

Chapter 10 Fire Department (1)

For powers and duties of cities with respect to fire departments, see U.C.A. 1953, Section 10-8-55.

As to notice to Fire Department of planned excavation in street, see Section 24-35 of this Code.

As to fire alarm and fire hydrants in trailer courts, see Section 27- to 27- .

As to wrenches for fire hydrants, see Section 28-5. As to opening or closing fire hydrant, see Section 28.6.

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Section 10-1. Compensation; persons ineligible for membership.

The formation and maintenance of a fire department is hereby authorized in the City, which shall be known as the "Grantsville Volunteer Fire Department". And shall consist of one Chief of the department, one or more assistant chiefs, one or more chauffeurs or engineers and not to exceed fifty (50) men as call men who shall or may volunteer for such services, and be accepted by a vote of the membership. Persons residing outside the corporate limits of the city are not eligible for membership in the fire department. (R.O. 1955, Sections 8-1 and 8-3)

Section 10-2. Election of officers; adoption of rules and regulations; filling vacancies.

The chief shall be elected to office annually according to rules and bylaws of the department. All officers shall be elected from their own number, under the direction of the chief, and they shall adopt such rules and regulations as may be deemed necessary. All vacancies that may occur from death, resignation, removal or otherwise in the department shall be filled by a majority vote of officers and members present at any regular meeting of the fire department. The election of all officers and members of the fire department shall be ratified by the mayor and council.

Section 10-3. Oath of members; bond of chief.

All members of the fire department shall subscribe to an oath supporting the ordinances of the city and the rules, regulations and by laws of the fire department. The chief shall furnish such bond as may be required by the council.

Section 10-4. Compensation of members.

The compensation of the chief and the members of the fire department shall be fixed by the mayor and council by resolution from time to time. Such compensation shall be paid quarterly from the funds of the city upon warrants drawn upon the city. (R.O. 1955, Section 8-4).

Section 10-5. Power to appoint and remove.

The chief of the fire department may recommend the appointment or removal of any officer or member of the department to the Mayor and City Council. However, in the case of emergencies the fire chief may appoint or discharge member of the department for the duration of the emergency. (R.O. 1955, Section 8-5).

Section 10-6. Duty and power of the Fire Chief.

The duty of extinguishing fires and of protecting life and property within the City is entrusting to the Chief of the Fire Department. He 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 member of the department, as he may deem expedient. He may make suitable regulations under which the officers and members of the department shall be required to wear appropriate uniform or badge, by which, in case of fire and at other times, their authority and position in the Fire Department may be known. The Chief shall have sole and entire command over all officers and member of

the department at fires. He shall have full charge at all times of all apparatus and appurtenances belonging to the department, and he shall adopt such measures as he shall deem expedient for the extinguishing of fire, protection of property, or preservation of order and observance of the laws of the State duties required by him by law and the ordinances of the City Council. It shall be the duty of the chief of the department to examine into the condition of all houses, and to inspect engines, hose and hood and ladder equipment of the City Fire Department. (R.O. 1955, Section 8-6).

Section 10-7. Special duty of the fire chief.

It shall be especially the duty of the Chief 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, as also all provisions of these ordinances for the prevention of and the protection against fires. (R.O. 1955, Section 8-7).

Section 10-8. Reports to Council; control and direction of Mayor and Council.

It shall be the duty of the chief to report to the City Council quarterly, and more often if required, the condition of equipment, fire hydrants, fire apparatus and fire alarms and recommend such additions to fire-fighting equipment as he may deem expedient. The department shall at all times be subject to the control and direction of the mayor and the city council.

Section 10-9. Annual audit.

All funds, derived from whatever source and held by the fire department shall be audited annually in conjunction with the annual city audit.

Section 10-10. Duties of the fire chief and member generally.

