

TITLE 10. FIRE PREVENTION

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Chapter 1. Repealed

Chapter 2. Repealed

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Chapter 5. General Provisions

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10-5-1 Statement of Purpose. The purpose of this Title is to establish requirements for providing a reasonable level of life safety and property protection from the hazards of fire, explosion, dangerous conditions or regional emergency.

10-5-2 Application. This Title shall apply to all actions associated with the systems established in this

Title unless explicitly exempted. Actions being conducted, by the Clinton City Fire Department, outside of Clinton City shall be in accordance with this Title, Interlocal Agreements, and standards of the fire fighting profession.

10-5-3 Adoption. All rules established in this Fire Prevention Title may be cited and designated as the "Fire Code" by reference to the respective Sections.

10-5-4 Fees. The Clinton City Council shall set the amount of fees required to facilitate actions outlined in this Title, from time to time, by resolution and published in the Clinton City Consolidated Fee Schedule. Consideration of fees shall include but not be limited to those needed to cover the cost of administration, inspections, reviews, publications, and related issues.

10-5-5 Penalty for Violations. Unless otherwise provided, a violation of the provisions of this Fire Prevention Title or failure to comply with a lawful order made per this Title, or constructing or building in violation of any detailed statement or specification or plan submitted and approved per this Title, or any certificate or permit issued as outlined in this Title shall be a Class "B" misdemeanor. Each separate violation or noncompliance shall be a separate offense and any defect or violation requiring correction or remedy which is not corrected or remedied within ten (10) days or sooner if determined to be a matter of public safety by the Fire Chief, shall be a separate offense.

10-5-6 Application of Penalty Provisions. The application of the penalty provisions shall not be held to prevent the enforced removal of prohibited conditions or the granting of a restraining order by a court of competent jurisdiction.

History: 05/10

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Chapter 6. Definitions

10-6-1 Definitions

10-6-1 Definitions. The following terms as used within the Fire Prevention Code shall have the following meanings:

"Aggravated Fire Emergency" means a fire caused by the owner, occupier (or others) of property or a structure, which presents a direct and immediate threat to public safety, thus requiring immediate action to mitigate the threat, and the fire:

- (1) Is caused or contributed to by the failure to comply with an order from the State, County, or City agency, department or official, or
- (2) Occurs as a direct result of a deliberate act in violation of State law or the ordinance or regulation of the County or City agency, or
- (3) A fire that constitutes arson or reckless burning as defined by the Utah Code.
- (4) An alarm that results in the city fire unit being dispatched and the person transmitting or causing the transmission of the alarm knows at the time of the transmission that no fire or fire related emergency exists.

"Aggravated Medical Emergency" means an alarm that results in a City emergency medical unit being dispatched, and the person transmitting, or causing the transmission of the alarm knows at the time of the transmission that there are no reasonable grounds for believing that a medical emergency exists.

"Agricultural Burning" means open burning in rural areas, essential to farmers and horticulturalists. A farm or horticultural operation is defined as:

- (1) Fruit orchard of 25 or more fruit trees on one contiguous property, or
- (2) Horticulture or agriculture operations on 2 cultivated acres or more of contiguous property, and
- (3) Farmers may only burn products incident to horticulture or agriculture operations, defined as; prunings, diseased plants, stubble and irrigation ditch banks.

"Air Contaminant" means any particulate matter or any gas, vapor, suspended solid, or any combination thereof, excluding steam and water vapors.

"Air Pollution" means 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 interfere with the enjoyment of life or use of property, as determined by the standards, rules, and regulations adopted by the Committee.

"Ambient Air" means the surrounding or outside air.

"Approved" means acceptable to the Clinton City Fire Chief (or his designee) unless otherwise stated.

"Clearing Index" means a number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the U.S. Weather Bureau, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to ten thousand (10,000) feet.

"Committee" means Utah Air Conservation Committee.

"Corporation Counsel" means the City's attorney.

"Expenses" means the actual labor costs of government and volunteer personnel including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal, the cost of any contract labor, equipment or materials, and the similar costs incurred by Clinton City or any assisting agencies.

"Fire Chief" "Chief" or "Fire Code Official" means the Clinton City Fire Chief or his duly authorized representative.

"Fire Department" or "Department of Fire Prevention" means the City Fire Department.

"Fire Marshal" or "Fire Code Official" means the fire chief or other designated authority charged with the administration and enforcement of the code, fire prevention, and investigation duties related to fire cause determination.

"Garbage" means waste from the preparation, handling, storing, cooking or consumption of food and food products.

"Grossly Negligently Caused Fire/Hazardous Materials Emergency" means a fire/hazardous materials incident caused by the negligence of any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.

"Hazardous Materials" means those chemicals, or substances defined as such in the International Fire Code. Definitions of hazardous materials, including

those materials regulated elsewhere in the International Fire Code or other applicable codes.

"Hazardous Materials Emergency" means 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.

"Intentionally Caused Fire/Hazardous Materials Emergency" means a fire/hazardous materials incident deliberately or recklessly set or caused by any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.

"Jurisdiction" means Clinton City or any area covered under contract with Clinton City.

"Key Boxes" means a secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

"Legal representative of the Jurisdiction" means, as used in the International Fire Code, the Clinton City Attorney or other Attorney as designated by the City Council.

"Listed" means equipment that is shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with nationally recognized standards when installed in accordance with the manufacturer's installation instructions.

"Municipality" means Clinton City.

"Nuisance" means any objectionable instance as outlined in Title 18 or elsewhere in the Clinton City Code.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into open air without passage through a chimney or stack.

"Person" means any individual, public or private corporation, partnership, association, firm, trust, 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 solid waste, including garbage and trash.

"Salvage Operation" means 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" means 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" means 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.

History: 05/10

Chapter 7. Administration

- 10-7-1 Creation
- 10-7-2 Office of Primary Responsibility
- 10-7-3 Creation of Positions
- 10-7-4 Appointment of Positions
- 10-7-5 Supervision
- 10-7-6 Authority to Enforce
- 10-7-7 Powers and Duties of Chief
- 10-7-8 Establishment and Duties of Fire Department
- 10-7-9 Fire Department Personnel
- 10-7-10 Removal of Personnel
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- 10-7-14 Interference with Firemen in Discharge of Duties
- 10-7-15 Investigation After Fire - Report
- 10-7-16 Right to Enter Upon and Inspect Premises
- 10-7-17 False Alarm
- 10-7-18 Permits

10-7-1 Creation. There is hereby created a fire department to be known as the Clinton City Fire Department.

History: 12/75, 9/84

10-7-2 Office of Primary Responsibility. The Clinton City Fire Department is the Office of Primary Responsibility for review and proposing changes to this Title. The Chief may call on other departments for assistance in reviewing this Chapter.

