

TITLE 11. EMERGENCY SERVICES ¹

11.01.010. Creation of Emergency Services:

~~There is created and established an Emergency Services Department in the City to be known as the Brigham City Emergency Services Department. The department shall consist of two departments, the Fire Department and the Ambulance Department as defined herein.~~

11.01.020. Supervision Over Fire and Ambulance:

~~The Emergency Services Director shall be accountable to the Mayor and City Council and shall be responsible for effective management of the Fire and Ambulance Departments with the cooperation and assistance of the Fire Chief and the Ambulance Chief.~~

11.01.030. Emergency Management:

~~The Emergency Services Director shall be responsible for the development and management of the City's Comprehensive Emergency Management Plan for the City.~~

11.01.040. Fire Marshal:

~~The Emergency Services Director shall be responsible for the Fire Marshal duties as defined herein.~~

11.01.050. Uniform Fire Code - Adoption:

~~The "Uniform Fire Code," 1997 Edition, as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as a code in book form and as it may be subsequently amended or revised, three copies of which, including changes, have been filed for use and examination by the public in the Office of the City Recorder, is hereby approved and adopted, with the exceptions set forth herein, as the Fire Code of the City.~~

~~In order to clarify and further define the authority, duties and responsibilities of both the Brigham City Fire Marshal and the Brigham City Fire Chief, the following sections of the Uniform Fire Code shall be changed to provide that the term "Fire Marshal" shall be substituted and inserted in the place of every reference to the term "Fire Chief":~~

~~101.3; 101.4; 103.1.1,2-4; 2.1.3-7; 2.1.1-3.1.1; 3.1.3; 3.2.2; 4.1.2; 105.4-7; 202-A Approved; 209-High Pile; 217-P Pyrotech; 220-S Spray Area; 223-V Vapor Area; 901.4.2-5; 901.6; 902.2.1; 2.2.1; 2.2.5; 3.1; 903.2-3; 1001.4; 1001.5.2-3; 5.3.1; 5.4-5; 10; 1002.1; 1003.3.1; 4; 1006.2.8; 1007.3.3.6.1; 3.3.7; 3.4.1; 3.4.2; 3.4.3; 1102.2.5; 3.8; 4.5; 1103.2.4; 3.2.6; 3.3.4; 3.5.1; 1109.4.1; 4.2; 8.3; 1111.2.3; 1202.1; 1207.3; 1213.2; 1303.3.5.3.2; 1303.4.2; 2401.13.6; 2402.5.2; 2402.6; 2501.3; 4.2; 14; 16.3; 18; 2504.2.3.1; 3004.4.2; 5.2; 3006.5; 3008.6; 10; 3206.1; 3406; 3407; 3506; 3601.5.2; 4502.2.7; 4704; 4901.4.1; 5.2; 5101.10.3.2.1; 12.2; 5202.3.8; 3.9; 5.1; 6.3; 11.5.5; 13.2.1; 13.3.2; 13.4; 5204.10.2.2; 10.2.3.1; 6301; 6304; 6306; 6320.2; 4; 6323; 7501.4.2; 14; 7502.3.1.3; 3.2.2; 7701.3.1; 4; 7.1; 7.3; 8; 7702.1.15; 7703.1.2; 1.6; 2.3; 2.15; 3.1; 3.5; 7704.2.1; 2.2; 9.4; 7801.3.1.2; 7802.2; 4.3; 4.4.1; 4.9.2; 4.9.4; 4.9.5; 7803.7; 8.1.1; 8.2; 9; 7901.4.2.1; 4.3; 7.4; 9.1; 9.3; 11.10; 7902.1.2; 1.7.2.3; 1.7.4.1; 1.8.2.6; 1.8.2.7; 2.2.7; 2.3.1; 2.4.1; 2.6.3.4; 2.8.1; 5.10.2.5; 6.11; 6.15.1; 6.16.1; 6.16.3; 7903.2.1.5; 4.3; Table 3-A; 7904.2.7; 3.3.3; 4.6.7; 5.1.2; 5.2.6; 5.3.6; 6.5.2.1; 6.6; 8001.1.3; 3.1; 3.2; 3.3; 5.2.2; 7; 15.1; Table 8003.6-B; 8101.3.2; 3.3; 8102.6.1; 7.1; 9.1; 8104.5.1; 5.2; Table 81-A; 8202.1; 2; 8204.1; 8208; 8212.14; 2.1; 8703; 8704.4.2; 8; 15; 16; 17; 8706.2; 3; 6 8707.2~~

