the City. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the chief of the fire department, after proper inspection, shall not be hazardous to property or endanger any person or persons. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display, shall be lawful for that purpose only.

SECTION 17-18(D). Permit Application.

All such applications for permits shall set forth the date, the hour, and place of making such display, and the place of storing fireworks prior to the display; and further, the name or

names of the person, persons, firm, partnership, corporation, association or group of individuals making the display; and the name of the person or persons in charge of the igniting, firing, setting off, exploding or causing to be exploded such fireworks, and the types and descriptions of the fireworks to be used.. The location of the storage place shall be subject to the approval of the chief of the fire department of the City. No permit granted hereunder shall be transferable.

SECTION 17-18(E). Firework Display – Liability Insurance

The City will require proof of liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence, with a total aggregate of four million dollars (\$4,000,000.00) designed for the payment of all damages, which may be caused either to a person or persons or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents or employees. Such liability insurance shall be for the use and benefit of any person injured or the owner of any property damages, who is authorized to maintain an action thereon, or his heirs, executors, administrators, successors or assigns.

SECTION 17-18(F) Recommended Use Locations

All classifications fireworks that are permitted by State law may be used at times prescribed by State law. Also, it is recommended that fireworks only be used in large open spaces where conditions are present to provide for fire control. Such recommended locations include the South parking lot of Cedar High School; the parking lot at the Constitutional Softball Park; the Canyon View Middle School Parking lot; and any other location that the Fire Department may recommend.

SECTION 17-19. Knox Box Ordinance.

SECTION 17-19(A). Uses Requiring a Knox Box

The businesses and residential operations listed in this section may be required to install and maintain one or more of the following access control devices; a Knox Box, Knox Fire Department Connection Caps (FDC), Knox Key Switches, and/or Knox padlock. The determination as to which of the forgoing access control devices shall be installed shall be made by the Fire Marshal by balancing the need for access to the facilities for the protection of life and property with the cost to the property owner. The businesses and

residential operations that are required to install and maintain one or more of the above referenced access control devices are as follows, to wit:

- (i) All commercial occupancies with a sprinkler system;
- (ii) All commercial occupancies with a fire alarm panel;
- (iii) All occupancies handling any hazardous materials;
- (iv) Any gated community whether they are commercial or residential;
- (v) All commercial food preparation facilities with hood systems; and
- (vi) All access gates other than the main entrance shall require a Knox Pad Lock.

SECTION 17-19(B) Installation Requirements.

The Knox Box shall be located at or near the recognized public entrance to the property, or the box shall be located above the Fire Department water connection (FDC) when the property is served by an automatic sprinkler system. In no case shall the Knox Box be located at a height of less than four (4) feet from the ground or more than six (6) feet from the ground; all other locations for the Knox Box shall be approved by the Fire Marshall.

SECTION 17-19(C) Contents of the Box.

Each Knox Box shall contain keys clearly labeled for the following uses, to wit:

- 1. A master key that will open all doors including mechanical rooms and sprinkler control rooms; and
- 2. Keys to alarm panels; and
- 3. Keys to elevators and all other rooms as specified during planned review by the Fire Marshall.

SECTION 17-19(D) Automatic Sprinkler Systems.

When a building is protected by an automatic sprinkler system, the Fire Departments' water connection (FDC) shall be protected with a Knox Fire Department connection security cap to be installed at the owners expense.

SECTION 17-19(E) Access to the Knox System.

All properties required to install a Knox security key system shall provide access keys to

the Fire Marshal to be secured into the Knox box. A separate sub-mastered key shall be provided to the Police Chief, and a separate key to the Director of the Emergency Medical Services, for all gated communities.

SECTION 17-19(F) Access to Security Keys.

Access and use of the security keys shall be governed by the Fire Chief. The Fire Chief and the Fire Marshal shall have a master key for the Knox Security System; the other master keys shall be secured in a Key Secure device that requires a pin code to access the master key and also tracks the use of the key. Each fire apparatus shall be equipped with a sub-mastered key to open all access gates.

The sub-mastered keys will be given to all other emergency service providers (Law Enforcement and EMS). Each entity shall draft policies to assure that the keys are not misused.

SECTION 17-19(G) Installation by Existing Entities.

All entities that are in existence as of the date of the passage of this Ordinance shall be required to install a Knox Box within eighteen (18) months. The installation and maintenance of the Knox Box shall be the sole responsibility of the business or residential entity.

SECTION 17-19(H) Exempt Buildings.