History: 05/10

10-7-3 Creation of Positions.

- (1) There is hereby created the position Fire Chief of the Clinton City Fire Department.
- (2) There is hereby created the position of Assistant Fire Chief for Clinton City.
- (3) There is hereby created the position Emergency Manager for Clinton City.
- (4) There is hereby created the position of Clinton City Fire Marshal or Fire Code Official.

History: 12/75, 9/84, 05/10

10-7-4 Appointment of Positions.

- (1) The City Council, upon recommendation of the City Manager shall appoint a Fire Chief for Clinton City.
- (2) The Fire Chief is also designated the Clinton City Emergency Manager.

History: 05/10

10-7-5 Supervision. The Clinton City Fire Chief performs under the general guidance and supervision of the City Manager.

10-7-6 Authority to Enforce.

(1) To accomplish the administration and enforcement of this Title, the Chief and those designated by the Chief are hereby authorized to issue citations for violations of this code.

(2) The Clinton City Fire Marshal is authorized to issue citations for violations of this code.

History: 05/10

10-7-7 Powers and Duties of Chief.

(1) It is primarily the responsibility of the Chief to administer the provisions of this Title.

(2) The Chief shall have responsibility for the supervision of the fire department and shall be responsible for all Clinton City Firefighters at the scene of an incident, whether or not the incident is within the city limits, unless an Interlocal Agreement, approved by the City Council, dictates otherwise.

(3) The Chief shall be responsible for the management and operation of ambulance services provided by the Department. All ambulance services shall be provided in conformance with the rules and regulations established by the State under the Emergency Medical Services System Act.

(4) The Chief is authorized to recommend agreements with nearby incorporated communities or other organizations with fire protection.

(5) The Chief shall conduct suitable drills, training and instruction in the operation and handling of equipment, first-aid, rescue work, salvage, and orientation to the buildings in the City, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(6) During a fire, the Chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.

(7) The Chief shall at least annually report to the governing body the condition of the fire equipment, the number of fires and their causes, and the associate estimated loss together with all other information the governing body may request or as he shall deem appropriate.

(8) The Chief shall make recommendations of apparatus and equipment to the City Manager, and all purchases shall be made in the manner designated by the City.

(9) The Chief shall supervise the maintenance of the equipment of the department to insure it is in good repair and order and ready for use.

(10) The Chief shall establish written policies, rules and regulations for the operation of the department.

(11) The Chief may delegate his duties to any person employed by the department, but the delegation shall not relieve the Chief of his responsibility for the performance thereof.

(12) The Chief shall cause all fires to be investigated immediately after the occurrence of the fire and attempt to determine, among other things, whether the fire was the result of carelessness or of design. A written report shall be created and maintained detailing the findings of the investigation to include the cause of the fire, the time originated, and all other information as may be relevant to prevent other fires.

(13) The Chief shall report all structural fires to the Building Official to have the structural stability and habitability of the structure evaluated. The Building Official will provide a copy of his findings for inclusion in the Chiefs report as outlined in § 10-7-15.

(14) The Chief shall maintain as operational the Emergency Operations Plan and Emergency Operations Center and associated equipment.

(15) The Chief shall perform the functions of the "Fire Code Official" as described in the International Fire Code.

History: 12/75, 9/84, 05/10

10-7-8 Establishment and Duties of Fire Department.

(1) The Fire Code shall be enforced by the Fire Department of Clinton City, which is hereby established and which shall operate under the supervision of the Chief.

(2) The Chief shall be in charge of the Fire Department.

(3) The Chief may delegate the primary responsibility to the Fire Marshal to enforce the provisions of this Chapter. The Chief shall make these appointments through an examination to determine fitness for the position. The examination shall be as established by the International Code Council, based upon the International Fire Code and

shall be open to members and nonmembers of the fire department.

History: 12/75, 9/84, 05/10

10-7-9 Fire Department Personnel. The Chief may make recommendations to the City Manager relating to the employment of firefighters and other personnel as may be necessary to enforce the provisions of this Title.

History: 12/75, 9/84, 05/10

10-7-10 Removal of Personnel. The Chief shall have authority to remove any officer or member of the Department in accordance to the City Personnel Policies and subject to confirmation of the City Manager.

10-7-11 Authority for Rule Making. The Chief of the Fire Department is hereby authorized to make and adopt rules and policies in furtherance of the objectives of this Title. The rules and policies are subject to the review and approval of the City Manager.

History: 05/10

10-7-12 Emergency Vehicles. Fire apparatus are hereby designated authorized emergency vehicles.

History: 12/75, 9/84, 05/10

10-7-13 Control of Personnel. All persons 18 years or older present at a fire shall be subject to the orders of the officer in command of a fire scene and shall render assistance as directed.

History: 12/75, 9/84, 05/10

10-7-14 Interference with Firemen in Discharge of Duties. It is unlawful to willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other apparatus belonging to the city or to interfere with any fire company or person, or who shall willfully break or injure any water pipe, or in any way interfere with the water or its source of supply.

History: 05/10

10-7-15 Investigation After Fire - Report. The Chief, or other persons as he designates, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same which shall be documented and the record kept for the appropriate period of time.

History: 12/75, 9/84, 05/10

10-7-16 Right to Enter Upon and Inspect Premises. Whenever it is necessary to make an inspection to enforce the provisions of the Fire Code, or the fire code official has reasonable cause to believe that there exist conditions or violations, the fire official shall have the authority to enter the building or premises at all reasonable times to inspect the premises. The fire code official shall carry proper identification when inspecting structures or premises.. If such buildings or premises are unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises.. If entry is refused, the Fire Code Official shall make request to obtain a proper inspection warrant or other remedy provided by law to secure entry.

History: 12/75, 9/84, 05/10

10-7-17 False Alarm. It shall be unlawful for any person to turn in or report to the fire department a

false alarm or report of a fire or to tamper or remove any part of the fire alarm system. A violation of this section shall be a class B misdemeanor.

History: 12/75, 9/84

10-7-18 Permits.

(1) Where permits are required by the International Fire Code or other applicable codes, a permit shall be obtained from the Fire Marshal.

(2) Permits shall be obtained for each separate event, occurrence.

(3) The Chief shall establish a procedure for issuing and record keeping of permits.

(4) Requests for Fire Department support of special events or filming activities shall be as established in Title 15, Chapter 16, et. seq., of the Clinton City Code.

