

TITLE VII

HEALTH & FIRE

CHAPTER 1

CITY-COUNTY HEALTH DEPARTMENT

7-1-1: Creation of City-County Health Department

7-1-2: Powers of City-County Health Department

7-1-1: CREATION OF CITY-COUNTY HEALTH DEPARTMENT. The City of Syracuse hereby joins with Davis County and the other Participating towns and cities of Davis County in the creation of a full-time City-County Health Department in Davis County, State of Utah, which Department shall be known as the Davis County Health Department. (1971)

7-1-2: POWERS OF CITY-COUNTY HEALTH DEPARTMENT. The City-County Health Department is hereby authorized and empowered to act within the incorporated limits of Syracuse City in accordance with authority granted to a City-County Health Department in Title 26, Chapter 15, Sections 33 to 53 inclusive, of the Utah Code Annotated, 1953, as amended. (1971)

CHAPTER 2

HEALTH AND SANITARY REGULATIONS

- 7-2-1: License Required to Engage in Food Handling Business
- 7-2-2: Standards of Quality
- 7-2-3: Offering Unwholesome Food for Sale
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- 7-2-13: Unlawful to Allow Garbage to Accumulate
- 7-2-14: Vacating Premises
- 7-2-15: Dumping Garbage Only at Lawful Place
- 7-2-16: Establishment of Dumping Grounds
- 7-2-17: Health Department May Close to Occupancy

- 7-2-1: **LICENSE REQUIRED TO ENGAGE IN FOOD HANDLING BUSINESS.** It shall be unlawful for any person to engage in the business of handling, selling, offering for sale, preparing, processing, or serving any food or food products, beverages or water intended for human consumption, or to fumigate any human habitation, or to operate a cannery, food packing or processing plant, or a slaughter house or animal disposal establishment, or to clean out or install any privy, cesspool, or septic tank, without first making application for and obtaining from the City Board of Health, or City Council, a written permit so to do. Application for such permit shall be made in writing and filed with the City Council, together with a fee of One Dollar. The fee shall be deposited with the City Treasurer if the Application is granted, and returned to the applicant if denied. (1971)
- 7-2-2: **STANDARDS OF QUALITY.** The standards of quality, purity and strength of food and drinks that have been or shall hereafter be adopted by the United States Department of Agriculture, are hereby declared to be the standards of purity and strength of food and drinks of this City, and said standards of quality, purity and strength of food and drinks

adopted by the United States Department of Agriculture are hereby made a part of this Chapter, except where otherwise specified. (1971)

- 7-2-3: OFFERING UNWHOLESOME FOOD FOR SALE.** No person shall expose or offer for sale, or sell for human food, any blown, meager, diseased or bad meat, poultry or game, or an unsound, diseased or unwholesome fish, fruit, vegetables, or other market produce. No person shall within this City , expose or offer for sale or sell for human consumption, any sick or diseased animal, or the flesh of any animal, which when killed was sick or diseased, or that died a natural or accidental death. Any article or animal that shall be offered or exhibited for sale in any market as though it were intended for sale, shall be deemed offered and exposed for sale within the meaning of this Section
No person shall sell or offer for sale in this City any unwholesome food or drink, or any food or beverage which has been condemned by a government or a City inspector or by an inspector of the Health Department, and the City Council may cause such food or drink to be seized and confiscated. (1971) .
- 7-2-4: MEAT MARKETS--FACILITIES REQUIRED.** It shall be unlawful to use any building, room or place as a meat market, unless the same be provided with a refrigerator of sufficient capacity to handle all meats and meat products held for sale, the same to be maintained at a temperature of not more than 45° Fahrenheit; such places shall be provided with suitable racks and receptacles for meats and all utensils, hooks, hangers, racks, and dishes, shall be kept in a sanitary condition. (1971)
- 7-2-5: HANDLING MEATS OR FOOD PRODUCTS-- SANITARY REQUIREMENTS.** It shall be unlawful for any person engaged in the handling, preparation or processing of meats or food products to fail to keep his hands and clothing in a sanitary condition, or to work with or around said meats and foods while affected with tuberculosis, or any communicable disease. (1971)
- 7-2-6: INSPECTION OF MEAT.** It shall be unlawful to sell, or offer for sale any meat or meat products or any animal which has not been inspected by a government, state, county or city inspector in accordance with regulations established by the United States Department of Agriculture, and the regulations of the Department of Agriculture, and the regulations of the Department or Agriculture of the State of Utah, and for this purpose the City Council may appoint a competent inspector or inspectors whose duties shall be to inspect all slaughtering and operations conducted in such slaughter houses, and may provide fees for inspection and services to be paid by said slaughter houses. (1971)
- 7-2-7: PREMISES TO BE CLEAN.** It shall be unlawful for the owner or occupant of any cannery, food packing or processing plant, or other place where food is canned, prepared or processed, kept or sold, to permit the said premises or yard connected therewith to remain unclean, or in any state or condition detrimental to the public health. (1971)
- 7-2-8: CONTROL OF FOOD PROCESSORS.** The provisions of this Chapter shall apply to all packing houses, slaughter houses, dairies and canaries located in or within one mile of the limits of the City of Syracuse, and to all other food processing and canning plants within said area. (1971)
- 7-2-9: REGULATION OF THE SALE OF MILK.** It shall be unlawful for any person to offer for sale in this City any unwholesome, watered or adulterated milk, or milk known as swill milk, or milk, from cows that are fed on swill, garbage, or other like substance, or to offer for sale any butter or cheese made from such milk. It shall be unlawful for any person to bring or send into this City, any milk without first having obtained a permit from the Health Department to do so. Such permit shall be given by said Health Department whenever, upon inspection of the vessels used to hold milk, and test of the milk, it shall appear that said vessels and premises are kept in good sanitary condition, and that the milk meets

