



SYRACUSE CITY

Syracuse City Council Work Session Notice

September 25, 2012 – 6:00 p.m.

Large Conference Room

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in an extended work session on Tuesday, September 25, 2012, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.
- b. Discussion regarding potential budget opening. (60 min.)
- c. Discussion regarding Community Development Areas (CDAs). (10 min.)
- d. Review of Proposed Rewrite of Title Seven of the Syracuse City Code – Health and Fire. (30 min.)
- e. Council Business. (5 min.)

**** Meetings of the Syracuse City Council may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Rules, Policies and Procedures established by the Governing Body for electronic meetings. Councilmember Lisonbee has requested an opportunity to participate in this meeting via electronic means.****

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 21<sup>st</sup> day of September, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on September 21, 2012.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

September 25, 2012

Agenda Item #b                      Discussion regarding potential budget opening.

## *Factual Summation*

- Any questions about this agenda item may be directed at Finance Director Stephen Marshall.
- I have closed the books for FY2012 and am currently awaiting the financial auditors to complete their audit. Our unrestricted fund balance in the general fund at June 30, 2012 increased to \$1,454,387 or approximately 17.26% of budgeted revenues. State Code requires that our fund balance be between 5-18%. Administration's philosophy is to maintain a healthy fund balance between 10-14%. This allows the city to maintain a healthy rainy day fund but also allows a portion of fund balance to be used in operations for our most critical needs.
- We also have projected revenues in FY2013 that are going to exceed original budgeted amounts. Administration has brainstormed and come up with several options for using these excess revenues & fund balance.
- Please review the power point presentation and updated list of recommended capital projects for FY2013.

## **Recommendation:**

Administration recommends that the excess revenues & fund balance be used for suggested options within the power point slide. Administration also recommends that we move forward with the additional capital improvements projects.



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# Fund Balance Presentation

September 25, 2012



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# FACTS

- Per Utah Code section 10-6-116 sections 2 & 4, the general fund balance is required to be between 5 – 18% of the next fiscal year's budgeted revenues.
- General Fund balance at June 30, 2012 = \$1,454,387. The FY2013 budgeted revenues = \$8,428,141. Fund balance = 17.26%.



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# HISTORICAL FACTS

- **Fund balance over last 5 years:**
  - FY2008 = \$430,008 or approximately 7%
  - FY2009 = \$285,445 or approximately 5%
  - FY2010 = \$625,253 or approximately 10%
  - FY2011 = \$1,017,689 or 14.49%
  - FY2012 = \$1,454,387 or 17.26%



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# ADMINISTRATION PHILOSOPHY

- Maintain a healthy fund balance that acts as a rainy day fund for any unforeseen emergencies and/or expenses.
- Utilize and execute excess fund balance into operations where it is needed the most.
- Belief that fund balance should remain between 10 -14% with a median of 12% as a general rule and practice.



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# General Fund Balance

## General Fund Balance Calculation

|                                 |                 |        |
|---------------------------------|-----------------|--------|
| FY2013 Budgeted Revenues        | \$ 8,428,141.00 |        |
| Fund Balance @ 6/30/2012        | \$ 1,454,387.00 | 17.26% |
| Target Fund Balance @ ~ 12%     | \$ 1,004,387.00 | 11.92% |
| Excess to be used in operations | \$ 450,000.00   |        |



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# ADMINISTRATION PHILOSOPHY

- Philosophy of budgeting conservatively on revenues and liberal on expenses has resulted in an increased fund balance over last 3 years.
- **Invest in employees/systems; spend money to make money.**
- Credit to Departments for spending conservatively and finding ways to cut costs (i.e. operating more efficiently).



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# FY2013 Budget

- Started with a balanced budget.
- No use of fund balance.
- Conservative estimates on revenues & liberal on expenses.
- Some revenue estimates = exceed expectations.
- Some items need to be added for carryover from prior fiscal year.



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# FY2013 Revenues

## FY2013 Estimated Increase in Revenues:

|                             |            |
|-----------------------------|------------|
| Sales Tax                   | 100,000.00 |
| Sale of Assets              | 50,000.00  |
| Rent Income - City Hall     | 27,805.00  |
| Increase in Fire Revenue    | 100,000.00 |
| FEMA Grant - Fire Trailer   | 70,650.00  |
| Justice Court - State Grant | 6,300.00   |
| Police 5k race & grant      | 5,000.00   |



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# Available Funds

## Available Funds

|                                         |                      |
|-----------------------------------------|----------------------|
| Excess Fund Balance @ 6/30/2012         | \$ 450,000.00        |
| Sales Tax                               | 100,000.00           |
| Sale of Assets                          | 50,000.00            |
| Rent Income - City Hall                 | 27,805.00            |
| Increase in Fire Revenue                | 100,000.00           |
| FEMA Grant - Fire Investigation Trailer | 70,650.00            |
| Justice Court - State Grant             | 6,300.00             |
| Police 5k race & grant                  | 5,000.00             |
| <b>Total Available</b>                  | <b>\$ 809,755.00</b> |



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# Required Funding

## Required Funding:

|                                             |                        |
|---------------------------------------------|------------------------|
| Fingerprint Scanner                         | \$ (6,300.00)          |
| Police Chief Retirement Payout              | \$ (33,000.00)         |
| Police Equipment                            | \$ (5,000.00)          |
| Out of State Fire Expenses (wages, OT, etc) | \$ (30,000.00)         |
| Fire Investigation Trailer                  | \$ (78,500.00)         |
| Recreation Bus - Grant Match                | \$ (11,000.00)         |
| <b>Total</b>                                | <b>\$ (163,800.00)</b> |
|                                             |                        |
| <b>Remaining Funding Available</b>          | <b>\$ 645,955.00</b>   |



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# Menu Options

## Optional Funding:

|                                    |                        |
|------------------------------------|------------------------|
| Employee Merit Increases           | \$ (150,000.00)        |
| Records Management Software        | \$ (20,000.00)         |
| Business Pamphlets                 | \$ (5,000.00)          |
| 2 Police Motor Cycles              | \$ (30,000.00)         |
| 2 new police officers              | \$ (120,000.00)        |
| Transfer to Class C Roads Projects | \$ (320,955.00)        |
| Suggested Options                  | ???                    |
| <b>Total</b>                       | <b>\$ (645,955.00)</b> |



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# Employee Merit Increases

- Employees are #1 asset and resource to the city.
- Going on **5-6** years since most employees have received any kind of increase.
- In Feb. 2009, employee's 4% - 401k match taken away.
- Cost of living has increased approximately 8-10% over last 5-6 years.
- Overall, employees are making less than they did 5-6 years ago.
- **\*We Need To Invest In Our Employees\***



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# Macro Overview

- Employees Average salary of \$47,350; w/out DHs, \$42,959:
  - National Median HH income in 2010 = \$49,445
  - County Median HH income in 2010 = \$64,360
  - Syracuse City Median HH income in 2010 = \$80,994.
- Average Social Security retired benefit in 2011 was \$1177/month or \$14,124/yr; increase of 3.6% or \$42/mo = 504/yr; average property tax paid to Syracuse City = \$230/yr



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# Police Officers & Equipment

- A recommendation from the police chief to add two additional police officers to the force.
- Benchmark of 1 officer to every 1000 residents. Currently have 19 officers with 25,000 residents.
- Additional police officers would be tasked to enforce traffic violations.
- Potential for state grant to purchase motorcycles if we invest in two new officers.



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# Class C Roads Fund

- Recommendation that we transfer funds to the Class C Roads fund to aid in our road projects.
- Estimate that between \$1,000,000 and \$1,320,000 will be executed in Class C road projects in FY2013.
- Does not include Road Impact Fee money that we plan to spend in FY2013.



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# Capital Projects - FY2013

- Original budget of \$3,888,349 set for FY2013 (does not include park improvements).
- Recommendation to increase this to \$6,702,214
- New projects:
  - 1000 West Culinary line upgrade to Water Tank
  - 700 South from 2500 West to 3000 West
  - 2500 West from 700 South to 1700 South
  - 1025 West Street



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# Capital Projects Fund Options

- Recommendation to purchase replacement police vehicle for \$38,000. This will effectively pay down our debt because insurance proceeds will be deducted from capital lease outstanding.
- Purchase two new fire vehicles to replace the 1997 & 2002 vehicles currently used by fire chief and deputy fire chief.