History: 12/75, 05/10

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Chapter 8. Fire Code

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10-8-2	Day Care Family, Family Group
10-8-3	Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks
10-8-4	Bulk Storage of Liquefied Petroleum Gases is to be Restricted
10-8-5	Residential use of Liquefied Petroleum Gases is to be Restricted
10-8-6	Location of Tanks for Class III–B Liquids
10-8-7	Locations Where Above-Ground Tanks are Prohibited
10-8-8	Storage of Explosives, Blasting Agents, and Fireworks
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10-8-11	Fire Department Connections
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10-8-14	Private Fire Service Mains and Hydrants
10-8-15	Record Keeping
10-8-16	Adopting Amendments- Appendices to the Fire Code
10-8-17	Adopted Amendments to the Fire Code
10-8-18	Adopted Appendices to the Fire Code

10-8-1 Fire Code.

(1) The International Fire Code and all applicable sections of the Model Building Codes, as adopted by the State, et. seq., pertaining to fire prevention and fire protection, are hereby adopted and incorporated by reference as part of this Title.

(2) Changes to and adoption of the amendments to the Fire Code, adopted by the City, are as outlined in this Title.

History: 12/75, 9/84, 9/86, 2/89, 05/10

10-8-2 Day Care Family, Family Group. This section applies to all Day Care Family and Day Care Family Group as defined in the Clinton City Zoning Ordinance.

(1) Every Day Care shall meet the requirements of the Clinton City Zoning Ordinance.

(2) Minimum construction requirements for all Day Care structures must meet the construction requirements as per the International Residential Code for R-3 occupancy or the equivalent.

(3) Every story occupied by clients shall have not less than two (2) remotely located means of escape. Every room used for sleeping shall have at least two

(2) means of escape, at least one directly to the outside.

(4) A fire escape plan showing how to escape from each room of the dwelling shall be posted in each room, except the bathroom, and emergency exit drills shall be held quarterly.

(5) Smoke detectors and alarm systems shall be installed in accordance with the currently adopted International Residential Code. In existing homes, battery operated smoke detectors may be used.

(6) A minimum of one (1) listed fire extinguisher with a rating of 2A–10BC must be provided and mounted within five (5) feet of the floor in a conspicuous and readily available location.

(7) Special protective covers for electrical receptacles shall be installed in all receptacles accessible to children.

(8) Heating equipment shall be provided with a protective guard when in areas accessible to children.

(9) Enclosed storage areas under stairs shall be protected with one layer of 5/8" Type X sheetrock, taped and sealed.

(10) Combustible materials shall not be stored in the furnace room or under the stairs.

(11) Closets must be able to be opened from the inside.

(12) Artwork and teaching materials shall not exceed 20% of the wall area.

(13) Class 1 flammable liquids (gas) shall not be stored in the residence and no more than five (5) gallons of gasoline shall be stored in the garage area.

(14) The breaker box shall be labeled indicating the area each breaker controls.

(15) House address shall be a minimum of four (4") inch characters and plainly legible and visible from the street.

History: 05/10, 10/10

10-8-3 Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks.

(1) Except for the provisions set forth in Chapter 34 of the Fire Code and Chapter 3 of the Clinton City Zoning Ordinance, the storage of Class I and II liquids in outside above-ground tanks is prohibited within all zones of Clinton City.

(2) Bulk plants for Class I, II and III flammable or combustible liquids are not allowed within the corporate limits of Clinton City.

(3) All tanks, without exception, allowed under § (1) above shall not be installed prior to the obtaining the necessary permits as required by Section 105 of the Fire Code and the Clinton City Zoning Ordinance.

History: 12/75, 9/86, 2/89, 1/91, 4/93, 05/10

10-8-4 Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

(1) Limitations referred to in Chapter 38 of the Fire Code, the International Fuel Gas Code and the Clinton City Zoning Ordinance, are established for all storage of LP-Gas along with the following:

(a) They shall only be permitted in Zones A-1, MP-1 and CP-2.

(b) The aggregate capacity of any one installation shall be a maximum of 2000 gallons water capacity in heavily populated and congested commercial areas of the city.

(2) Cylinders at locations, awaiting use or resale, open to the public shall be protected against vehicle impact by means, which are in accordance with good engineering practice where vehicle traffic normally is expected. Cylinders shall also be protected by either:

(a) An enclosure with at least a six (6) feet high industrial-type fence or other approved protection method. At least two means of emergency access from the fenced area or other enclosure shall be provided. Clearance of at least three (3) feet shall be provided for emergency access to the required means of egress. If guard service is provided, it shall be extended to the LP-Gas installation. Guard personnel shall be properly trained; or,

(b) A lockable ventilated metal cabinet or rack that prevents tampering with valves and pilferage of the cylinder shall be provided.

(3) Weed burners using liquefied petroleum gas will be permitted in agricultural zones only.

History: 12/75, 9/84, 9/86, 2/89, 05/10

10-8-5 Residential use of Liquefied Petroleum Gases is to be Restricted. Storage and use of Liquefied Petroleum Gases within residential zones or area shall be restricted as established in the International Fire Code and the Clinton City Zoning Ordinance.

10-8-6 Location of Tanks for Class III-B Liquids.

(1) Lubricating oil which has been drained from motor vehicles shall be stored and handled as a Class III-B liquid. Above-ground tanks for the storage of Class III-B liquids, excluding unstable liquids, shall

not exceed one thousand (1,000) gallons. They shall only be allowed in zones PZ, CP-2, and MP and shall be considered a conditional use and prior to installation must receive conditional use approval from the Planning Commission.

(2) Tanks which are part of a listed heating system designed for space heating or heating of water shall be approved as part of the construction approval process in accordance with the Model Building Codes and do not require conditional use approval of the Planning Commission.

History: 05/10

10-8-7 Locations Where Above-Ground Tanks are Prohibited. The storage of Class I and Class II liquids in above-ground tanks shall only be permitted in zones MP-1 and A-1. During construction, in areas outside of these zones, above ground tanks shall also be authorized upon written permit by the Fire Department.

History: 05/10

10-8-8 Storage of Explosives, Blasting Agents, and Fireworks. The limits referred to in Chapter 33 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, apply everywhere within the city limits.

History: 12/75, 9/86, 2/89, 05/10

10-8-9 Fire Extinguishing Systems Installation Requirements.

(1) Control valves, wall mount O.S. & Y and P.I.V. valves for automatic sprinklers shall not be located more than five (5) feet above finished floor or grade level.

(2) When an automatic fire sprinkler system serves two (2) or more occupancies, the automatic fire sprinkler system or a smoke/heat detection system shall be designed and installed so as to indicate on the main alarm panel and remote annunciator the location of a fire within the building.

History: 05/10

10-8-10 Fire Alarm Systems.

(1) Fire Alarm systems shall be divided into alarm zones when required by the Chief.