It shall be the responsibility of the chief and the members of the fire department to keep the department up to the required number of men and officers. The members shall keep the fire apparatus in good order and ready for use and drills, and on the alarm of fire shall leave all other business and proceed to the fire station or to the place of fire and there operate under the direction of the chief or officers in charge.

Section 10-11. Chief in charge at fires.

It shall be the duty of the chief, in all cases, to take and have control of all members of the fire department and all persons assisting at fires. He shall take all proper measures for the extinguishing of fires, the protection of property, the preservation of order at and in the vicinity of fires and to secure the observance of all ordinances and regulations respecting fire. It shall be unlawful for any person to disobey any order of the chief made in pursuant of this section.

Section 10-12. Authority.

When a fire is in progress, the Chief if the Department, or in his absence, the officer in charge, in case of urgent public necessity, may order any telegraph, telephone, electric light wires or poles, in close proximity thereto, to be torn down or otherwise dispose of for the purpose of checking the conflagration, but neither the Chief of the Department or any officer or member of the fire department shall unnecessarily or recklessly destroy or injure any building or other property.

Section 10-13. Police powers.

Every member of the fire department, while on duty, shall have special police powers.

Section 10-14. City marshal – fire duties.

It is hereby made the special duty of the city marshal and/or other police officers who may be on duty and available for fire duty, to respond to fire alarms and assist the fire department in the protection of life and property in regulating traffic, maintaining order, and in enforcing observance of all sections of this ordinance. The members of the police department shall keep open a space of 200 feet on all sides of the fire. (R.O. 1955, Section 8-16).

Section 10-15. Street blockade.

Whenever a fire shall occur it shall be unlawful for the chief or the officer in command to blockade any street, avenue, alley, sidewalk or other place if, in his judgement, it is necessary to secure the efficient working of the men, hose, engines, or hook and ladder apparatus under his command, and to protect the hose of said department from injury. It shall be unlawful for any person to break through said blockade.

Section 10-16. Limits at fire.

The Marshal, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except member of the department, marshal and police, or those admitted by order of the officer in charge, shall be permitted to come. (R.O. 1955, Section 8-17).

Section 10-17. Disobedience of by-standers.

The chief or any officer in charge of the department may require the aid of every citizen, inhabitant or by-standers in drawing any engine, cart or other fire apparatus to the fire, and upon the refusal or neglect of any such person to immediately comply with such requirement, the offender shall be deemed guilty of a misdemeanor. All officers authorized to command the aid or assistance of a citizen, inhabitant or by-stander are authorized likewise to arrest such citizen, inhabitant or by-stander for refusal to obey any reasonable directions for the extinguishing of fire or the protection of property. (R.O. 1955, Section 8-18).

Section 10-18. Conduct of members at fires.

Prompt, quiet obedience must be given all orders from officers, and no disputing shall be allowed while on duty. In going to, while at, or returning from fires, all unnecessary noise shall be avoided, and a civil demeanor shall always be preserved to citizens, but no orders shall be taken from them.

Section 10-19. Unlawful interference with officers, apparatus, water, etc.; penalty.

Any person who shall willfully hinder any officer or foreman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the city or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or in any way interfere with the water or its source of supply, shall be deemed guilty of a misdemeanor. (R.O. 1955,

Section 8-19).

Section 10-20. Use of water.

The chief of the fire department or any 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 10-21. Right of way.

It is hereby provided that the fire trucks and other moveable fire fighting apparatus of the City of Grantsville, shall have the right of way over all other vehicles of every kind in the City of Grantsville and it shall be unlawful for the owner or operator of any vehicle to drive or operate the same in hear of said fire trucks or at a distance less than 500 feet or to follow the same at a distance closer than 500 feet.

Section 10-22. Following fire apparatus.

The driver of a vehicle, other than one on official business, shall not follow any fire apparatus. No vehicle shall drive over any unprotected fire hose without consent of he fire department official there in command.

Section 10-23. 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 an fire hose on any street in the City of Grantsville without consent of the fire department official there in command. (R.O. 1955, Section 8-9).