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# Fire Department Request

- Our current Chief vehicle is a 2002 F150 extended cab
- Has Unresolved Mechanical Issues





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- Limited Seating for Staff Transport
- Limited Space for Incident Command Support Officers





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- Proposed replacement for the Chief's vehicle - 2013 Ford F150 Crew Cab





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- Bed Cover instead of Shell for Better Visibility
- PPE and Gear Locked, Clean and Dry and out of the cab





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- Crew Cab for Staff Transportation
- Adequate Seating/Space for Command Staff Support





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## Current Deputy Chief Vehicle, 1996 Ford F150

- Unresolved Electrical Problems
- Inadequate Tow Vehicle (Arson Investigation)





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- Limited Seating for Staff Transport
- Limited Space for Incident Command Support Officers





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- Representative of our Arson Investigation Trailer
- Requires a 1 ton (F350) to safely pull this type of trailer





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The proposed Deputy Chief Vehicle is a 2013 Ford F350 crew cab

- Towing Capacity for the Arson Investigation trailer
- PPE and gear locked, clean and dry and out of the cab
- Cab Room for Staff Transportation and Command Support Staff





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- Current Reserve Brush Truck, 1986 Ford Utility
- Not NWCG Compliant
- GVWR at Maximum in Current Configuration





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## Proposed Replacement - Dodge 5500 Crew Cab chassis

- Built to Meet NWCG Type 3 Brush Engine Standard
- More Capability for Wildfire Response
- Better Protection for Jurisdiction



**CAPITAL IMPROVEMENT PROJECT BUDGET SUMMARY FOR FISCAL YEAR 2013**

| Proj. #                    | Project                                        | Bid | Class C Capital<br>204070 | Class C<br>Ramps<br>204044 | Culinary 501671 | Secondary<br>301671 | Storm Drain<br>401671 | Road Impact Fee | Culinary<br>Impact Fee | Secondary<br>Impact Fee | Storm Drain<br>Impact Fee | Project Total  |
|----------------------------|------------------------------------------------|-----|---------------------------|----------------------------|-----------------|---------------------|-----------------------|-----------------|------------------------|-------------------------|---------------------------|----------------|
| 2012-09                    | Bluff Road Transmission Line from Jensen       | Y   | -                         | -                          | -               | \$432,569.00        | -                     | -               | -                      | -                       | -                         | \$432,569.00   |
| 2012-04                    | 1350 & 1475 South Reconstruction               | Y   | \$103,000.00              | -                          | -               | -                   | -                     | -               | -                      | -                       | -                         | \$103,000.00   |
| 2012-01                    | 200 South Waterline Project                    | Y   | -                         | -                          | \$50,000.00     | \$40,000.00         | -                     | -               | -                      | -                       | -                         | \$90,000.00    |
| 2012-06                    | 1000 West Cul & Sec (2700 South To Bluff)      | N   | \$20,000.00               | -                          | \$608,000.00    | \$370,000.00        | -                     | -               | -                      | \$360,000.00            | -                         | \$1,358,000.00 |
| 2012-07                    | 2525 South Street & 800 West Street            | Y   | \$191,753.20              | -                          | -               | -                   | \$17,233.00           | -               | -                      | -                       | -                         | \$208,986.20   |
| 2012-08                    | 2012 Pavement Preservation + Crack Seal        | Y   | \$50,987.57               | -                          | -               | -                   | -                     | -               | -                      | -                       | -                         | \$50,987.57    |
| 2012-11                    | 2000 West Chip Seal                            | Y   | \$92,534.60               | -                          | -               | -                   | -                     | -               | -                      | -                       | -                         | \$92,534.60    |
| 2012-13                    | Crack Sealing                                  | Y   | \$26,737.89               | -                          | -               | -                   | -                     | -               | -                      | -                       | -                         | \$26,737.89    |
| 2012-14                    | 1500 West Storm Drain Project                  | Y   | -                         | \$3,220.75                 | -               | -                   | \$5,963.00            | -               | -                      | -                       | -                         | \$9,183.75     |
| 2012-15                    | 1000 West ADA Ramps/Cemetery Sidewalk          | N   | \$33,220.75               | \$16,779.25                | -               | -                   | -                     | -               | -                      | -                       | -                         | \$50,000.00    |
| 2013-01                    | 1000 West Culinary (1700 S to Tank)            | N   | \$30,000.00               | -                          | \$245,000.00    | \$45,000.00         | -                     | -               | \$300,000.00           | -                       | -                         | \$620,000.00   |
| 2013-01?                   | 1025 West Street                               | N   | \$131,468.75              | -                          | \$92,230.00     | \$56,062.50         | -                     | -               | -                      | -                       | -                         | \$279,761.25   |
| 2013-02                    | 700 South (3000 West to St Andrews)            | N   | -                         | -                          | \$110,625.00    | \$40,000.00         | -                     | \$651,575.00    | -                      | -                       | \$286,687.50              | \$1,088,887.50 |
| 2013-02?                   | 700 South (2500 West to 3000 West)             | N   | -                         | -                          | -               | -                   | -                     | \$252,925.00    | -                      | -                       | -                         | \$252,925.00   |
| 2013-02?                   | 2500 West (700 South to 1200 South) - With Tra | N   | \$310,050.00              | -                          | -               | -                   | -                     | -               | -                      | -                       | -                         | \$310,050.00   |
| 2013-02?                   | 2500 West (1200 South to 1700 South)           | N   | -                         | -                          | -               | \$425,753.91        | -                     | \$493,837.50    | -                      | -                       | \$39,000.00               | \$958,591.41   |
| 2013-03                    | Marilyn, David & Valerie                       | N   | \$200,000.00              | -                          | \$400,000.00    | -                   | \$120,000.00          | -               | -                      | -                       | -                         | \$720,000.00   |
| 2013-04                    | Crack Sealing (Throughout City)                | N   | \$50,000.00               | -                          | -               | -                   | -                     | -               | -                      | -                       | -                         | \$50,000.00    |
| Funding Source Total       |                                                |     | \$1,239,752.76            | \$20,000.00                | \$1,505,855.00  | \$1,409,385.41      | \$143,196.00          | \$1,398,337.50  | \$300,000.00           | \$360,000.00            | \$325,687.50              | \$6,702,214.17 |
| 2012-2013 Approved Budget  |                                                |     | \$833,480.00              | \$20,000.00                | \$902,600.00    | \$472,569.00        | \$200,000.00          | \$460,000.00    | \$339,700.00           | \$430,000.00            | \$230,000.00              | \$3,888,349.00 |
| Remaining Budget Available |                                                |     | -\$406,272.76             | \$0.00                     | -\$603,255.00   | -\$936,816.41       | \$56,804.00           | -\$938,337.50   | \$39,700.00            | \$70,000.00             | -\$95,687.50              |                |

|                                               |                        |                     |                        |                        |                      |                        |                      |                      |                      |
|-----------------------------------------------|------------------------|---------------------|------------------------|------------------------|----------------------|------------------------|----------------------|----------------------|----------------------|
| Available Cash / Fund Balance                 | \$1,327,041.00         | \$ 20,000.00        | \$ 2,425,087.00        | \$ 1,205,076.00        | \$ 378,736.00        | \$ 1,493,996.00        | \$ 297,141.00        | \$ 360,000.00        | \$ 764,697.00        |
| Non Cash Depreciation Expense                 | \$ -                   |                     | \$ 475,000.00          | \$ 430,000.00          | \$ 202,000.00        | \$ -                   | \$ -                 | \$ -                 | \$ -                 |
| Grant Funds Reimbursement                     | \$ -                   |                     | \$ 385,000.00          |                        |                      |                        |                      |                      |                      |
| <b>Total Estimated Cash Balance Available</b> | <b>\$ 1,327,041.00</b> | <b>\$ 20,000.00</b> | <b>\$ 3,285,087.00</b> | <b>\$ 1,635,076.00</b> | <b>\$ 580,736.00</b> | <b>\$ 1,493,996.00</b> | <b>\$ 297,141.00</b> | <b>\$ 360,000.00</b> | <b>\$ 764,697.00</b> |

|                                                     |                    |               |                       |                     |                     |                    |                    |               |                     |
|-----------------------------------------------------|--------------------|---------------|-----------------------|---------------------|---------------------|--------------------|--------------------|---------------|---------------------|
| Less Estimated Expenses for FY2013                  | \$1,239,752.76     | \$20,000.00   | \$1,505,855.00        | \$1,409,385.41      | \$143,196.00        | \$1,398,337.50     | \$300,000.00       | \$360,000.00  | \$325,687.50        |
| <b>Estimated Ending Cash Balance / Fund Balance</b> | <b>\$87,288.24</b> | <b>\$0.00</b> | <b>\$1,779,232.00</b> | <b>\$225,690.59</b> | <b>\$437,540.00</b> | <b>\$95,658.50</b> | <b>-\$2,859.00</b> | <b>\$0.00</b> | <b>\$439,009.50</b> |



# COUNCIL AGENDA

September 25, 2012

Agenda Item C

Discussion regarding Community Development Areas (CDAs).

***Factual Summation***

- Please see the attached memo from City Attorney Will Carlson.



**Mayor**  
Jamie Nagle

**City Council**  
Brian Duncan  
Craig Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

## MEMORANDUM

**To:** Mayor and City Council  
**From:** City Attorney, William J. Carlson  
**Date:** September 25, 2012  
**Subject:** Community Development Areas

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### Summary

After the Syracuse Redevelopment Agency and Syracuse City Council approved the Economic Development Project Area Plan for the area east of Syracuse High School, Councilmember Lisonbee asked the City Attorney to research whether the city could unilaterally create a Community Development Project Area Plan (CDA Plan) for at least part of that same area. This memorandum is the answer to that request. The City Attorney's conclusions are 1- The City has the power, in concert with the Syracuse Redevelopment Agency, to create a CDA plan without the participation of any other taxing entities, and 2- The current ambiguity regarding development in the area, the lack of funding for unilateral plans, and the high likelihood of a need to amend the plan later lead the City Attorney to recommend against proceeding with a CDA plan at this time.