the requirements of the rules adopted by such Health Department and compliance with the State Board of Health regulations. None but pure wholesome, unadulterated and undiluted milk shall be sold or offered for sale. (1971)

After such permit shall have been granted, the Health Officer shall have the power to revoke such permit and condemn whenever, upon inspection of the premises and vessels and the test of milk, it shall appear that such premises or vessels are not kept in a good sanitary condition, or that the milk does not meet the requirements of the rules of the Health Department; and it shall be unlawful for any person to sell, or offer to sell, or offer for sale, any milk so condemned. (1971)

- 7-2-10: HEALTH DEPARTMENT MAY ENTER PREMISES.** The Health Department or any duly authorized representative thereof is hereby empowered, when it shall be deemed necessary to secure or preserve the public health, to enter into or upon any premises, buildings or other places open to the public to examine the condition of such building, premise, or other place, or of any person occupying the same or working therein or thereon, and also to examine, analyze or test any products of goods manufactured, stored, or kept for sale upon or in any building or premises and if, after such examination, analysis tests, such products or goods shall be found unfit for human food, or unsanitary, to condemn or destroy all such foodstuffs, goods, or products. (1971)
- 7-2-11: PHYSICIANS TO REPORT CONTAGIOUS DISEASES.**It shall be unlawful for physicians of other persons having knowledge of the existence of any contagious or infectious diseases or having reason to believe that any disease exists, to fail to report the same forthwith to the Health Department. (1971)
- 7-2-12: UNSANITARY DISPENSERS OF FOOD.** Whenever it is determined by a member of the Health Department that filthy or unsanitary conditions exist or are permitted to exist in the operation of any hotel, restaurant, boarding house, food store or other public place where food or beverages are manufactured, processed, stored, deposited, sold or offered for sale, for any purpose whatsoever, the proprietor or any person operating said place shall first be notified and warned by the Health Department to place said premises in a sanitary condition within a reasonable length of time, and any such person who fails to obey such notice or who shall continue to deal in said foods or beverages, from premises thus failing to comply, shall be guilty of a violation of this Chapter.(1971)
- 7-2-13: UNLAWFUL TO ALLOW GARBAGE TO ACCUMULATE.** It shall be unlawful for any person to allow garbage, dead animals or other refuse to accumulate upon the premises occupied by such person. (1971)
- 7-2-14: VACATING PREMISES.** It shall be unlawful for any person upon vacating or removing from dwellings, apartments, storerooms or other buildings situated within the corporate limits of the City to fail to remove all garbage, rubbish and ashes from such buildings and premises and also the ground appurtenant thereto; or to fail to place the same in a thoroughly sanitary condition within 24 hours after said premises shall be vacated. (1971)
- 7-2-15: DUMPING GARBAGE ONLY AT LAWFUL PLACE.** It shall be unlawful for any person to dump, deposit, leave or cause or permit to be dumped, deposited or left, any garbage or offensive material, vegetable waste, market waste, or any other waste food products, animal by-products,ashes or any other refuse or waste material, except at such times and places as may be designated by the City Council , in accordance with the terms of this Chapter. (1971)
- 7-2-16: ESTABLISHMENT OF DUMPING GROUNDS.** The City Council may, by resolution or ordinance, establish a dumping ground for certain material within the limits of the City, which dumping ground shall be, as far as is practical, used by the inhabitants of the City.