Section 10-24. Investigation.

The Chief, or in his absence, his assistants in charge of the fore, shall, after it's extinguished, make a prompt and thorough investigation of the cause of the fire, the time of breaking out, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information and data available, and record the same in a record book kept for that purpose in the office of the department, and shall report the same to the City Council at such time as it may direct.

Section 10-25. Damage to be reported.

If, by accident or otherwise, the property of any person is damaged by the fire company, it shall be the duty of officer having charge of such company causing the damage to report the same immediately to the chief and city council.

Section 10-26. Apparatus.

All engines, hose and other fire equipment shall be kept at such place or places as the city council shall provide and designate, and shall be kept in proper condition for immediate use. (R.O. 1955, Section 8-13).

Section 10-27. Interference with fire apparatus; penalty.

Any person who may use or in any way interfere with any fire apparatus, without the

consent of the chief, shall be guilty of a misdemeanor. (R.O. 1955, Section 8-14).

Section 10-28. Parking near fire hydrants.

It shall be unlawful for the owner or operator of any motor vehicle or the driver of any horse, gas or steam propelled vehicle to stop or park the same within a distance of 5 feet of any fire hydrant within the City of Grantsville. (R.O. 1955, Section 8-11).

Section 10-29. Dangerous and defective structures, combustible waste, explosives, storage of, notice to make safe.

Whenever, in the judgement of the Fire Chief, any building or structure, or any portion thereof, or any appurtenances or fixtures thereto, or any chimney, smokestack, stove, oven, furnace, or wiring or thing connected with such buildings or premises is deemed defective or unsafe, and such defect of unsafe condition is such as to create a danger or part thereof keeps or stores any explosive, combustible, inflammable material, waste or rubbish of any description in such a manner that the same creates a danger from fire, the fire chief or his deputies shall give the owner, or person having control of such building or structure not exceeding five (5) days' notice of required changes, alterations, or repairs necessary to render the same safe to life and property from fire, and any person refusing or neglecting to comply with such notice shall be deemed guilty of a misdemeanor. (R.O. 1955, Section 8-1).

Section 10-30. Rules for theaters, places of public assemblage. (2)

It shall be the duty of the fire chief, subject to the approval of the City Council to make such rules and regulations as may be necessary for the prevention of fire in theatres, schools, churches, and other places of assemblage or public amusement. Such places and regulations shall be printed and posted in conspicuous places as designated by the fire chief, and it shall be unlawful for any person to remove, obstruct or deface the same. It shall be the duty and responsibility of the owner, manager, agent or person having control of such building to cause and bring about compliance with all such rules and regulations.

2. For similar state law, see U.C.A., 1953, Section 0-8-53.

Section 10-31. Combustibles.

It shall be unlawful for any person to permit the accumulation of empty boxes, waste, or other inflammable substance on any premises or carry on any business in or about any premises in such a manner as to endanger such premises or building or other buildings to fire or explosion.

Section 10-32. Right to enter.

The fire chief or his deputies shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the same.

Section 10-33. Unoccupied buildings.

Whenever any unoccupied building is not properly secured or enclosed, the fire chief, or his deputies shall immediately visit the premises and notify the owners or persons having control of the same forthwith to secure or enclose the same and the person so

notified as aforesaid, shall, within forty-eight (48) hours comply therewith.

Section 10-34. Willfully or negligently causing fire.

It shall be unlawful for any person willfully or negligently to ignite or cause to be ignited any tree, shrub, cultivated crop, fence, building or other property on any land not his own, or throw away any lighted cigar, cigarette, match or other burning material whatsoever on any land cover which will carry fire.

Section 10-34a. Open burning Regulations.