### Terminology

The Syracuse Redevelopment Agency was created under an earlier version of state code which has since been replaced. Accordingly, the following definitions may be of help to the Council as it discusses this matter:

| Term                     | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                    |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>RDA</b>               | Two possible meanings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | A Redevelopment Agency created before 2006. Current law refers to a “Community Development and Renewal Agency” or just “Agency.” UCA §17C-1-102(3) |
|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Redevelopment Areas created before 2006. Current law refers to these as Urban Renewal Areas. UCA §17C-1-102(51).                                   |
| <b>EDA</b>               | <p>Economic Development Area. An EDA exists to promote the creation or retention of public or private jobs within the state, which can include:</p> <ol style="list-style-type: none"> <li>1. planning, design, development, construction, rehabilitation, business relocation, or any combination of these, within a community; and</li> <li>2. the provision of office, industrial, manufacturing, warehousing, distribution, parking, public, or other facilities, or other improvements that benefit the state or a community. UCA §17C-1-102(18).</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                    |
| <b>URA</b>               | <p>Urban Renewal Area. A URA (formerly an RDA) exists to promote renewal activities, which can include:</p> <ol style="list-style-type: none"> <li>1. planning, design, development, demolition, clearance, construction, rehabilitation, environmental remediation, or any combination of these, of part or all of a project area;</li> <li>2. the provision of residential, commercial, industrial, public, or other structures or spaces, including recreational and other facilities incidental or appurtenant to them;</li> <li>3. altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or any combination of these, existing structures in a project area;</li> <li>4. providing open space, including streets and other public grounds and space around buildings;</li> <li>5. providing public or private buildings, infrastructure, structures, and improvements; and</li> <li>6. providing improvements of public or private recreation areas and other public grounds. UCA §17C-1-102(51).</li> </ol> |                                                                                                                                                    |
| <b>CDA</b>               | <p>CDA- Community Development Area. "Community development" means development activities within a community, including the encouragement, promotion, or provision of development. UCA §17C-1-102(16).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                    |
| <b>Project Area Plan</b> | <p>A written plan that, after its effective date, guides and controls the community development activities within a project area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                    |

## Requirements of a CDA Plan

While a CDA plan can include as much additional information as the Agency deems necessary or advisable, there are eleven elements which the CDA plan must include:

1. A description of the boundaries of the project area;
2. A general statement of the land uses, layout of principal streets, population densities, and building intensities of the project area and how they will be affected by the community development;
3. The standards that will guide the community development;
4. A demonstration of how the purposes of a CDA will be attained by the community development;
5. Indication of consistency with the general plan and show that the community development will conform to the community's general plan;
6. A description of any specific project or projects that are the object of the proposed community development;
7. Identification of how private developers will be selected to undertake the community development and identification of each private developer currently involved in the community development process;
8. The reasons for the selection of the project area;
9. A description of the physical, social, and economic conditions existing in the project area;
10. A description of any tax incentives offered private entities for facilities located in the project area; and
11. An analysis of the anticipated public benefit to be derived from the community development, including the beneficial influences upon the tax base of the community and the associated business and economic activity likely to be stimulated. UCA §17C-4-103

## CDA Plan Approval Process

The process for approving a CDA plan is outlined by state code. Before taking any action, the Agency must adopt a resolution that authorizes the preparation of a draft CDA plan. UCA §17C-4-101. At that point, the draft CDA plan is created and the Agency conducts any examination, investigation, and negotiation that the agency considers appropriate. §17C-4-102. The CDA plan must then be made available to the public. A public hearing must be held next, after which the Agency can revise, reject, or approve the CDA plan. At that point, the CDA plan is presented to the City Council for adoption.

## **Funding the Plan: Differences between CDAs, EDAs, and URAs**

Plans are funded by an agency based on the project area budget. The agency usually obtains the funding for the project area budget by collecting a tax increment. A "tax increment" is the difference between the amount of property tax revenues generated each year in the project area and the amount of property tax revenues that would be generated from that same area if the plan had not been implemented. The tax increment only comes from taxes paid in the identified project area. Tax payers outside the project area do not subsidize the increment.

EDAs, URAs, and RDAs created prior to 2006 are funded by the tax increment as approved by a Taxing Entity Committee ("TEC") A TEC consists of representatives of:

1. The School District;
2. The County;
3. The City;
4. The State Board of Education; and
5. Special Districts.

As representatives of government agencies that each collect a portion of property taxes, these members of the TEC are empowered to commit their respective agencies to a specific amount or percentage of tax increment to dedicate to the Project Area Plan's budget.

CDA plans are funded differently. Rather than form a committee to approve the tax increment, the Agency must come to an agreement with each independent taxing entity regarding how much, if anything, the entity is willing to dedicate to the CDA plan. This agreement can be memorialized through an interlocal agreement or a resolution. Utah Code §17C-4-201(2). This allows an Agency to create a CDA plan regardless of the cooperation of other taxing entities, but it also complicates funding of the plan.

### **CDAs in Davis County**

According to the Davis County Economic Development Department, the first CDA Plan in Davis County was implemented in 2010. After implementing the plan, Davis County anticipated that many more could follow and so they created a guiding policy for county participation in CDAs. *See attached.* County participation is heavily weighted in favor of job creation. According to Davis County's Marlin Eldred, "we want job creation centers.

We are not wanting to incentivize housing or retail. As you look at the [guiding policy] you will notice the level of participation goes down as there is more housing and retail in a project area.”

Mr. Eldred indicated that the Davis School District “views it from a different perspective but the same premise. The school district views housing will equate to families that will bring kids that they have to provide an education for.... Retail isn’t a huge drain on them but job creation centers are no drain on the school district.” As a rule, the school district has also preferred shorter time frames for CDAs than the county.

Gauging the interest of the County and School District in any CDA plan is important because of the percentage of property tax that goes to those entities. Most paid property taxes do not go to the city, so even if the city were to dedicate 100% of a tax increment to a CDA plan, the value of that increment without any other taxing entity would be minimal.

### **Possible CDA knowns and unknowns**

City Council interest in creating a CDA plan has focused on the area east of Syracuse High School. Some concern was expressed by the Council that approving an EDA plan without also creating a CDA plan might give developers the wrong impression about what kinds of development Syracuse is inclined to approve in that area. In spite of this concern, state code is quite clear that neither an EDA plan nor a CDA plan constitute a land use ordinance for an area:

“An ordinance or resolution adopted under [The Community Development and Renewal Agencies Act] is not a land use ordinance...” Utah Code §17C-1-104(2).

The current EDA plan only addresses and budgets for the area east of the power lines. Any amendments that address development west of the power lines would have to be approved by both the Agency and every affected taxing entity. Utah Code §17C-3-109(3). Concerns that the approved EDA plan dictates terms of development west of the power lines are unfounded. Developers interested in the area must look to the General Plan and the city’s land use ordinances.

The land area between Syracuse High and the power lines have been addressed by the General Plan. Current city planning, zoning, development, and subdivision ordinances also govern the area.

While the city could quickly create a description of the boundaries of the project area, the other state requirements for a CDA plan require information that the city currently lacks. For example, the CDA plan must include a description of the specific project or projects that are the object of the proposed community development, but right now there are no specific projects being proposed, nor a clear object of the possible CDA plan, short of enforcing the General Plan. Without a clear objective and specific projects in support of that objective, the city will have great difficulty identifying a necessary budget and will be unlikely to convince other taxing entities to contribute tax increment to that budget.

As specific projects are proposed for a geographic area, the City will be in an ideal position to evaluate whether those projects provide a public benefit sufficient to justify diverting property tax dollars from the area back into those projects. If the answer is yes, a CDA is one tool that can be used to incentivize that development. In the absence of any proposed projects, the General Plan and land use ordinances are more effective tools for communicating city expectations to developers. If the city creates a plan now, it is highly likely that it will need to be amended when specific projects are introduced. Such Amendments would require the city to restart the approval process. Utah Code §17C-4-108

### **Conclusion**

The City Attorney was asked whether the city could unilaterally create a CDA Plan for the area east of Syracuse High School. The City Attorney's conclusions are 1- The City has the power, in concert with the Syracuse Redevelopment Agency, to create a CDA plan without the participation of any other taxing entities, but 2- The current ambiguity regarding development in the area, the lack of funding for unilateral plans, and the high likelihood of a need to amend the plan later lead the City Attorney to recommend against proceeding with a CDA plan at this time.

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## **Davis County Economic Development**

### **Guiding Policy**

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Davis County Economic Development will work diligently and closely with local communities to develop and build business opportunities. We will assist in site development, recruiting and expansion initiatives as we strive to increase family sustaining employment while increasing the tax base. We target those new and developing businesses that create new, high-paying jobs that improve the standard of living and diversity of the local Davis County economy.

Incentives will be explored to help in project development given the project qualifies when considering the financial strength and stability of the project, the number of jobs created, wages paid, amount of new tax revenue created, and long-term capital investment utilized. Other factors including industry sector type and fit within the County.

Davis County recognizes the State of Utah incentive criteria measurements and echoes support for companies that would qualify for State Incentives that meet the specific measurements while assuring a positive 'return on investment' to residents.

Each development opportunity should have a measurable positive Return on Investment (ROI) when comparing the anticipated project costs to the associated project benefits.

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***The Guiding Policy:*** *Each taxing entity is to decide on their own to determine if the project is of benefit to them to justify diverting public tax money to help fill a financial funding gap. The purpose of the tax increment is to fill the funding gap of the project and is not for the benefit of the developer. The key objective is to make sure that each taxing entity has conducted the appropriate analysis from a cost benefit point of view to show the need for the incentive and that the project will benefit them from the increased wages, sales taxes, property taxes and or types of revenue that may benefit the individual taxing entities goals and objectives. We are suggesting that if there is a need it should be justified before an incentive is given.*

---

*Ideal qualifying criteria is where the project is primarily job and wage driven. Given that we don't live in an ideal world, Community Development Area (CDA) project requests will occur where the projects are more focused upon retail or housing and less on building family sustaining employment and yet have value to enhance the area.*

As Projects will occur that are less than ideal, Davis County Community and Economic Development Office suggests the use of a this guiding policy approach to be considered when looking at projects that are of a mixed use (with retail, entertainment, residential, professional, and industrial). This guiding policy would be used as a guide to help determine the percentage range of participation in various projects.

As projects may not fit into the guiding policy exactly, there is room for flexibility as may be needed. However based upon the complicated allocation formulas used to allocate tax increment, it is suggested that we make a concerted effort to agree among the taxing districts to imply the same percentages for any given project and for the same amount of years. This unified approach will ease the burden of complicated allocation formulas that are used with applying the tax increment.