The City Council shall adopt rules and regulations for the use of the said dumping ground and shall appoint a qualified supervisor to enforce such rules and regulations. Such rules and regulations shall specify the area where the same may be dumped and the kind and classes of material to be dumped thereupon. It shall be unlawful for any person to dump any waste material at any place in the City except under the direction of the supervisor so appointed by the City Council and in accordance with rules and regulations so adopted by the City Council. (1971)

7-2-17:

HEALTH DEPARTMENT MAY CLOSE TO OCCUPANCY. Whenever , in the opinion of the Health Department, any building or dwelling has, because of its unsanitary condition, become a menace to life or health or unfit for human habitation, said Health Department shall have the power to close to occupancy said building or dwelling and/or cause to be vacated said building or dwelling until the same is put in a clean and sanitary condition as required by the rules and regulations of the Health Department. It shall further be the duty of the Health Department to notify the owner, agent or lessee in writing of the action taken and post in a conspicuous place on said building or dwelling a sign reading as follows, to-wit: "Closed to Occupancy by order of the Health Department."
It shall be unlawful for any person to occupy, lodge or sleep in, or cause or permit to occupy, lodge or sleep in, any building or dwelling or other place closed to occupancy by order of the Health Department. (1971)

CHAPTER 3

GARBAGE COLLECTION AND DISPOSAL

7-3-1: May Provide Services

7-3-2: May Establish Rules and Regulations

7-3-1: MAY PROVIDE SERVICES. Syracuse City may provide, either directly or by agreement with a contractor, for the collection and disposition of garbage and trash within the corporate limits of the City. (1971)

7-3-2: MAY ESTABLISH RULES AND REGULATIONS. The City Council of Syracuse may by resolution establish rules and regulations governing the disposal and collection of garbage and fixing rates for the collection of the same. (1971) (See Ordinance 86-8 and Resolution R90-1)

CHAPTER 4
UNIFORM FIRE CODE

7-4-1: Adoption of Uniform Fire Code

7-4-2: Inspection of Buildings

7-4-3: Fire Investigation by Fire Officer

7-4-4: Penalties

7-4-1: ADOPTION OF INTERNATIONAL FIRE CODE. The International Fire Code,2000, published by International Code Council, Inc. and currently adopted by the State of Utah is hereby adopted by reference and made part of these revised ordinances. Any successive amendments, editions, and/or appendixes adopted by the State of Utah are hereby incorporated herein by reference and shall be effective upon the date they are effective as a Utah State Statute. Not less than three copies of said code shall be deposited in the office of the City and open for public inspection and uses. (Ord. 02-04)

7-4-2: INSPECTION OF BUILDINGS. The Fire Chief or Fire Marshal of the City or of the County and the City Building Inspector may enter any building or premises not used as a private dwelling at any reasonable hour for the purpose of inspecting and enforcing the rules, regulations and standards adopted by the City or contained within the Utah State Fire Prevention Law. (1971)

7-4-3: FIRE INVESTIGATIONS BY FIRE OFFICER. The Fire Chief or Fire Marshal of the City or of the County shall investigate the cause, origin and circumstances of each fire occurring in the City by which property has been destroyed or damaged . Such investigation shall be commenced immediately after such fire and shall determine, among other things, whether the fire was the result of carelessness or of design. If the officer making the investigation determines that the fire appears to be of suspicious origin, he shall immediately notify the State Fire Marshal to this effect and shall, within one week after the fire, file with the State Fire Marshall a written report setting forth all of the facts and circumstances regarding the fire and such other information as the State Fire Marshal shall require. (1971)