~~To further clarify and define the authority, duties and responsibilities of both the Brigham City Fire Marshal and the Brigham City Fire Chief, the following sections of the Uniform Fire Code shall remain unchanged from "Fire Chief":~~

~~101.5; 102.1; 103.2.1; 2.1.1; 3.1.2; 3.2.1; 4.1.1; 4.1.3; 4.3.3; 4.4; 104.1.1; 1.2; 1.3; 2; 3.1; 204-C Chief; 902.2.4.2; 4; 903.4.1.2; 1001.6.1; 6.3; 9; 1303.3.3.2; 7702.1.11; 7703.2.12; 8001.5.2.5~~

11.01.060. Fire Prevention Bureau:

~~Section 103.2.2.1 of the Uniform Fire Code, 1994 Edition shall be amended to provide as follows:~~

¹ Entire Title revised with Ordinance No. 00-21, dated 5/18/00

~~_____ A. A Fire Prevention Bureau shall be established by the Mayor with the consent of the City Council. The Fire Prevention Bureau shall consist of the fire marshal as chairman and other Fire Department personnel appointed thereto by the Mayor with the consent of the City Council. All such appointments shall be based upon appropriate qualifications and shall continue during good behavior and satisfactory service at the pleasure of the City Council.~~

~~_____ B. The fire marshal shall enforce the Uniform Fire Code on a full-time basis with assistance as needed from the Fire Prevention Bureau.~~

11.01.070. Fire Department Investigators - Report:

~~_____ A. The chief of the Fire Department may detail such members of the Fire Department as investigators as shall, from time to time, be necessary. The chief of the Fire Department shall recommend to the City Council the employment of technical investigators, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.~~

~~_____ B. A report of the fire department shall be made annually and transmitted to the Mayor and City Council. Said report shall contain all proceedings with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also make recommendations which, in his judgment, shall be desirable.~~

11.01.080. Same - Definitions:

~~_____ A. Wherever the word "municipality" is used in the Uniform Fire Code, it shall be held to mean the Brigham City Corporation.~~

~~_____ B. Wherever the term "corporation counsel" is used in the Uniform Fire Code, it shall be held to mean the Brigham City Attorney.~~

11.01.090. Same - Modifications:

~~_____ The fire marshal, with approval of the City Council, shall have power to modify any of the provisions of the Uniform Fire Code upon application in writing by the owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.~~

11.01.100. Same - Appeals To Board of Appeal From Decision Of Fire Marshal:

~~_____ Whenever the fire marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire marshal to the Board of Appeal as outlined within the Uniform Fire Code.~~

11.01.110. Same - Determination Of New Processes, Etc., Requiring Permits:

~~_____ The City Council and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Uniform Fire Code. The fire marshal shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.~~

11.01.120. Same - Penalties For Violation:

~~_____ A. Any person who shall violate any of the provisions of the code adopted by Section 11.01.130, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who 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 herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a Class B Misdemeanor.~~

~~_____ B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.~~

CHAPTER 11.02. FIRE DEPARTMENT.

11.02.005. Creation of Fire Department:

~~There is created and established a Fire Department in the City to be known as the Brigham City Fire Department. The members of the Department may adopt by-laws and such other rules and regulations as may be necessary for the effective operation of the Department, including requirements for membership therein. All by-laws and such other rules and regulations governing the operation of the Fire Department shall be approved by the City Council.~~

11.02.010. Officers of Fire Department:

~~The officers of the Fire Department shall include a fire chief, one assistant chief, one first captain, one second captain, one first lieutenant, one second lieutenant, one secretary, one assistant secretary and one treasurer, each elected annually by the department membership. The names of the elected officers shall be submitted to the Mayor for confirmation by the City Council.~~

11.02.015. Supervision over Fire Department and Equipment:

~~The Fire Chief shall be accountable to the Emergency Services Director, subject to the order and direction of the Mayor and City Council, and shall be responsible for the Fire Department and all fire apparatus belonging to the City.~~