Buildings in a commercial or industrial area that are to be manned twenty-four hours a day, seven days a week, need not install a Knox box. However, if the use of the building changes so that it is not going to be occupied twenty-four hours a day, seven days a week, a Knox box shall be installed. **(Adopted 2/04)**

THIS SECTION AMENDED BY CEDAR CITY ORDINANCE NO. 0310-10.

SECTION 17-20. TRAFFIC CONTROL PREEMPTION EQUIPMENT.

1. All new or modified traffic signals within the City limits be equipped with 3M brand Opticom (TN) controlled equipment with vehicle identification.
2. That the preemption equipment shall always be state of the art and be compatible with the existing emergency vehicle preemption equipment. This equipment shall be installed per the manufacturers recommendations, in sufficient quantity to

provide emergency vehicle preemption of the traffic signal from all directions and so that each direction of traffic will move independently, allowing for protected left turn movements.

3. That the use of this preemption equipment shall be limited to emergency vehicles (Fire, Police, and Ambulance service). Use by private citizens is prohibited. Any private citizen found with a transmitter will lose the transmitter and be prosecuted in accordance with Utah Code Annotated Title 41, Chapter 6, Section 28.
(Adopted 4/05)

SECTION 17-21 . HAZARDOUS MATERIALS RESPONSE – COST RECOVERY

SECTION 17-21 A. Definitions.

1. For the purpose of this section, the following terms, phrases, and words shall have the following meaning:
 - a. “Hazardous material emergency” means a sudden and unexpected release of any substance that, because of its quantity, concentration of 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.
 - b. “Expenses” means all costs incurred for the response, containment and/or removal and disposal of hazardous materials on initial remedial action. It includes, but is not necessarily limited to, the actual labor costs of government and other personnel including workers compensation benefits, fringe benefits, administrative overhead, and any costs of equipment, equipment operation, materials, disposal and any contract labor or materials.

SECTION 17-21 B. Recovery of Expenses.

1. Those persons or entities whose negligent or intentional actions cause or create, in whole or in part, a hazardous materials emergency within the boundaries of the City is liable to the City for all costs and expenses incurred in or arising from response to such hazardous materials emergency by the City and any other political subdivision, agency or cooperative entity. The City shall recover all such

costs incurred in, related to or arising out of, all cost recovery efforts and enforcement of the terms of this Ordinance.

2. All costs and expenses shall be billed at the current rate established and approved by resolution of the Executive Committee of the Interlocal Agreement for Cooperative Hazardous Materials Protection and Services.
3. The payment of expenses under this section does not constitute an admission of liability or negligence in any legal action for damages.

SECTION 17-21 C. Cost Recovery Procedure.

1. The City shall investigate and determine the person or entity responsible for causing or creating the hazardous materials emergency and shall notify the responsible party in writing of said determination of responsibility and the amount of costs and expenses incurred by the City in responding to the hazardous materials emergency.
2. The notice required in this section shall specify that the party determined to be responsible for causing or creating the hazardous materials emergency has the right to appeal the decision determining responsibility to the governing body of the City and shall specify a deadline for filing the notice of appeal and the person or office in which it must be filed. The deadline for filing the notice of appeal shall not be less than fifteen days from the date of the notice.
3. In the event a notice of appeal is filed, the hearing before the governing body shall be an informal public hearing, and the parties shall not be required to adhere to the Utah Rules of Civil Procedure or evidence. The appealing party and the City shall be entitled to present evidence and argument in support of their respective positions, in accordance with procedures established at the hearing by the governing body.
4. The decision of the governing body shall be final.

SECTION 17-21 D. Action to Recover Costs.

1. In the event the responsible party fails or refuses to pay all of the costs and expenses determined by the City related to or arising out of the City's response to the hazardous materials emergency within thirty days after assessment or after the governing body's decision on an appeal, the City may initiate a legal action to recover such costs, including reasonable attorney's fees and costs.

SECTION 17-21 E. Expenses of Other Responding Entities.

1. In the event that personnel and equipment from other political subdivisions, agencies or cooperative entities shall respond to assist with the hazardous materials emergency, then the City shall recover costs and expenses incurred by such other political subdivisions, agencies or cooperative entities as part of the City's cost recovery efforts.
2. Upon recovery of costs and expenses from the responsible party, the City is authorized to reimburse such other political subdivisions, agencies, or cooperative entities for their actual costs incurred in responding to the hazardous materials emergency.

SECTION 17-21 F. Severability.

1. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Entire Chapter 17 revised by Cedar City Ordinance No. 0309-11