7-4-4: PENALTIES. Any person who shall violate any of the provisions of the Code 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 or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance, respectively, be guilty of a Class B Misdemeanor, punishable by a fine of not to exceed \$1,000.00, or by imprisonment in the City or County Jail for not to exceed six months, or by both such fine and imprisonment. The imposition of one penalty for any 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 days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (1986)

CHAPTER 5
FIRE DEPARTMENT

- 7-5-1: Fire Department Created
 - 7-5-2: Composition of Department
 - 7-5-3: Appointment of Chief
 - 7-5-4: Chief Accountable to City Council
 - 7-5-5: Appointment of Assistant Chiefs and Other Department Officers
 - 7-5-6: Duties of Chief
 - 7-5-7: Membership
 - 7-5-8: Suspension or Discharge
 - 7-5-9: Equipment
 - 7-5-10: Recommendations for Purchase
 - 7-5-11: Equipment to be Safely Kept
 - 7-5-12: Alarm System
 - 7-5-13: Private Use of Equipment Prohibited
 - 7-5-14: Unauthorized Entry of Place Where Fire Apparatus Stored Prohibited
 - 7-5-15: Mutual Aid or Cooperative Agreements
 - 7-5-16: Apparatus for City Use—Exceptions
 - 7-5-17: Issuance of Badge
 - 7-5-18: Auto Insignia
 - 7-5-19: Penalty for Violation
 - 7-5-20: Department Members to Enforce
 - 7-5-21: City Marshal and Police Officer to Assist
 - 7-5-22: Special Officers
 - 7-5-23: Duties of Social Officers
 - 7-5-24: Intent of Chapter
- 7-5-1: **FIRE DEPARTMENT CREATED.** There is hereby created a department to be hereafter known as the Syracuse City Fire Department, the object of which shall be the prevention

of fire and the protection of life and property within the limits of the City of Syracuse.
(1971)

7-5-2: COMPOSITION OF DEPARTMENT. The Department shall consist of a Chief, two Assistant Chiefs and other officers as the Chief and City Council may deem necessary for the effective operation of the Department. (1971)

7-5-3: APPOINTMENT OF CHIEF. The Chief shall be appointed by the Mayor with the advice and consent of the City Council for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have ability to command men and hold their respect and confidence. He shall be removed only for just cause and after a public hearing before the City Council. (1971)

7-5-4: CHIEF ACCOUNTABLE TO CITY COUNCIL. The Chief shall be held accountable to the City Council only, and shall make written and verbal reports thereto as the Council may require. All other Department and Company officers shall be accountable to the Chief only. (1971)

7-5-5: APPOINTMENT OF ASSISTANT CHIEFS AND OTHER DEPARTMENT OFFICERS. The Assistant Chief and all other Department and Company officers shall be appointed by the Chief with the approval of the City Council. Such officers shall be accountable only to the Chief, and subject to removal by him. (1971)

7-5-6: DUTIES OF CHIEF.

(A) The Chief shall formulate a set of rules and regulations to govern the Department, and shall be responsible to the City Council for the personnel, morale and general efficiency of the Department.

(B) The Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of such companies to alarms.

(C) The Chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the City Syracuse, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(D) The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

(E) The Chief is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found, and he is hereby empowered so to do. Any person refusing such entry on demand or any person so served with a notice who shall fail or refuse to abate any fire hazard or hazards, within the time and as prescribed in such notice, or to promptly notify the Chief thereof, shall be guilty of a misdemeanor.

(F) The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department.

(G) The Chief shall report monthly, or at such other intervals as the City Council may direct, to the Council the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and the date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

(H) The Chief shall make a complete annual report to the City Council within one month after the close of the fiscal year, such report to include the information specified in Sub-paragraph (F), together with comparative data for previous years and recommendations for improving the effectiveness of the Department. (1971)

7-5-7: MEMBERSHIP. The membership of the Department shall consist of such persons as may be appointed by the Chief and shall be able-bodied male citizens residing within the City, preferably property owners whose business activities are normally within the confines of Syracuse, and who have telephones in their homes. Determination of whether candidates for appointment are able-bodied shall be made by the Chief after a medical and physical examination has been made in a manner prescribed by the Chief and approved by the City Council. (1971)