11.02.020. Persons Ineligible for Fire Department Membership:

~~The Fire Department shall consist of not more than forty members. Persons residing outside the corporate limits of the City are not eligible for membership in the Fire Department.~~

11.02.025. Policy Compliance:

~~Officers and members shall familiarize themselves with, and conform to, all federal law, state statutes, court decisions, rules and regulations, policies, procedures and orders of Brigham City and their department as they affect their duties and operation of the Fire Department.~~

11.02.030. Violation of Order:

~~Violation of any rule, regulation, policy and/or order of the City or verbal order of a fire officer shall be reported through proper channels to the chief for proper action. Violation will be punishable according to Brigham City Policy Article IX.~~

11.02.035. Smoking Prohibited:

~~Members shall conform to the City's smoking policy.~~

11.02.040. Use of Alcohol and Drugs:

~~No individual shall report for, or be on duty, or drive a City vehicle while under the influence of alcohol, drugs, or compounds, including those prescribed by a license physician, that will in anyway adversely affect alertness, coordination, reaction, response, or safety. The unlawful manufacture, distribution, dispensation, possession or use of alcoholic beverages or controlled substances by members of the Fire Department when on duty, on a call or on City property, is hereby prohibited and subject to the rules of City Policy IX.10 and IX.11.~~

11.02.045. Fire Department Duties Generally:

~~It shall be the responsibility of the chief and the members of the Fire Department to keep the department up to the required number of volunteers and officers. The members shall keep the fire apparatus in good order and ready for use and drill.~~

11.02.050. Filling Vacancies:

~~All vacancies that may occur from death, resignation, removal or otherwise in the Fire Department shall be filled pursuant to the City's "Filling of Vacancies" policy Article VI and VII.~~

11.02.055. Oath of Members:

~~All members of the Fire Department shall subscribe to an oath supporting the ordinances and policies of the City and rules, regulations and by-laws of the Fire Department.~~

11.02.060. Chief in Charge at Fires:

~~It shall be the duty of the fire chief, in all cases, to take and have control of all members of the Fire~~

~~Department and all persons assisting at fires. The Chief shall take all proper measures for the extinguishment of fires, the protection of property, the preservation of order at and in the vicinity of fires and to secure the observance of all ordinances and regulations respecting fire. It shall be unlawful for any person to disobey any order of the chief made in pursuance of this section.~~

~~11.02.065. Duty of Police at Fires.~~

~~It shall be the duty of the Chief of Police and members of the Police Department to keep open a space of two hundred feet upon all sides of the fire and cause the observance of all ordinances pertaining to fires.~~

~~11.02.070. Police Powers.~~

~~Every member of the Fire Department, while on duty, shall have special police powers:~~

~~11.02.075. Reports to Council; Control and Direction of Mayor and Council.~~

~~It shall be the duty of the fire chief to prepare a written report to the City Council quarterly, specifically March, June, September and December, and more often if required, on the condition of the equipment, fire apparatus and fire alarms and to recommend such additions to fire-fighting equipment as he or she may deem expedient. The Fire Department shall at all times be subject to the control and direction of the Mayor and City Council.~~

~~11.02.080. Aid from Citizens.~~

~~It shall be lawful upon any fire alarm for the chief or officers in charge to require the aid of any citizen or conveyance. Any person so called upon who shall refuse or neglect to obey the lawful orders of any officer shall be deemed guilty of a misdemeanor.~~

~~11.02.085. Compensation.~~

~~The compensation of the Fire Chief, selected officers and the members of the Fire Department shall be fixed by the Mayor and Council by resolution from time to time. Officer compensation shall be paid with City payroll. All other compensation to the Fire Department membership shall be paid quarterly.~~

~~11.02.090. Senior and Honorary Status.~~

~~All members of the Fire Department will receive senior status when physical conditions necessitate (determined by City policy). Upon receiving senior status they will not be eligible to respond to fires as firefighters; however, they will be eligible to participate in a limited function, specifically for in-house training and drills. Senior members shall receive compensation for their limited activity.~~

~~Members of the Fire Department shall move from senior status to honorary status when physical conditions necessitate (determined by City policy). Honorary members may attend drills and training but will not receive any compensation for their attendance.~~

~~11.02.095. False Fire Alarms.~~

~~It shall be unlawful for any person to sound or cause to be sounded any fire alarm when there is no necessity for the sounding of such alarm or to falsely alarm or unnecessarily call out the Fire Department.~~

11.01.010. Creation of Emergency Services.²

There is created and established an Emergency Services Department in the City to be known as the Brigham City Emergency Services Department. The department shall consist of three departments, the Fire Department, the Ambulance Department and the Emergency Management Department as defined herein.