(2) When two (2) or more alarm zones are required, or the system installed is an addressable system, visible annunciation shall be provided in an area near the front main entrance. Visible annunciation shall be located where it can be read from outside of the front main entrance or it may be located on the exterior of the building in a location within ten (10) feet of the

front main entrance. A key zone map shall be located next to the main fire alarm panel and/or the annunciator panels. The key zone map shall include a floor plan of the building and be color-coded to coordinate separate notification zones or in an addressable system, the separate types of notification devices. The information that is indicated on the remote annunciator panel(s) is to match the information that is provided on the main fire alarm panel. This map shall be covered with a protective covering. The main fire alarm panel shall be located in an area which is deemed the most constantly attended location, such as the main office, reception desk/area or the main corridor shared by separate occupancies. The main fire alarm panel may be installed elsewhere in the building as approved by the Chief with the installation of a fully functioning remote annunciator in the areas listed above.

History: 05/10

10-8-11 Fire Department Connections.

(1) The required Fire Department Connection (FDC) of automatic fire sprinkler systems shall be of the Freestanding Fire Department Connection type and when practicable, shall be located at the front of the building at a minimum distance that is equal to 1 ½ times the height of the building. Freestanding FDC's are to be installed as per Clinton City Fire Department FDC Installation Policy. A fire hydrant shall be located within fifty (50) feet of the FDC. The alarm bell shall be installed on the street side of the building. In the event that the front main entrance of the building is located on other than the street side of the building, an additional alarm bell shall also be located on the front side of the building. The Chief shall approve the location of the FDC and the alarm bell.

(2) KNOX Locking FDC Plugs shall be provided for all newly constructed FDC's. Existing FDC's shall be provided with KNOX Locking FDC Plugs upon required replacement of the break-away type FDC caps due to breakage or removal, or as deemed necessary by the Chief. Both inlets on Siamese FDC's are to be provided with KNOX Locking FDC Plugs albeit one FDC cap is in need of replacement.

History: 05/10

10-8-12 Key Boxes. Key boxes shall be installed on all non residential, occupiable building with a monitored fire alarm system. The key box shall be of an approved type and shall contain keys and/or other devices necessary to gain access to all doors and rooms throughout the building. Key boxes shall be installed in an improved location.

History: 05/10

10-8-13 Locking Fire Department Connection Caps. KNOX Locking FDC Plugs shall be provided for all newly constructed FDC's. Existing FDC's shall be provided with KNOX Locking FDC Plugs upon required replacement of the break-away type FDC caps due to breakage or removal, or as deemed necessary by the Chief. Both inlets on Siamese FDC's are to be provided with KNOX Locking FDC Plugs albeit one FDC cap is in need of replacement.

History: 05/10

10-8-14 Private Fire Service Mains and Hydrants.

(1) Testing, inspection, maintenance, and repair of private fire hydrants shall be the responsibility of the property owner. Private fire hydrants shall be maintained in an operable condition at all times. Testing, inspection, and maintenance of private fire hydrants shall be conducted on an annual basis and after each use.

(2) The annual maintenance shall include steps as promulgated in the Private Fire Hydrant Testing, Inspection and Maintenance Policy.

(3) Visual identification of Private Fire Hydrants shall be accomplished by painting the screw on "Caps" of the hydrant black.

(4) If a private fire hydrant is defective, has been damaged or otherwise been rendered inoperable repairs or other necessary efforts must be made to render the hydrant fully operational within ten (10) working days. All repair work shall be preapproved by the Clinton City Public Works Department and inspected and approved by Clinton City Public Works Department after repairs have been made. If the property owner fails to comply within the ten (10) working days a fine of not more than One Hundred Dollars (\$100.00) will be levied against the property owner each day the hydrant remains out of service.

(5) Every five (5) years, a fire flow test of the fire service main piping shall be conducted as outlined in National Fire Protection Association (NFPA) Standard 291 Recommended Practice for Fire Flow Testing and Marking of Hydrants. Fire flow tests shall be conducted by a person trained in the procedures specified in NFPA 291 and the conducting of the test shall be coordinated with Clinton City Public Works Department.

(6) Written documentation of the testing and maintenance required in § (4) above, and (5) above shall be provided to the Public Works and Fire Departments upon the completion.

(7) In the event that any private fire hydrant is in violation of this Title or other action not in compliance with the requirements set forth here the responsible party, owner or lessee shall, at his own expense, correct the offending condition upon notice by the City as established in §10-11-4 of the Utah State Code Annotated. If the owner or lessee fails to comply with this Section within the time set in the notice from the City, the Public Works Director shall report to the City Manager and the Manager may instruct the Public Works Director to abate the nuisance as a hazardous or inconvenient condition in the manner provided by law.

History: 05/10, 10/10

10-8-15 Record Keeping.

(1) All certified contractors providing services, testing, installations, repair and/or maintenance of fire prevention systems to commercial facilities within the City are required to enroll and utilize the City approved single-point repository service company for reporting the rendered service information. This reporting information must be filed with the single-point repository service within five (5) working days of the completion of services to the commercial facility.

(2) The single-point repository service company shall be a third party records repository which shall organize, maintain and monitor the received records, providing information to the City and the commercial facility pertaining to the records status and timely notifications on required inspection timetables. Fees for this provided service shall be paid directly from the certified contractors to the City approved single-point repository service company.

(2) In addition, a copy of the record of each periodic inspection, test, servicing, repairs and maintenance shall be maintained on the commercial facilities premises, or other approved location, for a period of not less than three (3) years, unless a different period of time is specified in the International Fire Code (IFC) or other appropriate standard. Records shall be made available to the Fire Official, and if requested, a copy provided to him.

History 02/16 - Ord. 16-01

10-8-16 Adopting Amendments – Appendices to the Fire Code.

(1) Based upon recommendations from the Chief the City Council may make ordinances that are more restrictive than the Fire Code, in order to meet the

public safety needs of the City. More restrictive requirements need not be approved by the State as outlined in § (2) below.

(2) Amendments to the State adopted Fire Code proposed by the Chief shall be forwarded to the City Council to be adopted by ordinance. Amendments adopted by the Council shall not be finalized until forwarded to the State Fire Prevention Board for approval and forwarded with a recommendation to the State Legislature for appropriate action. Once enacted by the State Legislature the amendments shall be added to this Title.

(3) Adoption of appendices' to the Fire Code may be proposed, by the Chief, to the City Council and adopted by Ordinance. Once enacted by the Council the appendices shall be added to this Title by reference.

(4) Amendments to appendices' to the Fire Code may be proposed, by the Chief to the City Council and adopted by Ordinance. Once enacted by the Council the amendments shall be added to this Title.