7-5-8: SUSPENSION OR DISCHARGE. Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the Department. On written request of such member to the City Council he shall be given a public hearing on the charges brought by the Chief. (1971)

7-5-9: EQUIPMENT. The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. (1971)

7-5-10: RECOMMENDATIONS FOR PURCHASE. Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the City Council shall be purchased in such manner as may be designated by the Council. (1971)

7-5-11: EQUIPMENT TO BE SAFELY KEPT. All equipment of the Department shall be safely and conveniently housed in such places as may be designated by the City Council. (1971)

7-5-12: ALARM SYSTEM. Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Department so that they may promptly respond. (1971)

7-5-13: PRIVATE USE OF EQUIPMENT PROHIBITED. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. (1971)

7-5-14: UNAUTHORIZED ENTRY OF PLACE WHERE FIRE APPARATUS STORED PROHIBITED. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department. (1971)

7-5-15: MUTUAL AID OR COOPERATIVE AGREEMENTS. The City Council may enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system, and the City shall not be liable for damage to persons or property resulting from fire fighting equipment being outside the City limits pursuant to such agreements. (1971)

- 7-5-16: APPARATUS FOR CITY USE --EXCEPTIONS.** No apparatus shall be hired out or permitted to leave the City, except in response to a call for aid at a fire in a neighboring community without the consent of the City Council. The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with Section 7-5-15, and in other cases only when the absence of such equipment will not jeopardize protection in this City. (1971)
- 7-5-17: ISSUANCE OF BADGE.** Each member of the Department may be issued a badge designating his rank, when determined necessary and advisable by the Chief. (1971)
- 7-5-18: AUTO INSIGNIA.** Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car. (1971)
- 7-5-19: PENALTY FOR VIOLATION.** Any person violating the provisions of Sections 7-5-6(E), 7-5-13, or 7-5-14 shall be guilty of a Class B misdemeanor and upon conviction, pay a fine in any sum not to exceed \$1,000.00, or be imprisoned for not to exceed six months, or be punished by both said fine and imprisonment. (1986)
- 7-5-20: DEPARTMENT MEMBERS TO ENFORCE.** All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Chapter.(1971)
- 7-5-21: CITY MARSHAL AND POLICE OFFICERS TO ASSIST.** It is hereby made the special duty of the City Marshal, Chief of Police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the Department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Chapter. (1971)
- 7-5-22: SPECIAL OFFICERS.** The Department may elect a President, Vice President, Secretary, and Treasurer, to be known as Social Officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the Department. (1971)
- 7-5-23: DUTIES OF SOCIAL OFFICERS.** The functions and duties of said Social Officers shall in no wise interfere with those of the regular Department officers who are charged with responsibility for all fire service activities of the Department. (1971)
- 7-5-24: INTENT OF CHAPTER.** In adopting the foregoing Chapter, it is the declared intent and purpose of the City Council to comply with the provisions and recommendations of the Utah State Fire Prevention Law and the rules and regulations and standards promulgated in accordance therewith, and with the provisions of the Uniform Fire Code, 1979 Edition. (1971)

CHAPTER 6

GENERAL FIRE REGULATIONS

- 7-6-1: Right of Way**
- 7-6-2: May Blockade Street**
- 7-6-3: Right to Enter Upon Premises**
- 7-6-4: Removal of Obstructions**
- 7-6-5: Use of Water**
- 7-6-6: False Alarms**
- 7-6-7: Willfully or Negligently Causing Fire**
- 7-6-8: Unlawful Interference**
- 7-6-9: Driving Over Fire Hose**
- 7-6-10: Limits at Fire**
- 7-6-11: Duty of By-Standers**
- 7-6-12: Parking Near Fire Hydrant**
- 7-6-13: Parking of Vehicle Near Fire Station**
- 7-6-14: Accumulation of Refuse and Rubbish**
- 7-6-15: Notice of Fire Hazards**
- 7-6-1: RIGHT OF WAY.** It is hereby provided that any fire truck and movable fire fighting apparatus, and all personal cars of Fire Department members traveling within the City of Syracuse shall have the right of way over all other vehicles of every kind when responding to a fire alarm, 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 600 feet or to follow the same at a distance closer than 600 feet, or to park within 300 feet of a fire. (1971)
- 7-6-2: MAY BLOCKADE STREET.** Whenever a fire shall occur, it shall be lawful for the officer in charge to blockade any street, avenue, alley, sidewalk or other place within the limits of Syracuse City, if in his judgment 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 from injury. It shall be unlawful for any person to break through said blockade. (1971)
- 7-6-3: RIGHT TO ENTER UPON PREMISES.** Firemen 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. (1971)
- 7-6-4: 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 fireman shall unnecessarily or recklessly destroy or injure any building or other property. (1971)