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While the guiding policy attempts to quantitatively place emphasis on the value of projects, there will always be qualitative concerns that must be considered when proposed projects are being reviewed. For example some of the issues will be;

- Is the project a desirable project for the area
- Does the project bring substantial improvement to the land use
- Does the project help to recapture sales taxes for Davis County
- Does the project have definite community benefit that would enhance the community, improve transportation, and contribute to the prosperity of residents
- Will the project prepare and lead us to further economic development opportunities for more job growth or expansion to the tax base

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Mixed use projects may focus upon job creation, retail and housing but the County's over all intent is for job creation where family sustaining jobs are being created in the process of the CDA or may lead to further development into job growth.

## Guiding Policy\*

(Based upon square footages noted in the CDA plan and budget)

### Job Creation with Retail Components (Square Footages)

|                             | <u>More than</u> | <u>Less Than</u>    |
|-----------------------------|------------------|---------------------|
| Job Creation                | 80%              | 50%                 |
| Retail (and/or)             | Less than<br>20% | Greater<br>than 50% |
| Housing                     |                  |                     |
|                             | <b>Up To:</b>    | <b>Up To:</b>       |
| Years to Participate        | 20 Years         | 15 Years            |
| Percentage of Participation | 75%              | 50%                 |

### Job Creation with Retail and Housing Components(Square Footages)

|                             | <u>More than</u> | <u>Less Than</u>    |
|-----------------------------|------------------|---------------------|
| Job Creation                | 80%              | 50%                 |
| Retail (and/or)             | Less than<br>10% | Greater<br>than 25% |
| Housing (and/or)            | Less Than<br>10% | Greater<br>than 25% |
|                             | <b>Up To:</b>    | <b>Up To:</b>       |
| Years to Participate        | 20 Years         | 15 Years            |
| Percentage of Participation | 75%              | 40%                 |

**Job Creation with Housing Components (Square Footages)**

|                             |                         |                         |
|-----------------------------|-------------------------|-------------------------|
| Job Creation                | <b>More than</b><br>80% | <b>Less Than</b><br>50% |
| Retail (and/or)             | Less than<br>10%        | Greater<br>than 10%     |
| Housing (and/or)            | Less than<br>10%        | Greater<br>than 40%     |
|                             | <b>Up To:</b>           | <b>Up To:</b>           |
| Years to Participate        | 20 Years                | 10 Years                |
| Percentage of Participation | 75%                     | 30%                     |

*\*All uses have value and are relevant to economic development; however while the attempt to quantitatively place emphasis on the value of the project there must be qualitative issues that must be considered in the review process. They may override in some causes.*

DAVIS COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT  
 28 EAST STATE STREET – PO BOX NUMBER 618  
 FARMINGTON, UTAH 84025  
 Telephone: 801-451-3278





# COUNCIL AGENDA

September 25, 2012

Agenda Item D

Review proposed rewrite of Title Seven of the Syracuse City Code – Health and Fire.

***Factual Summation***

- The recent Council discussion regarding fireworks restrictions brought to the attention of staff some issues with the current version of Title Seven of the City Code, which deals with Health and Fire. As a result, Fire Chief Froerer and City Attorney Carlson began working on a draft rewrite of this Title to address those issues.
- A redlined version of the document is included in your packet as well as a clean version.
- The Council accepted this document for a first reading during the September 11 meeting. After further discussion, the Council can give staff direction to set a public hearing for October 9 to consider adoption of a final version of the Title.
- Any questions regarding this item can be directed at Fire Chief Froerer or City Attorney Carlson.

# TITLE VII

## HEALTH & FIRE

### **CHAPTER 1: CITY-COUNTY HEALTH DEPARTMENT**

- 7.01.010 CREATION OF CITY-COUNTY HEALTH DEPARTMENT
- 7.01.020 POWERS OF DAVIS COUNTY HEALTH DEPARTMENT
- 7.01.030 DAVIS COUNTY HEALTH DEPARTMENT RULES ADOPTED

### **CHAPTER 2: UNIFORM FIRE CODE**

- 7.02.010 AUTHORITY OF FIRE DEPARTMENT
- 7.02.020 ADOPTION OF INTERNATIONAL FIRE CODE
- 7.02.030 FIRE OFFICIAL
- 7.02.040 INSPECTION OF BUILDINGS
- 7.02.050 FIRE INVESTIGATIONS BY FIRE OFFICER
- 7.02.060 ENTRY DURING FIRES
- 7.02.070 PENALTIES

### **CHAPTER 3: FIRE DEPARTMENT**

- 7.03.010 FIRE DEPARTMENT CREATED
- 7.03.020 COMPOSITION OF DEPARTMENT
- 7.03.030 DUTIES OF CHIEF
- 7.03.040 DIVISIONS
- 7.03.050 MEMBERSHIP
- 7.03.060 EQUIPMENT
- 7.03.070 RECOMMENDATIONS FOR PURCHASE
- 7.03.080 EQUIPMENT TO BE SAFELY KEPT
- 7.03.090 TAMPERING WITH EMERGENCY VEHICLE
- 7.03.100 ALARM SYSTEM
- 7.03.110 PRIVATE USE OF EQUIPMENT PROHIBITED
- 7.03.120 UNAUTHORIZED ENTRY OF PLACE WHERE FIRE APPARATUS STORED PROHIBITED
- 7.03.130 MUTUAL AID OR COOPERATIVE AGREEMENTS
- 7.03.140 APPARATUS FOR CITY USE--EXCEPTIONS
- 7.03.150 ISSUANCE OF BADGE
- 7.03.160 AUTO INSIGNIA

- 7.03.170 PENALTY FOR VIOLATION
- 7.03.180 DEPARTMENT MEMBERS TO ENFORCE
- 7.03.190 POLICE OFFICERS TO ASSIST
- 7.03.200 SPECIAL OFFICERS
- 7.03.210 DUTIES OF SOCIAL OFFICERS
- 7.03.220 RULES AND REGULATIONS OF FIRE DEPARTMENT
- 7.03.230 INTENT OF CHAPTER

#### **CHAPTER 4: GENERAL FIRE REGULATIONS**

- 7.04.010 RIGHT OF WAY
- 7.04.020 MAY BLOCKADE STREET
- 7.04.030 REMOVAL OF OBSTRUCTIONS
- 7.04.040 USE OF WATER
- 7.04.050 FALSE ALARMS
- 7.04.060 WILLFULLY OR NEGLIGENTLY CAUSING FIRE
- 7.04.070 UNLAWFUL INTERFERENCE
- 7.04.080 DRIVING OVER FIRE HOSE
- 7.04.090 LIMITS AT FIRE
- 7.04.100 DUTY OF BY-STANDERS
- 7.04.110 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS
- 7.04.120 HYDRANT USE APPROVAL
- 7.04.130 TAMPERING WITH FIRE HYDRANTS
- 7.04.140 PARKING OF VEHICLE NEAR FIRE STATION
- 7.04.150 ACCUMULATION OF REFUSE AND RUBBISH
- 7.04.160 NUISANCE, INJUNCTION

#### **CHAPTER 5: OUTDOOR AND OPEN BURNING REGULATIONS**

- 7.05.010 PURPOSE
- 7.05.020 APPLICABILITY
- 7.05.030 DEFINITIONS
- 7.05.040 GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING
- 7.05.050 PERMISSIBLE BURNING - WITHOUT PERMIT
- 7.05.060 OPEN BURNING OF BRUSH, LEAVES, AND GRASS CLIPPINGS
- 7.05.070 AGRICULTURAL BURNING
- 7.05.080 BURNING PERMITS
- 7.05.090 EXTINGUISHING OUTDOOR FIRES
- 7.05.100 LIABILITY
- 7.05.110 PENALTY

## **CHAPTER 6: FIREWORKS**

7.06.010 PURPOSE

7.06.020 HAZARDOUS ENVIRONMENTAL CONDITIONS

7.06.030 AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS

7.06.040 GEOGRAPHIC AREAS AFFECTED

7.06.050 PUBLIC NOTICE

7.06.060 PENALTY

7.06.070 ENFORCEMENT

7.06.080 REPEAL AND SEVERABILITY

## **CHAPTER 7: COST RECOVERY FOR HAZARDOUS MATERIAL RELATED EMERGENCY**

7.07.010 PURPOSE

7.07.020 DEFINITIONS

7.07.030 RECOVERY AUTHORIZATION

7.07.040 NO ADMISSION OF LIABILITY

7.07.050 ACTION TO RECOVER

## **CHAPTER 8: COST RECOVERY FOR FIRE RELATED EMERGENCIES**

7.08.010 PURPOSE

7.08.020 DEFINITIONS

7.08.030 RECOVERY AUTHORIZATION AND PROCEDURE

7.08.040 NO ADMISSION OF LIABILITY

7.08.050 ACTION TO RECOVER COSTS

## CHAPTER 1

# CITY-COUNTY HEALTH DEPARTMENT

- 7.01.010            **Creation of City-County Health Department**
- 7.01.020            **Powers of Davis County Health Department**
- 7.01.030            **Davis County Health Department Rules Adopted**

### 7.01.010            **CREATION OF CITY-COUNTY HEALTH DEPARTMENT**

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)

### 7.01.020            **POWERS OF DAVIS COUNTY HEALTH DEPARTMENT**

The Davis County Health Department is hereby authorized and empowered to act within the incorporated limits of Syracuse in accordance with authority granted to a County Health Department in Title 26A, Chapter 1, Section 103, of the Utah Code Annotated, 1953, as amended.

### 7-3-1:            **DAVIS COUNTY HEALTH DEPARTMENT RULES**

**ADOPTED.** The laws, rules, and regulations currently adopted and/or followed by the Davis County Health Department, and as amended or superseded from time to time, are hereby adopted by reference and made part of these revised ordinances as if fully set out at length herein. All laws, rules and regulations contained therein, where applicable and within the jurisdictional authority of Syracuse, shall be in full force and effect within the limits of the City, except as hereinafter specified.

