

Chapter 9.65

INTERNATIONAL FIRE CODE

Sections:

- 9.65.010 Adoption of International Fire Code.**
- 9.65.020 Amendments to IFC.**
- 9.65.030 Storage of Hazardous Materials.**
- 9.65.040 Fees.**
- 9.65.050 Interpretation.**

9.65.10 Adoption of International Fire Code.

A. In order to prescribe regulations governing conditions hazardous to life and property from fire and explosion, the city hereby adopts by this reference the 2009 edition of the International Fire Code and the International Fire Code Standards, and any subsequent editions (“IFC”), including Appendices “B,” “C,” “D,” “E,” “F,” “G,” “H,” “I” and “J,” but not Appendix “A” thereof, with such amendments as are set forth below.

B. Pursuant to UTAH CODE ANN. 10-3-711, a copy of the IFC has been filed in the office of the city recorder for use and examination by the public.

9.65.20 Amendments to IFC.

A. The City hereby adopts by reference and incorporates herein the additions and amendments to the IFC adopted by the Utah State Legislature pursuant to UTAH CODE ANN. §58-56-4 enacted in HB 308 (2010 General Session) and HB 289 (2013 General Session).

B. Section 903.4.2 of the IFC is amended to read as follows:

903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system serving more than 20 fire sprinkler heads. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of

the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building and interior spaces per NFPA 72 in an approved location. With the exception of R-3 occupancies where a fire alarm system is installed, activation of the automatic sprinkler system shall activate the building fire alarm system.

C. Section 310.8 of the IFC is amended to read as follows:

310.8 Hazardous environmental conditions. When the fire code official determines that hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials:

(i) the legislative body of a municipality within which the hazardous environmental conditions exist may prohibit only the ignition or use of the ignition source in mountainous, brush-covered areas or the wildland urban interface area, which means the line, area, development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; and

(ii) where hazardous environmental conditions exist in unincorporated areas that meet the description in Subsection 1(c)(i), the state forester may prohibit the ignition or use of the ignition source in all or part of these areas, after consulting with the county fire code official having jurisdiction over that area.

9.65.030 Storage of Hazardous Materials.

The storage of Class I and Class II hazardous materials in above-ground or below-ground tanks, inside and outside of buildings is prohibited unless allowed by the zoning provisions applicable to the location in which the proposed tanks are to be located. In addition, the storage of Class I and Class II hazardous materials pursuant to this section is subject to the provisions of NFPA 30, 58 and 59A.

9.65.040 Fees.

In accordance with IFC Section 113, the city adopts the fees for Hazardous Materials Permitting and Inspection, Fire Inspection, Fire Watch, Re-inspection—Delay in Preparation at Work Site, and Blasting Permitting as set forth below. All fees set forth below shall be collected by and paid to the Unified Fire Authority (or other fire and emergency services provider for the city) at the time, the permit, inspection, re-inspection, or fire watch staffing is requested and shall be a condition for issuance of the permit and scheduling of the inspection, re-inspection or fire watch staffing.

Fee Schedule

<u>Material</u>	<u>Solid Lbs.</u>	<u>Liquid Gal.</u>	<u>Gas Cub. Ft.</u>	<u>Fees</u>
Hazardous Materials (Annually)	500 lbs. or less	55 gal. or less	200 cu. ft. or less Corrosive or Oxidizer, or 504 cu. ft. or less Oxygen	*\$195.00 Annually
Hazardous Materials (Annually)	Over 500 lbs.	Over 55 gal.	Over 200 cu. ft. Corrosive or Oxidizer, or over 504 cu. ft. Oxygen	*\$240.00 Annually
“H” Occupancy Backup Generator (Annually)				*\$145.00 Annually
“H” Occupancy Hazardous Materials Permit Dispense and Use. (Annually)		500 gal. or less tank	500 cu. ft. or less	*\$195.00 Annually
“H” Occupancy Hazardous Materials Permit Dispense and Use. (Annually)		Over 500 gal. tank	Over 500 cu. ft. or any highly toxic gas	*\$485.00 Annually
Other Occupancy Hazardous Materials Permit Dispense and Use. (Annually)		500 gal. or more tank	500 cu. ft. or more	**\$195.00 Annually
Aerosol products (Annually)			Over 500 lbs. Level 2 or 3 Aggregate Qty.	*\$195.00 Annually
Flammable Cryogenic Fluid (Annually)		Indoors 1 gal. or more, Outdoors 60 gal. or more		**\$195.00 Annually
Above Ground Tanks Installation (Flammable)			500 cu. ft. or less R-3 Occup. Exempt.	*\$195.00 **\$75.00 per hour