- 7-6-5: 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. (1971)
- 7-6-6: FALSE ALARMS.** 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. (1971)
- 7-6-7: WILLFULLY OR NEGLIGENTLY CAUSING FIRE.** It shall be unlawful for any person willfully or negligently to ignite or cause to be ignited any trees, shrubs, cultivated crop, fence, building or other property on any land not his own, or to throw any lighted cigar, cigarette, match or other burning material whatsoever on any land cover which will carry fire. (1971)
- 7-6-8: UNLAWFUL INTERFERENCE.** It shall be unlawful for any person to willfully hinder any officer in the discharge of his duty at a fire, or in any manner 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 course of supply. (1971)
- 7-6-9: 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. (1971)
- 7-6-10: LIMITS AT FIRE.** The City Marshal, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except firemen and members of the Police Department or those admitted by order of the officer in charge, shall be permitted to come. (1971)
- 7-6-11: DUTY OF BY-STANDERS.** The City Marshal, or officer in charge at the fire, may require the aid of every citizen, inhabitant or by-stander in drawing any engine, cart or other fire apparatus to the fire, and, upon refusal or neglect of any such person to immediately comply with such requirement, the offender shall, upon conviction thereof, be liable to a fine not exceeding \$25.00 All officers authorized to command the aid or assistance of any citizen, inhabitant or by-stander are hereby 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. (1971)
- 7-6-12: PARKING NEAR FIRE HYDRANT.** 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 ten feet of any fire hydrant within the City of Syracuse. (1971)
- 7-6-13: PARKING OF VEHICLE NEAR FIRE STATION.** No person shall park any vehicle or otherwise cause any obstruction to be placed within 30 feet of the entrance to any fire station or other place where fire apparatus is stored, or within 20 feet of the driveway approach from said station onto the public street, or within 10 feet of any fire hydrant or cistern. (1971)
- 7-6-14: ACCUMULATION OF REFUSE AND RUBBISH.** It shall be unlawful for any person to accumulate or permit the accumulation of empty boxes, refuse, water, rubbish, weeds or other inflammable substances, or to constitute a fire hazard when not required in the ordinary process of farming on any premises owned, rented, or controlled by him within

the City limits or to carry on any business in or about any premises in such a manner as to endanger such premises or building or other buildings or premises by fire or explosion. (1971)

7-6-15: **NOTICE OF FIRE HAZARDS.** Whenever, in the judgment of the Fire Chief or City Marshal, any building or structure, or any portion thereof, or any appurtenances or fixtures thereto, or any chimney, smokestack, stove, oven, furnace, or wiring or anything connected with such building or premises is deemed defective or unsafe, and such defective or unsafe condition is such as to create a danger from fire; or whenever the owner or occupant of such building or structure or part thereof keeps material, waste, or rubbish of any description in such manner that the same creates a danger from fire, the Fire Chief or City Marshal, or their deputies, shall give the owner or person having control of such building or structure not exceeding five days notice of required changes, alternations, 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. (1971)

CHAPTER 7

OPEN BURNING REGULATIONS

- 7-7-1: **Definitions**
- 7-7-2: **Community Waste Disposal**
- 7-7-3: **General Prohibitions**
- 7-7-4: **Permissible Burning - Without Permit**
- 7-7-5: **Permissible Burning-With Permit-Exemptions.**
- 7-7-6: **Burning Permits**
- 7-7-7: **Penalty**

7-7-1: DEFINITIONS. The following words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context.

AGRICULTURAL BURNING: Open burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

AIR CONTAMINANT: Any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors.