## CHAPTER 2

# UNIFORM FIRE CODE

- 7.02.010 Authority of Fire Department
- 7.02.020 Adoption of International Fire Code
- 7.02.030 Fire Official
- 7.02.040 Inspection of Buildings
- 7.02.050 Fire Investigations by Fire Officer
- 7.02.060 Entry During Fires
- 7.02.070 Penalties

### 7.02.010 AUTHORITY OF FIRE DEPARTMENT

The Fire Department's authority at fires and other emergencies involving the protection of life or property, interference with fire department operations, compliance with orders of the fire chief, and crossing fire hoses with vehicles, shall be governed by the code as adopted by chapters Four (4) through Ten (10), inclusive, as well as state and federal law.

### 7.02.020 ADOPTION OF INTERNATIONAL FIRE CODE

The International Fire Code as 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)

### 7.02.030 FIRE OFFICIAL

From time to time, the International Fire Code refers to the local government's "Fire Official" or "Authority having Jurisdiction."

These shall be held to mean the Fire Chief or a designee of the Fire Chief.

#### **7.02.040**

### **INSPECTION OF BUILDINGS**

The Fire Chief, Fire Marshal of the City, 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.

Whenever any building or other structure is discovered to be so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, the Fire Chief, Fire Marshall, or Building Inspector shall by written order direct the same to be removed or remedied.

#### **7.02.050**

### **FIRE INVESTIGATIONS BY FIRE OFFICER**

The Fire Chief or Fire Marshal of the City shall investigate the cause, origin, and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of accident or design. The fire marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this ordinance.

#### **7.02.060**

### **ENTRY DURING FIRES**

The Fire Chief or Fire Marshal may enter any building to begin an investigation by entering while the fire is in progress and the fire fighters are still at the premises. If the fire marshal enters while the fire is in progress and the fire fighters are present, the fire marshal may remain on the premises until the investigation is

completed. After the fire is out and the fire fighters have left the premises, the fire marshal may enter any open space that is not locked, boarded up or otherwise closed off. The fire marshal may enter at any time, even after the fire is out and the fire fighters have left the premises, with the permission of the owner, occupant, or other person entitled to possession, or of any agent of such owner, occupant or person entitled to possession. For any other entry to investigate possible arson the fire marshal shall apply for a search warrant.

#### **7.02.070**

#### **PENALTIES**

Any person who shall violate any of the provisions of Chapters two through eight of this code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every violation and noncompliance respectively be guilty of a Class B misdemeanor. 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.

## CHAPTER 3

# FIRE DEPARTMENT

|          |                                                                    |
|----------|--------------------------------------------------------------------|
| 7.03.010 | Fire Department Created                                            |
| 7.03.020 | Composition of Department                                          |
| 7.03.030 | Duties of Chief                                                    |
| 7.03.040 | Divisions                                                          |
| 7.03.050 | Membership                                                         |
| 7.03.060 | Equipment                                                          |
| 7.03.070 | Recommendations for Purchase                                       |
| 7.03.080 | Equipment to be Safely Kept                                        |
| 7.03.090 | Tampering With Emergency Vehicle                                   |
| 7.03.100 | Alarm System                                                       |
| 7.03.110 | Private Use of Equipment Prohibited                                |
| 7.03.120 | Unauthorized Entry of Place Where Fire Apparatus Stored Prohibited |
| 7.03.130 | Mutual Aid or Cooperative Agreements                               |
| 7.03.140 | Apparatus for City Use--Exceptions                                 |
| 7.03.150 | Issuance of Badge                                                  |
| 7.03.160 | Auto Insignia                                                      |
| 7.03.170 | Penalty for Violation                                              |
| 7.03.180 | Department Members to Enforce                                      |
| 7.03.190 | Police Officers to Assist                                          |
| 7.03.200 | Special Officers                                                   |
| 7.03.210 | Duties of Social Officers                                          |
| 7.03.220 | Rules and Regulations of Fire Department                           |
| 7.03.230 | Intent of Chapter                                                  |

### 7.03.010 FIRE DEPARTMENT CREATED

There is hereby created a department to be hereafter known as the Syracuse 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)

### 7.03.020 COMPOSITION OF DEPARTMENT

The Department shall consist of a Fire Chief and such other members as the City may from time to time prescribe.

### **7.03.030**

#### **DUTIES OF CHIEF**

1. 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.
2. 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.
3. 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 Syracuse, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.
4. 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.
5. 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.
6. 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.

7. The Chief shall make a complete annual report to the City Council, together with comparative data for previous years and recommendations for improving the effectiveness of the Department. (1971)
8. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

#### **7.03.040 DIVISIONS**

In order to carry out its functions, the fire department is divided as follows:

1. Fire administration.
2. Fire prevention.
3. Emergency services.
4. Support services.
5. Training and information services.

#### **7.03.050 MEMBERSHIP**

The membership of the Department shall consist of such persons as may be appointed by the Chief.

**7.03.060                    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)

**7.03.070                    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)

**7.03.080                    EQUIPMENT TO BE SAFELY KEPT**

Fire suppression equipment shall not be obstructed, removed, tampered with or otherwise disturbed, and shall be installed and maintained, all in accordance with The International Fire Code.

**7.03.090                    TAMPERING WITH EMERGENCY VEHICLE**

A person shall not, without proper authorization from the fire chief, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protection clothing on, or a part of, any fire department emergency vehicle. It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage, or deface, any fire department emergency vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while performing departmental duties.

**7.03.100                   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)

**7.03.110                   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)

**7.03.120                   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)

**7.03.130                   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)

**7.03.140                   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)

**7.03.150                   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)

**7.03.160                   AUTO INSIGNIA**

Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car. (1971)

**7.03.170                   PENALTY FOR VIOLATION**

Any person violating the provisions of this chapter 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)

**7.03.180                   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)

**7.03.190                   POLICE OFFICERS TO ASSIST**

It is hereby made the special duty of the 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)

### **7.03.200 SPECIAL OFFICERS**

The Department may elect a President, Vice President, Secretary, and Treasurer, to be known as Firefighters Association 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)

### **7.03.210 DUTIES OF FIREFIGHTERS ASSOCIATION OFFICERS**

The functions and duties of said Firefighters Association 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)

### **7.03.220 RULES AND REGULATIONS OF FIRE DEPARTMENT**

The **Fire Chief** as head of the fire department shall make such rules and regulations for the government of the officers and members of the fire department as he may deem advisable, and may establish such penalties for the violation of any such rule or regulation as he may consider necessary and proper for the enforcement of discipline and the due subordination of the members of the department. He shall also make suitable regulations under which the officers and members shall be required to wear appropriate uniforms and badges as the exigencies of their duties may require, and by which, in case of fire, and at other times, the authority and relation of such officers

and members shall be known. Every member of the department shall be furnished with a copy of such rules and regulations as are in force.

**7.03.230**

**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. (1971)

## CHAPTER 4

# GENERAL FIRE REGULATIONS

|          |                                                        |
|----------|--------------------------------------------------------|
| 7.04.010 | Right of Way                                           |
| 7.04.020 | May Blockade Street                                    |
| 7.04.030 | Removal of Obstructions                                |
| 7.04.040 | Use of Water                                           |
| 7.04.050 | False Alarms                                           |
| 7.04.060 | Willfully or Negligently Causing Fire                  |
| 7.04.070 | Unlawful Interference                                  |
| 7.04.080 | Driving Over Fire Hose                                 |
| 7.04.090 | Limits at Fire                                         |
| 7.04.100 | Duty of By-Standers                                    |
| 7.04.110 | Blocking Fire Hydrants and Fire Department Connections |
| 7.04.120 | Hydrant Use Approval                                   |
| 7.04.130 | Tampering With Fire Hydrants                           |
| 7.04.140 | Parking of Vehicle Near Fire Station                   |
| 7.04.150 | Accumulation of Refuse and Rubbish                     |
| 7.04.160 | Nuisance, Injunction                                   |

### 7.04.010           **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)

### 7.04.020           **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 geographic limits of Syracuse, 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)

**7.04.030                    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 firefighter shall unnecessarily or recklessly destroy or injure any building or other property. (1971)

**7.04.040                    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)

**7.04.050                    FALSE ALARMS**

No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. Such acts of deliberate or malicious false alarms shall be punishable as prescribed under laws of the state and/or the ordinances of the city. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drill, or prescribed testing.

**7.04.060                    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)

**7.04.070 UNLAWFUL INTERFERENCE**

It shall be unlawful for any person to hinder any officer in the discharge of his duty at a fire or emergency, or in any manner injure, deface or destroy any engine, hose or other 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)

**7.04.080 DRIVING OVER FIRE HOSE.**

A person may not operate or be in actual physical control of a vehicle that is driven or propelled over any fire hose of any fire department when laid down on any street, alley, way, private drive, or any other vehicular roadway without the consent of the fire chief or person in command of the operation.

**7.04.090 LIMITS AT FIRE**

The City Police Chief, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except firefighters and members of the Police Department or those admitted by order of the officer in charge, shall be permitted to come. (1971)

**7.04.0100 DUTY OF BY-STANDERS.**

No person shall fail or willfully refuse to comply with any lawful order or direction of a member of the fire department nor interfere with the compliance attempt of another individual.

**7.04.0110**

**BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS**

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property.

**7.04.0120**

**HYDRANT USE APPROVAL**

A person shall not use or operate any fire hydrant intended for use of any fire department for fire suppression purposes unless such person first secures a permit for such use from the fire chief and the Public Works Department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the Public Works Department.