(5) The Chief shall provide to the Utah Fire Prevention Board one copy of each ordinance enacted under this section and Utah State Code §53-7-106.

History: 12/75, 9/84, 05/10

10-8-17 Adopted Amendments to the Fire Code.
Reserved

History: 05/10

10-8-18 Adopted Appendices to the Fire Code.

(1) Appendix "A" is adopted by reference as a guide to be followed in setting up a board of appeals with the following amendments:

(a) A101.2 Membership. The membership of the board shall consist of five voting members having qualifications appropriate for dealing with appeals to the Fire Code. Members shall be nominated by the Chief subject to appointment by the Mayor with the advice and consent of the City Council. Members shall serve without remuneration or compensation, and shall be removed from office prior to the end of their appointed terms only for cause.

(b) A101.7 Meetings. The board shall meet at least annually and at intervals, to be determined by the chairman. In any event, the board shall meet within fifteen (15) days after notice of appeal has been received.

(c) A101.10 Procedures. The board shall be operated in accordance with procedures developed by the Chief and adopted by the board.

- (2) Appendix "B" is adopted by reference.
- (3) Appendix "C" is adopted by reference.

- (4) Appendix "D" is adopted by reference.

History: 05/10

Chapter 9. Open Burning Regulations

10-9-1	Open Burning Regulations
10-9-2	Burning Restrictions
10-9-3	Burning
10-9-4	Rules Associated with Open Burning
10-9-5	Community Waste Disposal
10-9-6	Fire Department Burns

10-9-1 Open Burning Regulations. Open burning is subject to Rule R307-202. Emission Standards: General Burning adopted by the Utah Division of Environmental Quality, and this chapter. All burns are subject to the "clearing index" system approved and coordinated by the Utah State Department of Environmental Quality.

History: 7/70, 6/83, 9/84, 05/10

10-9-2 Burning Restrictions. No person shall burn any trash, garbage, or other waste or conduct any salvage operation by means of an open fire except as provided in Sections § **Error! Reference source not found.** and 10-9-4.

History: 05/10

10-9-3 Burning.

(1) When not prohibited by other laws or by other officials having jurisdiction, and provided that no nuisance is created, the following types of open burning are permitted.

- (a) The burning of prunings from fruit trees when they come from an orchard with twenty-five (25) or more fruit trees.
- (b) The burning of weed growth along fence lines on cultivated lands, canals, or irrigation ditches.
- (c) The burning of stubble incident to horticultural or agricultural operations on property of a contiguous two (2) acres or more of cultivated property.
- (d) The controlled heating of orchards or other crops to lessen the chances of their being frozen, so long as the emissions from the heating shall not violate minimum standards as set by the Committee.
- (e) Outdoor grills, fireplaces, and similar devices whose primary purpose is the preparation of food.
- (f) Campfires and fires used solely for recreational purposes, under four (4) feet in diameter and under the control of a person eighteen (18) years of age or older.

(g) Indoor fireplaces.

(h) Properly operated industrial flares for combustion of flammable gases.

(2) Except for items (1)(e), (1)(f), and (1)(g) above, before conducting any open burning described in § 10-9-3 above, the applicant shall, furnish to a representative of the Fire Department the following information: The date, place, time of day, and length of time the burning is proposed to be carried on, purpose and proposed extent of the burning, the name, address, and age of the person to be in control of the burning and any other information the representative may reasonably require.

History: 05/10

10-9-4 Rules Associated with Open Burning.

(1) All fires shall be kept a minimum of twenty five (25) feet from any combustible buildings, fences, or structures.

(2) Any fire deemed a Nuisance, as to dangerous to human life or health determined by the Fire department will be extinguished immediately.

(3) An adequate means, in terms of equipment and manpower, to control or extinguish, if necessary, all fires is provided at all times there is a possibility that the fire may become uncontrolled.

(4) No fire shall be left unattended at any time.

(5) All fires shall be extinguished at once if wind velocity exceeds 20 miles per hour or becomes so strong as to blow sparks that could possibly set fire to surrounding materials.

(6) All fires shall be extinguished at dark.

(7) No open burning shall be allowed in any subdivision except as provided in this act.

(8) All burning of refuse, waste, trash, or garbage is prohibited.

History: 6/83, 9/84, 05/10

10-9-5 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 Fire Chief or Designee on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at an appropriate hearing following written application.

History: 05/10

10-9-6 Fire Department Burns.

(1) As provided in Utah State Code § 19-2-114, the provisions of R307-202 are not applicable to the controlled burning of not more than two structures per year by an organized and operating fire department for the purpose of training fire service

personnel when the United States Weather Service clearing index is above 500.

(2) Other municipalities desiring to conduct a training burn as outlined in § (1) above shall coordinate the training with the Chief and the burn

shall not be counted as one of the Fire Department's burns unless coordinated training is conducted and with the Chief's concurrence.

History: 05/10

Chapter 10. Cost Recovery

- 10-10-1 Purpose
- 10-10-2 Recovery Authorization Procedure
- 10-10-3 Liability
- 10-10-4 Expense Recovery
- 10-10-5 Uniform Fire Cost Recovery

10-10-1 Purpose. This chapter shall provide procedures for recovering costs incurred by the City for City assistance rendered in responding to hazardous material emergencies, aggravated fire emergencies and aggravated medical emergencies pursuant to 53-2-105, Utah Code Annotated.

10-10-2 Recovery Authorization Procedure. The City is hereby empowered to recover expenses from any person whose intentional or gross negligence act caused the City and/or assisting agencies to incur any expenses directly associated with responding to a hazardous material emergency, aggravated fire emergency or an aggravated medical emergency. These expenses may be collected in accordance with the following procedures:

- (1) The Chief shall determine responsibility for the emergency incident and notify the responsible party in person or by mail (first class, postage pre-paid) of the City's determination of responsibility and the expenses to be recovered.
- (2) The notice shall specify that the party determined to be responsible may appeal the Chief's decision to the City Manager. Any appeal shall be filed, in writing, with the City Recorder's Office not more than thirty days from the date of service of notice. The date of service of notice shall be the date of personal delivery or three days after the date of mailing.

(3) In the event the party determined to be responsible appeals the Chief's decision, the City Manager shall hold a hearing to consider any issues raised by the appeal. At the hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions. The City Manager shall issue a final decision assessing responsibility and expenses.

10-10-3 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.

10-10-4 Expense Recovery. In the event any person determined to be responsible for the payment of hazardous material emergency expenses, aggravated fire expenses or aggravated medical expenses fails to make payment to the City within thirty (30) days after a final determination of any appeal 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 from the determined responsible party the expenses determined to be owing, including the City's reasonable attorney's fee's and cost of the recovery.