Below Ground Tanks Installation (Flammable)			500 cu. ft. or less R-3 Occup. Exempt.	*\$195.00 **\$75.00 per hour
Above Ground Tanks Installation (Flammable)		500 gal. or more		*\$395.00 **\$75.00 per hour
Below Ground Tanks Installation (Flammable)		500 gal. or more		*\$395.00 **\$75.00 per hour
Pyroxylin plastics. Cellulose nitrate (pyroxylin) plastics (Annually)	25 lbs. or more			\$195.00 (Annually)
Body Shop/Garage Under 5,000 sq. ft. (Annually)				\$195.00 (Annually)
Fireworks – Outdoor Public Display (per event). Cities, County Exempt				*\$485.00 (Per Event) **\$75.00 per hour per inspector
Open Flame Proximal Audience Indoor Approved Fireworks (Per Event)				*\$195.00 (Per Event) **\$75.00 per hour
Application of Flammable Finishes, Spray, or Dip	More than 9 sq. ft. for flammable liquid spray application or 55 or more gallons for dip tank operations.			**\$195.00
Blasting permit				\$75.00 per site, \$350.00 annually
Fire Standby Special Events				**\$75.00 per hour per fire inspector
Re-inspection fee, delay in preparation at worksite				**\$75.00 first hour, doubles every hour thereafter.

* Fees are assessed separately.

** Fees are assessed cumulatively (added to baseline permit fee).

Authorization by code:

- IFC 105.1.1 Permits required, fees can be assessed
- IFC 105.2.2 Inspections authorized
- IFC 105.1.2 Types of permits
- IFC 113.1 Permit Fees

9.65.050 Interpretation.

In the event of any conflict between the provisions of the applicable fire code and the provisions of any other applicable ordinance, statute, rule or regulation, the more restrictive provisions shall apply.

Chapter 9.70

INSPECTION

Sections:

9.70.010 Inspection.

9.70.020 Fees.

9.70.010 Inspection.

All nursing, convalescent and group homes, nurseries, daycare centers, hospitals, retirement centers, preschools and all other occupancies which require annual fire clearance certificates for city, county, state and federal purposes shall be inspected annually by the city's fire department, who shall be authorized to assess and collect fees.

9.70.020 Fees.

The fee schedule for fire inspections and permits shall be as recommended by the city's fire department and approved by the city.

Chapter 9.75

PYROTECHNICS, EXPLOSIVES AND FIREWORKS

Sections:

9.75.010 Public display—Permit required—Fee.

9.75.020 Public display—Permit—Application.

9.75.030 Fees and bonds.

9.75.040 Unauthorized discharge of fireworks on public property prohibited.

9.75.010 Public display—Permit required—Fee.

The city may, upon written application and the posting of a suitable bond or the filing of a public liability insurance policy in form and amounts specified by the city, grant a permit to discharge display fireworks by religious, educational, fraternal or civic organizations, fair associations, amusement parks, or other organizations or groups of individuals. After such permit shall have been granted, sales, possession, use and distribution of pyrotechnics for such display shall be lawful for that purpose only.

9.75.20 Public display—Permit—Application.

All applications for permission to discharge a display of fireworks shall be in writing and shall include:

A. The name of the organization or person sponsoring the display;

B. The date and time of day at which the display is to be held;

C. The exact location planned for the display;

D. The manner and place of storage of fireworks prior to the display; and

E. Evidence that the display operator who will set up and discharge the display of fireworks has a current display operator's

license from the state of Utah.