**7.04.0130**

**TAMPERING WITH FIRE HYDRANTS**

No person shall tamper with, turn on, adjust, damage or attempt to tamper with, open, turn on or adjust any fire hydrant owned by the city or connected to the city water system. Nothing in this section shall apply to any person authorized by the city water department or city fire department to do anything to a fire hydrant.

**7.04.0140**

**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)

**7.04.0150**

**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)

**7.04.0160**

**NUISANCE, INJUNCTION**

Any fire hazard is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the maintenance of any fire hazard. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

## CHAPTER 5

# OUTDOOR AND OPEN BURNING REGULATIONS

|          |                                                         |
|----------|---------------------------------------------------------|
| 7.05.010 | Purpose                                                 |
| 7.05.020 | Applicability                                           |
| 7.05.030 | Definitions                                             |
| 7.05.040 | General Prohibition on Outdoor Burning and Open Burning |
| 7.05.050 | Permissible Burning - Without Permit                    |
| 7.05.060 | Open Burning of Brush, Leaves, and Grass Clippings      |
| 7.05.070 | Agricultural Burning                                    |
| 7.05.080 | Burning Permits                                         |
| 7.05.090 | Extinguishing Outdoor Fires                             |
| 7.05.100 | Liability                                               |
| 7.05.110 | Penalty                                                 |

### 7.05.010 PURPOSE

This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Syracuse by regulating the air pollution and fire hazards of open burning and outdoor burning.

### 7.05.020 APPLICABILITY

This chapter applies to all outdoor burning and open burning within Syracuse.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal

habitation.

3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

## 7.05.030

### **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 Utah Air Quality Board.

**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.

**CAMPFIRE:** A small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

**CLEAN WOOD:** natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

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

**CONSTRUCTION AND DEMOLITION WASTE:** Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or

industrial building, or other structure.

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.

FIRE CHIEF: The Chief of the Syracuse Fire Department or other person designated by the Fire Chief.

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.

MUNICIPALITY: A county, township, city, or village.

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

OUTDOOR BURNING: Open burning or burning in a patio wood-burning unit.

PATIO WOOD-BURNING UNIT: A chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

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: means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. .

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)

#### **7.05.040**

### **GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

Open burning and outdoor burning are prohibited in Syracuse unless the burning is specifically permitted by this ordinance.

#### **7.05.050**

### **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:

1. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.
2. Camp fires and fires used solely for recreational purposes where such fires are under the control of a responsible person.
3. Indoor fireplaces.

**7.05.060**

**OPEN BURNING OF BRUSH, LEAVES, AND GRASS CLIPPINGS**

1. Open burning of brush, leaves, and grass clippings is allowed only at properties in an agricultural zone, or properties of five (5) acres or larger. Such burning shall be in accordance with all of the following provisions.
2. Except for campfires, a permit issued in accordance with Section 8 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
3. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard. Open burning shall be conducted in conformance with all local and state fire protection regulations.
4. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not

cause a nuisance.

5. Open burning shall be allowable by permit during dates designated by the Davis County Fire Warden. All state **air clearing index** action provisions must be abided by.
6. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
8. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within **25** feet from any combustible material, combustible wall or partition.
9. No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to Syracuse.

#### **7.05.070**

**AGRICULTURAL BURNING.** Open burning of weeds, brush, and crop stubble on agricultural zones is allowed if conducted in accordance with other applicable provisions of this ordinance and state law.

#### **7.05.080**

##### **BURNING PERMITS.**

1. Except where explicitly authorized by this chapter, no person shall start or maintain any outdoor burning or open burning without a burning permit issued by the Fire Chief

or authorized designee.

2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris shall obtain a one-time burning permit before starting the fire.
3. When weather conditions or extenuating circumstances warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
4. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
5. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

#### **7.05.090**

### **EXTINGUISHING OUTDOOR FIRES**

The fire chief, police chief, or their authorized representatives, shall have the authority to require that any outdoor fire be immediately extinguished when, in their opinion, such fire creates a hazard or constitutes a violation of this section. If such a request for a fire to be extinguished is not fulfilled, the fire chief, police chief, or their authorized representatives, may take action to have such fire extinguished.

#### **7.05.0100**

### **LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**7.05.0110****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 6

# FIREWORKS

|          |                                                  |
|----------|--------------------------------------------------|
| 7.06.010 | Purpose                                          |
| 7.06.020 | Hazardous Environmental Conditions               |
| 7.06.030 | Authority of Local Fire Official to Issue Orders |
| 7.06.040 | Geographic Areas Affected                        |
| 7.06.050 | Public Notice                                    |
| 7.06.060 | Penalty                                          |
| 7.06.070 | Enforcement                                      |
| 7.06.080 | Repeal and Severability                          |

### 7.06.010 PURPOSE

This Chapter authorizes the fire chief to prohibit the use of fireworks when hazardous environmental conditions necessitate controlling the use thereof.

### 7.06.020 HAZARDOUS ENVIRONMENTAL CONDITIONS

For the purposes of this chapter, “hazardous environmental conditions” means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation and any combination thereof.

### 7.06.030 AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS

The Fire Chief is hereby authorized to issue orders prohibiting use of any fireworks in any area of the municipality where the Fire Chief determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.

**7.06.040 GEGRAPHIC AREAS AFFECTED**

The local fire official shall determine what areas are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.

**7.06.050 PUBLIC NOTICE**

The city shall immediately post copies of the written order of the Fire Chief in at least three public places within the city; post a copy of the order on the official city website; inform all local news media outlets of the order, and provide a copy of the order thereto.

**7.06.060 PENALTY**

Any person who intentionally or knowing violates an order of the fire chief issued pursuant to this chapter is guilty of a class B misdemeanor.

**7.06.070 ENFORCEMENT**

Every officer charged with enforcement of State and municipal laws within the jurisdiction of this municipality, including the Fire Chief is hereby charged with the responsibility to enforce this ordinance.

**7.06.080 REPEAL AND SEVERABILITY**

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## CHAPTER 7

# COST RECOVERY FOR HAZARDOUS MATERIAL RELATED EMERGENCY

|          |                           |
|----------|---------------------------|
| 7.07.010 | Purpose                   |
| 7.07.020 | Definitions               |
| 7.07.030 | Recovery Authorization    |
| 7.07.040 | No Admission of Liability |
| 7.07.050 | Action to Recover         |

### 7.07.010 PURPOSE

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

### 7.07.020 DEFINITIONS

**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.

**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)

### **7.07.030**

### **RECOVERY AUTHORIZATION**

Syracuse 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:

1. 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.
2. 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.
3. 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.
4. 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)

### **7.07.040**

### **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)

**7.07.050**

**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 8

# COST RECOVERY FOR FIRE RELATED EMERGENCIES

|          |                                      |
|----------|--------------------------------------|
| 7.08.010 | Purpose                              |
| 7.08.020 | Definitions                          |
| 7.08.030 | Recovery Authorization and Procedure |
| 7.08.040 | No Admission of Liability            |
| 7.08.050 | Action to Recover Costs              |

### 7.08.010 PURPOSE

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

### 7.08.020 DEFINITIONS

As used in this chapter:

1. 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.
2. 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.

3. **GROSSLY NEGLIGENT**: means a reckless disregard for the safety of property or others. (Ord. 03-07)

#### **7.08.030**

### **RECOVERY AUTHORIZATION AND PROCEDURE**

Syracuse 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:

1. 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.
2. 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.
3. 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.
4. 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)

#### **7.08.040**

### **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)

#### **7.08.050**

#### **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)

# TITLE VII

## HEALTH & FIRE

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7.01.010 CREATION OF CITY-COUNTY HEALTH DEPARTMENT

7.01.020 POWERS OF DAVIS COUNTY HEALTH DEPARTMENT

7.01.030 DAVIS COUNTY HEALTH DEPARTMENT RULES ADOPTED

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7.07.030 RECOVERY AUTHORIZATION

7.07.040 NO ADMISSION OF LIABILITY

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7.08.010 PURPOSE

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7.08.030 RECOVERY AUTHORIZATION AND PROCEDURE

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CHAPTER 1

**CITY-COUNTY HEALTH DEPARTMENT**

~~7-1-1:~~7.01.010      ~~Creation of City-County Health Department~~REATION OF CITY-COUNTY HEALTH DEPARTMENT

~~7-1-2:~~  
7.01.020      ~~POWERS OF CITY-COUNTY HEALTH DEPARTMENT~~Powers of Davis County Health Department

7.01.030      Davis County Health Department Rules Adopted

7.01.010      **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)

7.01.020      **POWERS OF ~~CITY-DAVIS~~ COUNTY HEALTH DEPARTMENT:**

The ~~City-County Health Department~~Davis 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 26A, Chapter 15, Section ~~103s 33 to 53 inclusive~~, of the Utah Code Annotated, 1953, as amended. ~~(1974)~~

7.01.010

**DAVIS COUNTY HEALTH DEPARTMENT RULES**

**ADOPTED.** The laws, rules, and regulations currently adopted and/or followed by the Davis County Health Department, and as amended or superseded from time to time, are hereby adopted by reference and made part of these revised ordinances as if fully set out at length herein. All laws, rules and regulations contained therein, where applicable and within the jurisdictional authority of Syracuse, shall be in full force and effect within the limits of the City, except as hereinafter specified.