10-10-5 Uniform Fire Cost Recovery. In an effort to uniformly bill for apparatus and personnel by fire departments in response to fire and Hazmat calls, a uniform cost recovery schedule has been recommended by the Davis County Fire Officers Association. All costs for fire apparatus and personnel incurred by Clinton City shall be billed as outlined on the Cost Recovery Fee Table. All fees' shall be reviewed from time to time by the City Council and set by resolution as part of the Clinton City Consolidation Fee Schedule.

History: 10/04

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Chapter 11. Appeals

- 10-11-1 Application to Appeal
- 10-11-2 Action by Chief Upon an Appeal
- 10-11-3 Terms of Office
- 10-11-4 Meetings
- 10-11-5 Appeal to the Boards Decision

10-11-1 Application to Appeals. Pursuant to Section 108 and Appendix “A” of the Fire Code, appeals to the requirements of the Fire Code must be submitted, in writing, to the Chief and must be filed within thirty (30) days of notice of the action taken by the Chief, Fire Marshal, or other authorized agent to the Department.

10-11-2 Action by Chief Upon an Appeal. Upon receipt of written appeal, the Chief shall convene an appeals board and follow the appeals process as

outlined in Section 108 and Appendix “A” of the Fire Code and this chapter.

10-11-3 Terms of Office. Members shall be appointed at the time an appeal is filed with the City Manager and will remain a member of the board until the appeal has been resolved.

10-11-4 Meetings. The board shall meet as often as deemed necessary by the chairman in order to resolve the filed appeal.

10-11-5 Appeal to the Boards Decision. Upon the completion of the appeals process established in the Fire Code, any person aggrieved by the decision of that board may appeal the decision to the City Manager. The appeal must be in writing and filed with the office of the City Manager within thirty (30) days of the board's decision.

History: 05/10

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Chapter 12. Ambulance Services

- 10-12-1 Purpose
- 10-12-2 Service Established
- 10-12-3 Rates and Charges

10-12-1 Purpose. The City Council finds that it is in the best interests of the health and safety of the citizens of the City for ambulance transport services to be provided by the City Fire Department. In order for the ambulance service to be self-supporting and in order to deliver the highest quality of patient care, the Fire Department shall be authorized to charge the user of ambulance services for the reasonable costs of providing those services, including those EMT or paramedic services used in ambulance transport. The City Council also finds that it is necessary to provide emergency and nonemergency ambulance services as well as ambulance services outside of the corporate limits of the City in order to operate a self-supporting ambulance service which will not require subsidy from the General Fund.

10-12-2 Service Established. The Fire Department shall provide ambulance services under the direction and supervision of the Chief.

10-12-3 Rates and Charges. The rates and charges for ambulance and paramedic transport services provided by the Fire Department shall be those maximum rates and charges determined by rule of the State Emergency Medical Services Committee under the provisions of the Emergency Medical Services System Act which rates and charges reflect the reasonable cost of providing ambulance services.

History: 05/10

Chapter 13. Fireworks

- 10-13-1 Fireworks
- 10-13-2 Utah Fire Prevention Board Rules
- 10-13-3 Limitations
- 10-13-4 Definitions
- 10-13-5 Sale, Discharge and Possession of Fireworks Restricted
- 10-13-6 Application to Sell Fireworks
- 10-13-7 Posting of Permit
- 10-13-8 Regulations Governing all Fireworks
- 10-13-9 Permanent Structures
- 10-13-10 Temporary Stands
- 10-13-11 Seizure of Fireworks – Suspension or Revocation of Permit
- 10-13-12 Days when Fireworks may be Sold
- 10-13-13 Days when Fireworks may be Discharged
- 10-13-14 Hours when Fireworks may be Discharged
- 10-13-15 Discharge of Fireworks Restricted
- 10-13-16 Business Exempt from this Chapter
- 10-13-17 Applicants for a Public Display of Fireworks or Use of Fireworks for Theatrical, Concert, Filming or Other Uses
- 10-13-18 Prohibited Acts and Activities

10-13-1 Fireworks. The sale, exposure for, use, distribution or possession of fireworks or pyrotechnics within Clinton City, except as hereinafter provided, is declared by the City Council to be against the public health, safety and welfare of the citizens of Clinton City, Utah.

History: 9/11

10-13-2 Utah Fire Prevention Board Rules. Rules, specifications, standards or requirements promulgated by the Utah Fire Prevention Board as permitted or required by the various sections of the Fire Prevention and Fireworks Act (§ 53-7-201 et seq., of the Utah Code (as amended)) are included and adopted as part of this Chapter.

History: 9/11

10-13-3 Limitations. The Clinton City Council, in order to preserve the public health, safety, and welfare, reserves the right and retains the authority to further limit or ban the use of fireworks or pyrotechnics within Clinton City beyond the guidelines established in this Chapter.

History: 9/11

10-13-4 Definitions. Definitions listed below are generally accepted by the industry; however the State Fire Marshal Office, State of Utah, periodically publishes definitions in conjunction with the “Approved Fireworks List”. Where a conflict exists between the Fire Marshal Definitions and those contained in this Section, the Fire Marshal Definitions take precedence.

“Firework” means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class “A” and “B” explosives.

“Ground and Hand-Held Sparkling Device” means:

- (1) Any cylindrical tube or fountain not exceeding $\frac{3}{4}$ ” of inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
- (2) Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
- (3) Any cylindrical tube, or illuminating torch containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;
- (4) Any pyrotechnic device or wheel capable of being attached to a post or tree containing up to six “driver” units or tubes not exceeding $\frac{1}{2}$ ” in inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;
- (5) Any device similar in design and effect to a “wheel” capable of being placed on the ground (ground spinner) and ignited; and,
- (6) Any narrow paper fuse-less tube (filter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.

“Ground Audible Device” means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels

along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.

“Combination Fireworks Device” means any device containing combinations of two or more of the effects described in subsection (1) or (2).

“Trick Noisemaker” means:

(1) Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and,

(2) Any device that produces a small report intended to surprise the user, including:

(a) A **booby trap** which is a small tube with a string protruding from both ends that ignites the friction-sensitive composition in the tube when the string is pulled;

(b) A **snapper** which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report;

(c) A **trick match** which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited; and,

(d) A **cigarette load** which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and,

(e) An **auto burglar alarm** which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

“Permanent Structure” means an unmovable building, securely attached to a foundation, housing a business licensed to sell merchandise in addition to fireworks.

“Retail Sales Locations” means both permanent structures and temporary stands where fireworks are sold.

“Temporary Stand” means a nonpermanent structure used exclusively for the sale of fireworks.