9.75.030 Fees and bonds.

The fee schedule and bond amounts for permits under this chapter shall be as recommended by the city's fire department and approved by the city.

9.75.040 Unauthorized discharge of fireworks on public property prohibited.

Discharge of fireworks (as defined in UTAH CODE ANN. 53-7-202[10]) on or over any publicly-owned property in the city is prohibited unless such discharge is otherwise permitted by applicable state or federal law and the owner of such public property gives its prior written approval of such discharge.

Chapter 9.77

FIRE RESTRICTIONS IN WILDLAND INTERFACE AREAS

Sections:

9.77.010 Findings.

9.77.020 Definitions.

9.77.030 Fire restrictions.

9.77.040 Exemptions.

9.77.050 Penalty.

Chart 9.77--Wildland Interface Areas

9.77.010 Findings.

Based on, *inter alia*, recommendations of Unified Fire Authority, the city's fire enforcement authority, the city council finds that certain wildland interface areas exist in the city and that preservation of public health, safety and welfare requires the restriction of fireworks, smoking and other fires in such areas, and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the city.

9.77.20 Definitions.

As used in this chapter, the term "*wildland interface areas*" shall mean ravines, gullies, hillsides, vacant land, or mountainous areas where natural vegetation (oak brush, conifers, sage brush, and other indigenous trees and plants) exist such that a distinct fire hazard is clearly evident to a reasonable person. Without in any way limiting the generality of the foregoing, the following specific geographical areas in the city (which also are shown on Chart 9.77) shall be considered wildland interface areas:

A. All areas in the city located to the East of Wasatch Boulevard;

B. Little Cottonwood Park, located at approximately 1763 East Siesta Drive;

C. The undeveloped McGhie Springs area currently owned by Murray City, located at

approximately 3575 East Big Cottonwood Canyon Road as shown on Chart 9.77;

D. The undeveloped area surrounding the proposed Old Mill Pond project currently owned by Salt Lake County and under development by the City as an urban fishery and related amenities, located at approximately 6660 South Big Cottonwood Canyon Road shown on Chart 9.77;

E. The undeveloped hillside area at approximately 7000 South, and running from 3000 East, on the West, to Wasatch Blvd., on the East, above Old Mill Estates as shown on Chart 9.77;

F. The undeveloped area comprising approximately 30 acres located West of Wasatch Blvd. at approximately 8282 South that currently is owned by Property Reserve, Inc. or another affiliate of the Church of Jesus Christ of Latter-Day Saints, as shown on Chart 9.77;

G. The undeveloped area comprising approximately 40 acres located to the East of the Memorial Estates cemetery located at approximately 3115 East Bengal Blvd.;

H. West half of parcel defined as 7246 S Milne Lane and all of 7380 Milne Lane. Area located Southeast of the Waterside Condominiums and Southwest of Milne Lane at 7380 South;

I. Hillside area located NE of Milne Lane and East of the Shadow Ridge condominiums, turning East behind the Park Centre commercial complex and the Sante Fe apartments, turning North along the East side of the Sante Fe apartments;

J. Hillside area between Little Cottonwood Park and Highland Drive and along the West side of Highland Drive within the Forrest Creek Cove PUD;

K. Hillside area located below Brighton High School and Southland Terrace 8 and Southland Terrace 9 subdivisions;

L. Hillside area between Danish Road and Creek Road Northwest of Willowcreek East Plat A subdivision;

M. Hillside area below Finlandia subdivision, about 2950 E and 8150 South;

N. Hillside area wrapping around Danish Way within the Danish Hills PUD;

O. Undeveloped area located South of Scottish Drive and East of Danish Road at about 8450 South and 3300 East;

P. Hillside area along the West city boundary from 8450 South to 8700 South and the gully between Scottish Drive and Sugar-loaf Drive;

Q. Underdeveloped area located in the Southern tip of the city addressed as 9280 and 9310 South Wasatch Boulevard;

R. Hillside area west of Wasatch Boulevard at about 7450 South;

S. Hillside and underdeveloped area West of Wasatch Boulevard from the North city boundary to about 7100 South;

T. Hillside area located South and East of Hollow Mill Drive and Hollow Mill Park; and

U. All other wildland interface areas in the city as defined in this section.

9.77.30 Fire restrictions.

A. The following restrictions on open flames and smoking are imposed on and over, and within 300 feet of, all wildland interface areas in the city:

1. Setting, building, maintaining, attending or using open flames of any kind is prohibited, except campfires built within the facilities provided for them in improved campgrounds, picnic areas or permanently improved places of habitation; and

2. Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil.