AIR CONTAMINANT SOURCE: Any and all sources of emission of air contaminants whether privately or publicly owned or operated.

AIR POLLUTION: 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 interferes with the enjoyment of life or use of property, as determined by the standards, rules and regulations adopted by the Air Conservation Committee.

ATMOSPHERE: The air that envelopes or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

APPROPRIATE AUTHORITY: The governing body of any city, town or county.

AUTHORIZED LOCAL AUTHORITY: A city, county or combination health department; a city, county, or combination fire department; or other local agency duly designated by appropriate authority, with approval of State Division of Health, as the agency to issue permits for open burning under regulations of the State Division of Health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

CLEARING INDEX: A number indicated rate of clearance of ground level pollutants from a given area. This number is calculated by the Weather Bureau, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to 10,000 feet.

DIVISION: Utah State Division of Health.

EMISSION: The act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

GARBAGE: All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

HEAVY FUEL OIL: A petroleum product or similar material heavier than diesel fuel.

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.

OPEN BURNING: Any burning of combustible materials where the products of combustion are emitted into open air without passing through a chimney or stack.

PERSON: Any individual, public or private corporation, partnership, association, firm, trust or 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: Any solid waste, including garbage and trash.

SALVAGE OPERATION: 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: 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: 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. (1971)

7-7-2: **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 Air Conservation Committee on the Basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at appropriate hearing following written application. (1971)

7-7-3: **GENERAL PROHIBITIONS.** No person shall burn any trash, garbage or other wastes, nor shall conduct any salvage operation, in any open fire except in conformity with the provisions of Sections 7-7-4 and 7-7-5 below. (1971)

7-7-4: **PERMISSIBLE BURNING - WITHOUT PERMIT.** When not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

(A) In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.

- (B) Camp fires and fires used solely for recreational purposes where such fires are under the control of a responsible person.
- (C) Indoor fireplaces.
- (D) Properly operated industrial flares for combustion of flammable gases.
- (E) Burning, on the premises, of combustible household wastes generated by occupants of dwellings of four family units or less in those areas only where no public or duly licensed disposal service is available. (1971)

7-7-5: PERMISSIBLE BURNING - WITH PERMIT - EXEMPTIONS. When not prohibited by other laws or other officials having jurisdiction and when a nuisance is not created, the types of open burning listed as A, B, C, D, E, and F below are permissible: (1) under the terms of individual permits issued by authorized local authority under a "clearing index" system approved and coordinated by the Utah State Division of Health, or (2) when specifically exempted by the Air Conservation Committee, following written application and appropriate hearing. Application under (2) may be made by a political subdivision of the State as well as by any individual citizen.

- (A) Agricultural burning including on-premise orchard prunings, field stubble and weeds, and open burning to clear irrigation ditches. This does not apply to household waste which is covered under Section 7-7-4(E).
- (B) 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.
- (C) Open burning of ties, trees and brush within railroad and public road rights-of-way provided that dirt is removed from stumps before burning, and that tires, heavy fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning.
- (D) Open burning of solid or liquid fuels or structures for removal of hazards or eyesores or for fireman training purposes when conducted under the direct control and supervision of organized fire departments.
- (E) Open burning, in remote areas, or highly explosive or other dangerous materials, for which there is no other known practical method of disposal.
- (F) Open burning for special purposes, or under unusual circumstances when approved by the Division following formal request therefor. (1971)

7-7-6: BURNING PERMITS. The Health Office or other official designated by the governing body of Syracuse, shall establish a procedure for issuance of burning permits under the terms of this Chapter. Said officials shall also devise a method of visual determination of any violations of the Code of Open Burning Regulations and shall institute appropriate enforcement procedures as necessary. (1971)

7-7-7: PENALTY. Any person who shall violate any of the provisions of this Chapter shall be guilty of a Class C misdemeanor. In addition thereto, such person may be enjoined from continuing such violations, and each day upon which such a violation occurs shall constitute a separate violation. (1986)