History: 06/99

10-13-5 Sale, Discharge and Possession of Fireworks Restricted. It is a Class “B” misdemeanor for any person, firm, partnership or

corporation to offer for sale, expose for sale, sell, or possess, or use, or explode any fireworks in violation of the State Fireworks Act of 1983 (11-3-1 et seq. Utah Code Annotated) and all rules and regulations related as established by the State of Utah. The sale of Class C fireworks permitted by the Act and regulations shall only be made in compliance with the restrictions established by the State, this Chapter and after acquiring a business license, as required in Title 15 of the Clinton City Code of Ordinances, with the exception of those persons only selling toy pistols, toy canes, toy guns, or sparklers. A violation of this Chapter or of the State Fireworks Act and its accompanying regulations shall be deemed to be a violation of the Ordinances of Clinton City subject to the penalties set forth by the State and in 10-5-5 of the Clinton City Code of Ordinances.

History: 06/99; 9/11

10-13-6 Application to Sell Fireworks.

(1) Prior to applying for a Clinton City Business License per § 15-12, all applicants for a business license to sell fireworks shall obtain a permit from the Clinton City Fire Department. The application for a permit shall contain, at a minimum, the following information:

(a) Describe the location where the fireworks are to be sold and a description of the location as being a temporary stand or in a permanent structure;

(b) If a Temporary Stand, a description or drawing of the site where the Stand is to be located showing any parking stalls that will be unavailable for use while the Stand is in place;

(c) Be accompanied by certificates of insurance evidencing liability coverage in the minimum amount of \$1,000,000.00 and property damage coverage in the minimum amount of \$1,000,000.00 and naming the City as an additional insured. The certificates of insurance shall state that the City will be given 10 days written notice prior to any cancellation of the insurance by the insurance company;

(d) Be accompanied by a certificate of insurance evidencing product liability coverage in a minimum amount of \$1,000,000.00; and,

(e) Be accompanied by a copy of the applicant’s Utah Sales Tax License.

(2) Applications shall be made a minimum of fourteen (14) working days prior to the time

when the applicant wishes to begin selling fireworks within the time constraints set forth in this Chapter.

History: 06/99; 9/11

10-13-7 Posting of Permit.

- (1) Permits issued pursuant to this Chapter shall be posted in a conspicuous place in a temporary stand and in a conspicuous place in the vicinity of the fireworks in a permanent structure.
- (2) The Permit shall be available for presentation upon request by duly authorized officials.

History: 06/99

10-13-8 Regulations Governing all Fireworks Retail Sales Locations.

- (1) All retail sales locations shall be under the direct supervision of a responsible person who is eighteen (18) years of age or older.
- (2) Those selling fireworks at retail sales locations shall be at least sixteen (16) years of age or older.
- (3) A salesperson, at least eighteen (18) years of age, shall remain at the sales location at all times unless suitable locking devices or secured metal storage containers are provided to prevent the unauthorized access to the merchandise by others.
- (4) Fireworks shall not be sold to any person under the age of sixteen (16) years, unless accompanied by an adult.
- (5) All retail sales locations shall be kept clear of dry grass or other combustible material for a distance of at least twenty-five (25) feet in all directions.
- (6) Storage of fireworks for sale shall not be located in residential areas.
- (7) Smoking shall not be permitted within 50 feet of any fireworks, either on display for retail sale or being stored. "Smoking Prohibited Within 50 Feet" or similarly worded signs shall be conspicuously posted at all sales and storage locations. Sign lettering shall be not less than 2" high with a minimum 3/8" stroke on a contrasting background.
- (8) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks as set forth in this Chapter. Sign lettering shall be not less than 1" high with a

minimum 3/16" stroke on a contrasting background.

(9) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the hours for discharge of fireworks as set forth in this Chapter. Sign lettering shall be not less than 1" high with a minimum 3/16" stroke on a contrasting background.

(10) All retail sales locations shall be equipped with an approved portable fire extinguisher having a combined rating of at least 2A 10BC.

(11) No amount of retail storage or retail sales of fireworks shall, by its presence, create a distinct hazard to the life or safety of the customer, employee or property.

(12) All retail fireworks sales shall be located in permanent structures or temporary stands, as defined in this Chapter.

History: 06/99; 9/11

10-13-9 Permanent Structures.

- (1) Display of Class "C" common state approved explosives inside of buildings shall be so located to ensure constant visual supervision.
- (2) In all retail sales locations in permanent structures, the area where Class "C" common state approved explosives are displayed or stored shall be at least fifty (50) feet from any flammable liquid or gas, or other highly combustible material.
- (3) In permanent structures, retail sales displays of Class "C" common state approved explosives shall not be placed in locations that would impede egress from the building.
- (4) Class "C" common state approved explosives shall only be stored, handled, displayed, and sold as packaged units, with unexposed fuses, within a permanent structure.
- (5) Display of Class "C" common state approved explosives inside of buildings protected throughout with an automatic fire sprinkler system shall not exceed twenty-five (25) percent of the area of the retail sales floor or exceed six hundred (600) square feet, whichever is less.
- (6) Display of Class "C" common state approved explosives inside of buildings not protected with an automatic fire sprinkler system shall not exceed one hundred twenty-five (125) pounds of pyrotechnic composition. Where the actual weight of the pyrotechnic composition is not

known, twenty-five (25) percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

(7) Display of Class “C” common state approved explosives inside of buildings shall not exceed a height greater than six (6) feet above the floor surface.

(8) Rack storage of Class “C” common state approved explosives inside of buildings is prohibited.

History: 06/99; 9/11

10-13-10 Temporary Stands.

(1) Temporary stands shall meet the requirements of the latest edition of the International Building Code adopted by the City. In addition, tents having an area in excess of two hundred (200) square feet shall comply with I.F.C., Chapter 24. Each licensee shall pay the inspection fee and shall be inspected prior to any sales.

(2) Each stand, trailer or tent less than two hundred (200) square feet shall have a minimum three-foot (3ft) wide unobstructed aisle running the length of the stand, inside and behind the counter.

(3) All tents where customers enter inside shall have a minimum three-foot (3ft) wide unobstructed aisle and two (2) separate exits located a reasonable distance apart, so located that if one is blocked the other will be available.

(4) Temporary stands, trailers or tents for the sale of Class “C” common state approved explosives shall be located in properly zoned areas, at least fifty (50) feet from other temporary stands, LPG, flammable liquid or gas storage and dispensing units.

(5) If the temporary stand or trailer is used for overnight storage of Class “C” common state approved explosives, it shall be equipped with suitable locking devices to prevent unauthorized entry. Tents shall not be used for overnight storage of Class “C” common state approved explosives unless on-site security is provided.