## CHAPTER 2

### HEALTH AND SANITARY REGULATIONS

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~~7-2-1: License Required to Engage in Food Handling Business~~

~~7-2-2: Standards of Quality~~

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~~7-2-4: Meat Markets—Facilities Required~~

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~~7-2-6: Inspection of Meat~~

~~7-2-7: Premises to be Clean.~~

~~7-2-8: Control of Food Processors~~

~~7-2-9: Regulation of Sale of Milk~~

~~7-2-10: Health Department May Enter Premises~~

~~7-2-11: Physicians to Report Contagious Diseases~~

~~7-2-12: Unsanitary Dispensers of Food~~

~~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 of 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. 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 or 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 R90-4)~~

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CHAPTER 42

UNIFORM FIRE CODE

~~7-4-1:~~7.02.010 ~~Adoption of Uniform Fire Code~~ Authority of Fire Department

7.02.020 Adoption of International Fire Code

7.02.030 Fire Official

~~7-4-2:~~7.02.040 Inspection of Buildings

~~7-4-3:~~7.02.050 Fire Investigations by Fire Officer

7.02.060 Entry During Fires

7.02.070

~~7-4-4:~~ Penalties

7.02.010 AUTHORITY OF FIRE DEPARTMENT

The Fire Department's authority at fires and other emergencies involving the protection of life or property, interference with fire department operations, compliance with orders of the fire chief, and crossing fire hoses with vehicles, shall be governed by the code as adopted by chapters Four (4) through Ten (10), inclusive, as well as state and federal law.

7.02.020 ADOPTION OF INTERNATIONAL FIRE CODE:

The International Fire Code, 2000, published by International Code Council, Inc. and as 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)

~~7.02.010~~7.02.030 **FIRE OFFICIAL**

From time to time, the International Fire Code refers to the local government's "Fire Official" or "Authority having Jurisdiction." These shall be held to mean the Fire Chief or a designee of the Fire Chief.

~~7.02.020~~7.02.040 **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. Whenever any building or other structure is discovered to be so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, the Fire Chief, Fire Marshall, or Building Inspector shall by written order direct the same to be removed or remedied. (1974)

7.02.050 **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) shall investigate the cause, origin, and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of accident or design. The fire marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this ordinance.~~

~~7.02.0307.02.060~~ **ENTRY DURING FIRES**

~~The Fire Chief or Fire Marshal may enter any building to begin an investigation by entering while the fire is in progress and the fire fighters are still at the premises. If the fire marshal enters while the fire is in progress and the fire fighters are present, the fire marshal may remain on the premises until the investigation is completed. After the fire is out and the fire fighters have left the premises, the fire marshal may enter any open space that is not locked, boarded up or otherwise closed off. The fire marshal may enter at any time, even after the fire is out and the fire fighters have left the premises, with the permission of the owner, occupant, or other person entitled to possession, or of any agent of such owner, occupant or person entitled to possession. For any other entry to investigate possible arson the fire marshal shall apply for a search warrant.~~

~~7.02.0407.02.070~~ **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 there under, or who shall build in violation of any detailed statement or specifications or plans submitted and approved there~~

~~under, or any certificate or permit issued there under, 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.~~

Any person who shall violate any of the provisions of Chapters two through eight of this code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every violation and noncompliance respectively be guilty of a Class B misdemeanor.

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 53

FIRE DEPARTMENT

~~7-5-1:7.03.010~~ ~~-Fire Department Created~~  
~~7.03.020~~ ~~7-5-2: Composition of Department~~  
~~7.03.030~~ ~~7-5-3: Appointment of Chief Duties of Chief~~  
~~7.03.040~~ ~~7-5-4: Chief Accountable to City Council Divisions~~  
~~7.03.050~~ ~~7-5-5: Appointment of Assistant Chiefs and Other  
Department Officers Membership~~  
~~7.03.060~~ ~~7-5-6: Duties of Chief Equipment~~  
~~7.03.070~~ ~~7-5-7: Membership Recommendations for Purchase~~  
~~7.03.080~~ ~~7-5-8: Suspension or Discharge Equipment to be Safely Kept~~  
~~7.03.090~~ ~~7-5-9: Equipment Tampering With Emergency Vehicle~~  
~~7.03.100~~ ~~7-5-10: Recommendations for Purchase Alarm System~~  
~~7.03.110~~ ~~7-5-11: Equipment to be Safely Kept Private Use of  
Equipment Prohibited~~  
~~7.03.120~~ ~~7-5-12: Alarm System Unauthorized Entry of Place  
Where Fire Apparatus Stored Prohibited~~  
~~7.03.130~~ ~~7-5-13: Private Use of Equipment Prohibited Mutual Aid or  
Cooperative Agreements~~  
~~7.03.140~~ ~~7-5-14: Unauthorized Entry of Place Where Fire Apparatus  
Stored Prohibited Apparatus for City Use--Exceptions~~  
~~7.03.150~~ ~~7-5-15: Mutual Aid or Cooperative Agreements Issuance of  
Badge~~  
~~7.03.160~~ ~~7-5-16: Apparatus for City Use-- Exceptions Auto Insignia~~  
~~7.03.170~~ ~~7-5-17: Issuance of Badge Penalty for Violation~~  
~~7.03.180~~ ~~7-5-18: Auto Insignia Department Members to Enforce~~  
~~7.03.190~~ ~~7-5-19: Penalty for Violation Police Officers to Assist~~  
~~7.03.200~~ ~~7-5-20: Department Members to Enforee Special Officers~~  
~~7.03.210~~ ~~7-5-21: City Marshal and Police Officer to Assist Duties of  
Social Officers~~  
~~7.03.220~~ ~~7-5-22: Special Officers Rules and Regulations of Fire  
Department~~  
~~7.03.230~~ ~~7-5-23: Duties of Social Officers Intent of Chapter  
7-5-24: Intent of Chapter~~

7.03.010 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)

**7.03.020 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)~~ of a Fire Chief and such other members as the City may from time to time prescribe.

~~**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)~~

~~**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)~~

~~**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)~~

**7.03.030 DUTIES OF CHIEF:**

1. 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.

2. 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.
3. 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.
4. 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.

~~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.~~

5. 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.
6. 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.

7. 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)

~~7.8.~~ The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

#### 7.03.040 DIVISIONS

In order to carry out its functions, the fire department is divided as follows:

1. Fire administration.
2. Fire prevention.
3. Emergency services.
4. Support services.
5. Training and information services.

#### ~~7.03.040~~7.03.050 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).~~

~~**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)~~

~~**7.03.0507.03.060 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)~~

~~**7.03.0607.03.070 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)~~

~~**7.03.080 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)~~

~~Fire suppression equipment shall not be obstructed, removed, tampered with or otherwise disturbed, and shall be installed and maintained, all in accordance with The International Fire Code.~~

~~7.03.070~~ **7.03.090 TAMPERING WITH EMERGENCY VEHICLE**

A person shall not, without proper authorization from the fire chief, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protection clothing on, or a part of, any fire department emergency vehicle. It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage, or deface, any fire department emergency vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while performing departmental duties.

**7.03.100 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)

**7.03.110 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)

**7.03.120 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)

7.03.130

**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)

7.03.140

**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)

7.03.150

**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)

7.03.160

**AUTO INSIGNIA.**

Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car. (1971)

7.03.170

**PENALTY FOR VIOLATION.**

Any person violating the provisions of ~~this chapter 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)

7.03.180

**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)

7.03.190

**~~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)

7.03.200

**SPECIAL OFFICERS:**

The Department may elect a President, Vice President, Secretary, and Treasurer, to be known as ~~Social Officers~~Firefighters Association 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)

7.03.210

**DUTIES OF ~~SOCIAL-FIREFIGHTERS ASSOCIATION~~ OFFICERS:**

The functions and duties of said ~~Social Firefighters Association~~ 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)

~~7.03.21~~ 7.03.220 **RULES AND REGULATIONS OF FIRE DEPARTMENT**

The Fire Chief as head of the fire department shall make such rules and regulations for the government of the officers and members of the fire department as he may deem advisable, and may establish such penalties for the violation of any such rule or regulation as he may consider necessary and proper for the enforcement of discipline and the due subordination of the members of the department. He shall also make suitable regulations under which the officers and members shall be required to wear appropriate uniforms and badges as the exigencies of their duties may require, and by which, in case of fire, and at other times, the authority and relation of such officers and members shall be known. Every member of the department shall be furnished with a copy of such rules and regulations as are in force.

~~7.03.220~~ 7.03.230 **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 ~~64~~

**GENERAL FIRE REGULATIONS**

- ~~7-6-1: 7.04.010~~ Right of Way
- ~~7-6-2: 7.04.020~~ May Blockade Street
- ~~7-6-3: Right to Enter Upon Premises~~
- ~~7-6-4: 7.04.030~~ Removal of Obstructions
- ~~7-6-5: 7.04.040~~ Use of Water
- ~~7-6-6: 7.04.050~~ False Alarms
- ~~7-6-7: 7.04.060~~ Willfully or Negligently Causing Fire
- ~~7-6-8: 7.04.070~~ Unlawful Interference
- ~~7-6-9: 7.04.080~~ Driving Over Fire Hose
- ~~7-6-10: 7.04.090~~ Limits at Fire
- ~~7-6-11: 7.04.100~~ Duty of By-Standers
- ~~7-6-12: Parking Near Fire Hydrant~~ 7.04.110 Blocking Fire Hydrants and Fire Department Connections
- ~~7-6-13: 7.04.120~~ Hydrant Use Approval
- 7.04.130 Tampering With Fire Hydrants
- 7.04.140 Parking of Vehicle Near Fire Station
- ~~7-6-14: 7.04.150~~ Accumulation of Refuse and Rubbish
- 7.04.160 Nuisance, Injunction
- ~~7-6-15: Notice of Fire Hazards~~

**7.04.010 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)

**7.04.020 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 geographic 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)

~~**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)~~

#### 7.04.030

#### **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~~ firefighter shall unnecessarily or recklessly destroy or injure any building or other property. (1971)

#### 7.04.040

#### **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)

#### 7.04.050

~~**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)~~

No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. Such acts of

deliberate or malicious false alarms shall be punishable as prescribed under laws of the state and/or the ordinances of the city. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drill, or prescribed testing.