CHAPTER 8

FIREWORKS

7-8-1: Fireworks Prohibited

7-8-1: FIREWORKS PROHIBITED: It shall be unlawful for any person within the corporate limits of Syracuse City to discharge, explode or set off any rocket, firecracker, Roman Candle, cannon, bomb, or any other fireworks which are combustible or explosive in nature without first obtaining permission of the City Council so to do. The permission herein provided for shall be in writing and shall specify the time when and the place where such fireworks or combustible or explosive matter may be exploded, set off, or discharged. These provisions shall not limit the use of cap guns or sparklers. It shall be unlawful for any person to sell or to offer for sale or have in his possession or custody, any of the fireworks herein prohibited without first obtaining from the City Council permission in writing so to do. (1971)

CHAPTER 9
COST RECOVERY FOR
HAZARDOUS MATERIAL RELATED EMERGENCY

7-9-1 Purpose

7-9-2 Definitions

7-9-3 Recovery Authorization

7-9-4 No Admission of Liability

7-9-5 Action to Recover

7-9-1 PURPOSE. This chapter shall provide procedures for recovering costs incurred by the Syracuse City for City assistance in hazardous material incidents. (Ord. 03-06)

7-9-2 DEFINITIONS.

(A) **HAZARDOUS MATERIALS EMERGENCY:** 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.

(B) **EXPENSES:** the actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, cost of disposal, and the cost of any contract labor and materials. (Ord. 03-06)

7-9-3 RECOVERY AUTHORIZATION. Syracuse City shall be entitled to recover expenses it may incur in the cleanup of any hazardous material emergency from the person or entity that owned and/or had control over and/or caused the release of the hazardous material involved in the hazardous materials emergency. Recovery of expenses shall be pursuant to the following procedure:

(A) The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the expenses to be recovered.

(B) The notice shall specify that the party determined responsible may appeal the City's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen days from the date of the notice.

(C) In the event the party determined responsible appeals the determination, the hearing officer shall hold a public 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.

(D) The hearing officer shall, after the hearing, make a recommendation to the City Council, who shall issue a decision assessing responsibility and costs. (Ord. 03-06)

7-9-4 **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. (Ord. 03-06)

7-9-5 **ACTION TO RECOVER.** In the event parties determined to be responsible for the repayment of hazardous material emergency costs fail to make payment to the City within thirty (30) days after a determination of any liability, the City may initiate legal action to recover from the parties determined responsible the costs determined to be owing, including the City's reasonable attorney's fees. (Ord. 03-06)

CHAPTER 10
COST RECOVERY FOR
FIRE RELATED EMERGENCIES

7-10-1 Purpose

7-10-2 Definitions

7-10-3 Recovery Authorization and Procedure

7-10-4 No Admission of Liability

7-10-5 Action to Recover Costs

7-10-1 PURPOSE. This ordinance chapter shall provide procedures for recovering costs incurred by Syracuse City for City assistance in fire emergency. (Ord. 03-07)

7-10-2 DEFINITIONS. As used in this chapter:

- (A) **FIRE EMERGENCY:** means a fire proximately caused by a person or business whose conduct was at a minimum grossly negligent and resulted in a fire to which the City and/or assisting agencies responded.
- (B) **EXPENSES:** means the actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, cost of disposal, and the cost of any contract labor and materials.
- (C) **GROSSLY NEGLIGENT:** means a reckless disregard for the safety of property or others. (Ord. 03-07)

7-10-3 RECOVERY AUTHORIZATION AND PROCEDURE. Syracuse City is empowered to recover from any person, corporation, partnership or other individual or entity whose grossly negligent actions cause a fire emergency, expense incurred by Syracuse associated with a response to a fire emergency. Recovery of expenses shall be pursuant to the following procedures:

- (A) The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the costs to be recovered.
- (B) The notice shall specify that the party determined responsible may appeal the City's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal should be filed. The appeal date shall be no less than fifteen days from the date of the notice.
- (C) In the event the party determined responsible appeals the determination, the hearing officer shall hold a public 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.
- (D) The hearing officer shall after the hearing make a recommendation to the City Council, who shall issue a decision assessing responsibility and costs. (Ord. 03-07)

7-10-4 **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. (Ord. 03-07)

7-10-5 **ACTION TO RECOVER COSTS:** In the event a party determined to be responsible for the repayment of fire emergency expenses fails to make payment to the City within thirty (30) days after a determination of any appeal by the mayor 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 the costs determined to be owing, including the City's reasonable attorney's fees. (Ord. 03-07)