- a. No person shall burn any trash, garbage or other wastes, or shall conduct any salvage operation by open burning except in conformity with the provisions of this Section.
- b. No person shall start a fire on any forest, brush, range, grass, grain, stubble, or hay land, unless that person has obtained a burning permit from the Grantsville City Fire Department, except that burning permits shall not be required for the burning of fence lines on cultivated lands, canals, or irrigation ditches, provided that the individual notifies the Fire Department of the approximate time that the burning will occur.
- c. Permissible Burning – With Permit. Open burning is authorized by the issuance of a permit from the Fire Department when not prohibited by other laws or other officials having jurisdiction, and when a nuisance as defined in Section 76-10-803 of the Utah Code or Chapter 14 of this Code is not created. Individual permits for allowed types of burning may be issued under the "clearing index" system approved and coordinated by the State Department of Environmental Quality. Types of burning for which a permit may be granted are:
 1. Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.
 2. Open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil or other materials which can cause severe air pollution are not to start fires or keep fires burning;
 3. Open burning of solid or liquid fuels or structures for removal of hazards or eyesores;
 4. Open burning, in remote areas, of highly explosive or other hazardous materials, for which there is no other known practical method of disposal;
 5. Open burning of clippings, bushes, plants and pruning from trees incident to property clean-up activities provided that the following conditions have been met:

(I) In any area of the state, the local county fire marshal has established a 30 day period between March 30 and May 30 for such burning to occur and notified the State Executive Secretary of the open burning period prior to the commencement of the 30 day period, or, the local county fire marshal has established, if allowed by the state forester under Section 65A-8-9 of the Utah Code, a 30 day period between September 15 and October 30 for such burning to occur and has notified the State Executive Secretary of the opening burning

period prior to the commencement of the 30 day period;

(II) Such burning occurs during the period established by the local country fire marshal;

(III) Materials to be burned are thoroughly dry;

(IV) No trash, rubbish, tires, or oil are used to start fires or included in the material to be burned.

Section 10-35. False alarms; penalty.

Any person who shall without cause give an alarm of fire by outcry, or ringing of bells or otherwise, shall be deemed guilty of a misdemeanor.(R.O. 1955, Section 8-20)

Section 10-36. Fire outside city limits. (3)

The Council may enter into cooperative agreements with the governing bodies of cities, towns and counties of the State of Utah and in close proximity of the city to extinguish fires in any such areas outside the city limits of the city and may authorize the fire department under regulations established for that purpose to extinguish fires in such areas; and the City shall not be liable for any damage to persons or property resulting from fire fighting equipment being outside the city limits pursuant to such agreements.

1. For similar state law, see U.C.A., 1953, as amended, Sections 11-31-1 and 11-13-24.

Section 10-37. Fire Code.

There is hereby adopted for the purpose of providing for fire prevention and protection in connection with hazardous materials and processes, that certain Code known as the Fire Prevention Code, recommended by the Utah State Fire Prevention Board, being particularly the 1965 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended.

Section 10-38. Enforcement.

The Fire Prevention Code shall be enforced by the fire department, operating under the supervision of the Fire Chief. Fire Department members may be detailed as inspectors on recommendation of the Fire Chief, and approval of the Mayor and the City Council.

Section 10-39. Definition.

Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean Grantsville City. Wherever the words of "Chief of the Bureau of Fire Prevention" are used in the Fire Prevention Code, they shall be held to mean the Fire Chief.

Section 10-40. Flammable petroleum products.

No gasoline shall be allowed to remain in any open can or receptacle of any kind in or about any building. No flammable petroleum product shall be dispensed, transported or stored in any glass, crockery or other similar breakable container. (Grantsville City Ordinance 62-4, Section 3).

Section 10-41. Fire Station, no commercial use.

There shall be no commercial use of the Grantsville City Fire Station permitted after June 1, 1980.

Section 10-42. Penalty.

Any person who violates any provision of this ordinance shall be guilty of a Class "C" Misdemeanor and shall be subject to a \$750.00 fine and 90 days in jail or by both such fine and imprisonment.

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