7.04.060

**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)

7.04.070

**UNLAWFUL INTERFERENCE:**

It shall be unlawful for any person to ~~willfully~~ hinder any officer in the discharge of his duty at a fire or emergency, 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)

7.04.080

**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)~~

A person may not operate or be in actual physical control of a vehicle that is driven or propelled over any fire hose of any fire department when laid down on any street, alley, way, private drive, or any other vehicular roadway without the consent of the fire chief or person in command of the operation.

7.04.090

**LIMITS AT FIRE-**

The City ~~Marshal~~Police Chief, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except ~~firemen~~firefighters and members of the Police Department or those admitted by order of the officer in charge, shall be permitted to come. (1971)

7.04.0100

**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)~~

No person shall fail or willfully refuse to comply with any lawful order or direction of a member of the fire department nor interfere with the compliance attempt of another individual.

7.04.0110

**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)~~ **BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS**

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections

that are located on public or private streets and access lanes, or on private property.

**7.04.0120 HYDRANT USE APPROVAL**

A person shall not use or operate any fire hydrant intended for use of any fire department for fire suppression purposes unless such person first secures a permit for such use from the fire chief and the Public Works Department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the Public Works Department.

**7.04.0110~~7.04.0130~~ TAMPERING WITH FIRE HYDRANTS**

No person shall tamper with, turn on, adjust, damage or attempt to tamper with, open, turn on or adjust any fire hydrant owned by the city or connected to the city water system. Nothing in this section shall apply to any person authorized by the city water department or city fire department to do anything to a fire hydrant.

**7.04.0120~~7.04.0140~~ 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)

**7.04.0130~~7.04.0150~~ 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)

7.04.0160      **NUISANCE, INJUNCTION**

Any fire hazard is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the maintenance of any fire hazard. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

~~7.04.0140~~      ~~**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 75

**OUTDOOR AND**  
**OPEN BURNING REGULATIONS**

~~7-7-1:~~ 7.05.010 Purpose

7.05.020 Applicability

7.05.030 Definitions

~~7-7-2:~~ 7.05.040 General Prohibition on Outdoor Burning and Open Burning  
~~Community Waste Disposal~~

~~7-7-3:~~ 7.05.050 Permissible Burning - Without Permit  
General Prohibitions

~~7-7-4:~~ 7.05.060 Permissible Burning - Without Permit  
Open Burning of Brush, Leaves, and Grass Clippings

~~7-7-5:~~ 7.05.070 Permissible Burning - With Permit  
Exemptions  
Agricultural Burning

~~7-7-6:~~ 7.05.080 Burning Permits

7.05.090 Extinguishing Outdoor Fires

7.05.100 Liability

~~7-7-7:~~ 7.05.110 Penalty

7.05.010 PURPOSE

This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Syracuse by regulating the air pollution and fire hazards of open burning and outdoor burning.

7.05.020 APPLICABILITY

This chapter applies to all outdoor burning and open burning within Syracuse.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

7.05.0107.05.030 **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~~[Utah Air Quality Board](#).

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.

[CAMPFIRE: A small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.](#)

[CLEAN WOOD: natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.](#)

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

[CONSTRUCTION AND DEMOLITION WASTE: Building waste materials, including but not limited to waste shingles,](#)

[insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.](#)

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.

[FIRE CHIEF: The Chief of the Syracuse Fire Department or other person designated by the Fire Chief.](#)

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.

[MUNICIPALITY: A county, township, city, or village.](#)

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

[OUTDOOR BURNING: Open burning or burning in a patio wood-burning unit.](#)

PATIO WOOD-BURNING UNIT: A chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

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: means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. ~~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)

**7.05.040**

**GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

Open burning and outdoor burning are prohibited in Syracuse

unless the burning is specifically permitted by this ordinance.

~~7.05.020~~ ~~**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)

~~7.05.030~~ ~~**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)

~~7.05.040~~7.05.050 ~~**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:

1. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.
2. Camp fires and fires used solely for recreational purposes where such fires are under the control of a responsible person.
3. Indoor fireplaces.
- ~~4. Properly operated industrial flares for combustion of flammable gases.~~

5. ~~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)~~

~~7.05.050 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.~~

1. ~~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).~~
2. ~~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.~~
3. ~~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.~~
4. ~~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.~~

~~5.4. Open burning, in remote areas, or highly explosive or other dangerous materials, for which there is no other known practical method of disposal.  
Open burning for special purposes, or under unusual circumstances when approved by the Division following formal request thereof. (1971)~~

**7.05.060 OPEN BURNING OF BRUSH, LEAVES, AND GRASS CLIPPINGS**

1. Open burning of brush, leaves, and grass clippings is allowed only at properties in an agricultural zone, or properties of five (5) acres or larger. Such burning shall be in accordance with all of the following provisions.
2. Except for campfires, a permit issued in accordance with Section 8 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
3. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard. Open burning shall be conducted in conformance with all local and state fire protection regulations.
4. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
5. Open burning shall be allowable by permit during dates designated by the Davis County Fire Warden. All state air clearing index action provisions must be abided by.

6. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
8. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition.
9. No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to Syracuse.

7.05.070 **AGRICULTURAL BURNING.** Open burning of weeds, brush, and crop stubble on agricultural zones is allowed if conducted in accordance with other applicable provisions of this ordinance and state law.

7.05.080 **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)~~

1. Except where explicitly authorized by this chapter, no person shall start or maintain any outdoor burning or open

burning without a burning permit issued by the Fire Chief or authorized designee.

2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7-7-6 of this ordinance shall obtain a one-time burning permit before starting the fire.
3. When weather conditions or extenuating circumstances warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
4. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- ~~6.5.~~ Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

#### 7.05.090      EXTINGUISHING OUTDOOR FIRES

The fire chief, police chief, or their authorized representatives, shall have the authority to require that any outdoor fire be immediately extinguished when, in their opinion, such fire creates a hazard or constitutes a violation of this section. If such a request for a fire to be extinguished is not fulfilled, the fire chief, police chief, or their authorized representatives, may take action to have such fire extinguished.

#### 7.05.0100      LIABILITY

A person utilizing or maintaining an outdoor fire shall be

[responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.](#)

~~7.05.06~~7.05.0110 **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 ~~86~~

**FIREWORKS**

~~7-8-1: Fireworks Prohibited~~ 7.06.010 Purpose  
7.06.020 Hazardous Environmental Conditions  
7.06.030 Authority of Local Fire Official to Issue Orders  
7.06.040 Geographic Areas Affected  
7.06.050 Public Notice  
7.06.060 Penalty  
7.06.070 Enforcement  
7.06.080 Repeal and Severability

~~7.06.010~~ **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)

7.06.010 PURPOSE

This Chapter authorizes the fire chief to prohibit the use of fireworks when hazardous environmental conditions necessitate controlling the use thereof.

7.06.020 HAZARDOUS ENVIRONMENTAL CONDITIONS

For the purposes of this chapter, “hazardous environmental conditions” means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation and any combination thereof.

**7.06.030**      **AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS**

The Fire Chief is hereby authorized to issue orders prohibiting use of any fireworks in any area of the municipality where the Fire Chief determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.

**7.06.040**      **GEGRAPHIC AREAS AFFECTED**

The local fire official shall determine what areas are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.

**7.06.050**      **PUBLIC NOTICE**

The city shall immediately post copies of the written order of the Fire Chief in at least three public places within the city; post a copy of the order on the official city website; inform all local news media outlets of the order, and provide a copy of the order thereto.

**7.06.060**      **PENALTY**

Any person who intentionally or knowing violates an order of the fire chief issued pursuant to this chapter is guilty of a class B misdemeanor.

7.06.070            **ENFORCEMENT**

Every officer charged with enforcement of State and municipal laws within the jurisdiction of this municipality, including the Fire Chief is hereby charged with the responsibility to enforce this ordinance.

~~7.06.020~~ 7.06.080    **REPEAL AND SEVERABILITY**

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CHAPTER ~~79~~

**COST RECOVERY FOR  
HAZARDOUS MATERIAL RELATED  
EMERGENCY**

|                           |                           |
|---------------------------|---------------------------|
| <del>7-9-1</del> 7.07.010 | <del>-</del> Purpose      |
| <del>7-9-2</del> 7.07.020 | Definitions               |
| <del>7-9-3</del> 7.07.030 | Recovery Authorization    |
| <del>7-9-4</del> 7.07.040 | No Admission of Liability |
| <del>7-9-5</del> 7.07.050 | Action to Recover         |

**7.07.010      PURPOSE.**

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

**7.07.020      DEFINITIONS.**

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.

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)

7.07.030

**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:

1. 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.
2. 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.
3. 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.
4. 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)

7.07.040

**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)

7.07.050

**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 ~~108~~

**COST RECOVERY FOR  
FIRE RELATED EMERGENCIES**

|                                   |                                      |
|-----------------------------------|--------------------------------------|
| <del>7-10-1</del> <u>7.08.010</u> | Purpose                              |
| <del>7-10-2</del> <u>7.08.020</u> | Definitions                          |
| <del>7-10-3</del> <u>7.08.030</u> | Recovery Authorization and Procedure |
| <del>7-10-4</del> <u>7.08.040</u> | No Admission of Liability            |
| <del>7-10-5</del> <u>7.08.050</u> | Action to Recover Costs              |

**7.08.010 PURPOSE:**

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

**7.08.020 DEFINITIONS:**

As used in this chapter:

1. 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.
2. 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.

3. GROSSLY NEGLIGENT: means a reckless disregard for the safety of property or others. (Ord. 03-07)

7.08.030

**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:

1. 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.
2. 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.
3. 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.
4. 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)

**7.08.040**

**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)

**7.08.050**

**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)