B. The following restrictions on fireworks, tracer ammunition or other pyrotechnic devices are imposed:

1. Discharging or using any kind of “aerial device” firework, tracer ammunition or other pyrotechnic devices on, over, or within 300

feet of, any wildland interface area in the city is prohibited; and

2. Discharging or using any kind of class C common state approved explosives on, over, or within 50 feet of, any wildland interface area in the city is prohibited.

C. The following definitions are applicable to this section:

1. “*Class C common state approved explosives*” is as defined in UTAH CODE ANN. 53-7-202(5), as amended.

2. “*Aerial device*” firework is as defined in UTAH ADMINISTRATIVE RULES R710-2-2(2.2) AND R710-2-6(6.3.1), as amended.

9.77.40 Exemptions.

The following persons are exempt from the prohibitions in section 9.77.030:

A. Persons with a permit from the city, from the state of Utah or the United States of America, specifically authorizing the prohibited act at the specific location; and

B. Any city, state or federal fire officer or firefighting forces (including, without limitation, the Unified Fire Authority) in the performance of an official duty.

9.77.050 Penalty.

Each violation of this chapter shall be a Class B misdemeanor.

Chapter 9.80

COST RECOVERY—FIRE DEPARTMENT

Sections:

9.80.010 Purpose.

9.80.020 Definitions.

9.80.030 Recovery authorization and procedure.

9.80.040 No admission of liability.

9.80.050 Action to recover expenses.

9.80.010 Purpose.

This chapter shall provide procedures for recovering costs incurred by the city or the fire department for assistance rendered by the city or the fire department in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses.

9.94.20 Definitions.

As used in this chapter:

A. “*Hazardous materials emergency*” means a sudden or 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.

B. “*Aggravated fire emergency*” means:

1. A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:

a. Is caused or contributed to by the failure to comply with an order from any city agency, department or official;

b. Occurs as a direct result of a deliberate act in violation of the ordinances or regulations of the city; or

c. Is caused by arson.

2. 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.

C. “*Aggravated medical emergency*” means an alarm that results in a fire unit or 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.

D. “*Expenses*” means the actual costs of government and volunteer personnel including worker’s compensation benefits, fringe benefits, administrative overhead, costs of equipment operation, costs of materials, costs of disposal and the cost of any contract labor and materials.

E. “*Fire department*” means the Unified Fire Authority or other entity providing fire protection services to the city.

9.80.30 Recovery authorization and procedure.

The city is hereby empowered to recover expenses incurred by virtue of the city’s or the fire department’s response to a hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the following procedure:

1. The fire department shall determine responsibility for the emergency or response as defined above, and the city shall notify the responsible party by mail of the fire department’s determination of responsibility and the expenses to be recovered;

2. The notice shall specify that the determined responsible party may appeal the fire department’s decision;

3. In the event the determined responsible party appeals the determination, a hearing officer shall hold a hearing to consider any

issues raised by the appeal, at which hearing the appealing party and the city shall be entitled to present evidence in support of their respective positions. The hearing officer shall be appointed by the city council; and

4. 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 city council may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The city council may, in its sole discretion, hear additional evidence prior to issuing its decision.

9.80.40 No admission of liability.

The payment of expenses determined owing under this chapter does not constitute:

- A. An admission of liability or negligence in any legal action for damages; or
- B. A criminal fine.

9.80.050 Action to recover expenses.

In the event the parties determined to be responsible for the repayment of expenses incurred due to the city's or the fire department's response to such an emergency fail to make payment to the city within 30 days after issuance of the order or 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 parties the expenses determined to be owing, including the city's reasonable attorney fees.