(6) Temporary stands shall not be illuminated or heated by any device requiring an open flame or exposed heating elements. All heaters and light devices shall be approved by the Clinton City Fire Marshal.

(7) The general public shall not be allowed to enter a temporary stand or trailer.

(8) A person shall not be allowed to sleep in a temporary stand.

(9) A temporary stand shall be removed within seven (7) days after the sales period has ended, as provided in this Chapter.

(10) The area used for sales of Class “C” common state approved explosives in stands, trailers or tents shall be arranged to permit the customer to only touch or handle pre-packaged Class “C” common state approved explosives. All non pre-packaged Class “C” common state approved explosives shall be displayed in a manner which prevents the fireworks from being handled by the customer without the direct intervention of the retailer who shall be able to maintain visual contact with the customer.

(11) No person shall be allowed to sleep in any temporary stand, trailer or tent in which Class “C” common state approved explosives are stored or sold.

(12) All illumination shall be installed in accordance with the temporary wiring section of the National Electric Code and approved by the authority having jurisdiction (AHJ).

History: 06/99; 9/11

**10-13-11 Seizure of Fireworks –
Suspension or Revocation of License.**

Fireworks sold or offered for sale in violation of this Chapter may be seized and destroyed and the Permit of the person selling or offering fireworks for sale may be suspended. Other violations of this Chapter may be grounds for seizure of the fireworks and suspension or revocation of the Permit.

History: 06/99; 9/11

**10-13-12 Days When Fireworks May
be Sold.** Fireworks may be sold on dates established within the Rules set by the State.

History: 06/99, 9/11

**10-13-13 Days When Fireworks May be
Discharged.** Fireworks may be discharged on dates established within the Rules set by the State.

History: 06/99, 9/11

10-13-14 Hours When Fireworks May be Discharged. A person may discharge Class C common state approved explosives in the City as follows:

- (1) Between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:
 - (a) Beginning on July 1 and ending on July 7; and
 - (b) Beginning on July 21 and ending on July 27;
- (2) Between the hours of 11 a.m. on December 31 and ending at 1 a.m. on the following day;
- (3) Between the hours of 11 a.m. on the Chinese New Year's Eve and ending at 1 a.m. on the following day.

History: 9/11, 4/12

10-13-15 Discharge of Fireworks Restricted.

- (1) It shall be unlawful to discharge any fireworks within one hundred (100) feet of temporary stands, LPG, flammable liquid, or gas storage and dispensing units.
- (2) It shall be unlawful to discharge any fireworks within twenty (20) feet of any residence, dwelling or other structure.
- (3) It shall be unlawful to discharge any fireworks in public rights-of-way, parks, or other public properties.

History: 06/99

10-13-16 Businesses Exempt from This Chapter.

- (1) This Chapter does not apply to the product inventories of firework manufacturers, importers, distributors or wholesalers designed for shipment directly out of the State.
- (2) Fireworks displays sponsored by the City.

History: 06/99, 9/11

10-13-17 Applicants for a Public Display of Fireworks or Use of Fireworks for Theatrical, Concert, Filming or Other Uses.

- (1) The Fire Department, upon receipt of application in writing, and upon proof of liability insurance may grant a permit for the public display of fireworks by religious, fraternal or civic organizations, fair associations, or other organizations or groups of individuals when such display is to be handled by a competent State of

Utah licensed operator, to be approved by the Chief of the Clinton City Fire Department. The display shall be of such character, and so located, discharged, or fired, as in the opinion of the Chief, after proper inspection, shall not be hazardous to property or endanger any person(s). After such permit shall have been granted, possession, use and distribution of fireworks for such display, shall be lawful for that purpose only.

(2) The City may require that the processes outlined in Title 15, Chapter 16 apply to any of these activities.

(3) Applicants shall:

(a) Complete an "Application for Public Display of Fireworks" provided by the Clinton City Fire Department which shall set forth the date, hour, and place of making such display; the name(s) of the person(s), firm, partnership, corporation, association or group of individuals making the display; and the name of the person(s) in charge of the igniting, firing, setting off, exploding or causing to be exploded such fireworks;

(b) Provide a site plan of location where the fireworks are to be discharged and viewed;

(c) Provide a complete list of fireworks to be discharged;

(d) Indicate the place of storing of fireworks; location of the storage place shall be subject to the approval of the Chief of the Clinton City Fire Department if within the City;

(e) Be accompanied with a certificate, acceptable to the Fire Chief, from the owner of the property where fireworks will be discharged and viewed;

(f) Be accompanied by certificates of insurance evidencing liability coverage in a minimum amount of one million dollars (\$1,000,000.00) per occurrence, with a total aggregate of four million dollars (\$4,000,000.00) designed for the payment of all damages, which may be caused either to a person(s) or to property, by reason of the display so as aforesaid licensed, and arising from any acts of the licensee, his agents or employees and naming Clinton City Corporation its officers, officials and employees as additional insured:

(i) City may require higher limits based upon potential impact of event;

(ii) The certificates of insurance shall state that the City will be given ten (10) days written

notice prior to any cancellation of the insurance by the insurance company;

(iii) Liability insurance shall be for the use and benefit of any person(s) injured or the owner of any property damaged, who is authorized to maintain an action thereon, or his heirs, executors, administrators, successors or assigns;

(g) Be accompanied with a Hold Harmless Agreement (as provided by the City);

(h) Be accompanied by a copy of the applicant's Utah State license as applicable;

(i) Applications shall be made a minimum of fifteen (15) working days prior to the date of display; and,

(j) No permit granted hereunder shall be transferable.

History: 06/99; 9/11

10-13-18 Prohibited Acts and Activities: It shall be unlawful for any person to:

(a) Ignite, explode, project or otherwise fire or use, or permit the ignition, explosion, or projection of any fireworks:

(i) Across or over public rights-of-way.

(ii) In, over or onto public parks, or other public property or the property of another.

(b) Ignite, explode, or otherwise make use of any fireworks within one hundred feet (100') of any fireworks stand.

(c) Ignite, explode, project or otherwise fire or make use of any fireworks within twenty feet (20') of any residence, dwelling or other structure.

(d) Ignite or discharge any fireworks within or throw the same from a motor vehicle.

(e) Place any ignited article of fireworks into or near a motor vehicle or near any person or group of people.

(f) Throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of people.

Ignite, explode, project, or otherwise fire or use, or assist in the ignition, explosion or projection of any fireworks in a location where such use has been prohibited by order of the Fire Marshal. It is a violation of this section for a person who ignites or assists in igniting fireworks in a lawful location to allow the fireworks to be launched into, projected over, or to land in a prohibited area. No person shall be prosecuted under this section when acting reasonably under authority of a permit issued by the City.

History: 01/10