11.01.020 Supervision Over Fire, Ambulance and Emergency Management Departments.

The Emergency Services Director shall be accountable to the City Administrator and shall be responsible for effective management of the Fire, Ambulance, and Emergency Management Departments with the cooperation and assistance of the Fire Chief, Ambulance Chief and the Emergency Management Committee. During disasters, emergencies and special events, the Emergency Services Director will follow the organizational chart as outlined in the City's Emergency Operations Plan.

² Chapters 01 and 02 completely revised with Ordinance No. 06-06, dated 06/15/06.

11.01.030. Emergency Management.

The Emergency Services Director shall be responsible for the development and management of the City's Comprehensive Emergency Management Plan for the City, in cooperation with the City's Emergency Management Committee. This plan will address the four phases of Emergency Management, which include Preparedness, Response, Recovery and Mitigation. The Emergency Services Director will also coordinate the City's Homeland Security Plan.

11.01.040. Fire Marshal

The Emergency Services Director shall be responsible for the Fire Marshal duties as defined herein.

11.01.0505. International Fire Code Adoption.

The "International Fire Code" 2003 Edition, as adopted by the International Conference of Building Officials and the Western Fire Chiefs Association and printed as a code in book form and as it may be subsequently amended or revised, three copies of which, including changes, have been filed for use and examinations by the public in the Office of City Recorder, is hereby approved and adopted, with the exceptions set forth herein, as the Fire Code for the City.

In order to clarify and further define the authority, duties and responsibilities of both the Brigham City Fire Marshal and the Brigham City Fire Chief, the following sections of the International Fire Code shall be changed to provide that the term "Fire Marshal" shall be substituted and inserted in the place of every reference to the term "Fire Chief: 101.3; 101.4; 103.1.1,2-4; 2.1.3.7; 2.1.1-3.1.1; 3.1.3; 3.2.2; 4.1.2; 105.4-7; 202-A Approved; 209-High Pile; 217 Pyrotech; 220-S Spray Area; 223-V Vapor Area; 901.4.2.5, 901.6; 902.2.1, 2.2.1, 2.2.5, 3.1; 10001.5.2-3, 5.3.1, 5.4-5; 10; 1002.1; 1003.3.1.4; 1006.2.8; 1007.3.3.6.1, 3.3.7, 3.4.1, 3.4.2, 3.4.3; 1102.2.5, 3.8, 4.5; 1103.2.4, 3.2.6, 3.3.4, 3.5.1; 1109.4.1, 4.2, 8.3; 1111.2.3; 1202.1; 1207.3; 1213.2; 1303.3.5.3.2; 1303.4.2; 2401.13.6; 2402.5.2; 2402.6; 2501.3, 4.2, 14, 16.3, 18; 2504.2.3.1; 3004.4.2, 5.2; 3006.5; 3008.6-10; 3206.1; 3406; 3407; 3506; 3601.5.2; 4502.2.7; 4704.4.1; 4901.4.1, 5.2; 5101.10.3.2.1, .12.2; 5202.3.8.9, .5.1, 6.3, .11.5.5, 13.2.1, 13.3.2, .13.4; 5204.10.2.2., 9.4; 7801.3.1.2; 7802.2, .4.3, .4.4.1, 4.9.2, .4.9.4, 4.9.5; 7803.7, .8.1.1, 8.2, 9; 7901.4.2.1, .4.3, 7.4, .9.1, ;9;3, .11.10; 7902.1.2, 1.7.2.3, 1.7.4.1, 1.8.2.6, 1.8.2.6, 1.8.2.7, .2.2.7, .2.3.1, .2.4.1, .2.6.3.4, .2.8.1, .5.10.2.5, .6.11, 6.15.1, .6.16.1, .6.16.3; 7903.2.1.5, .4.3, Table .3A; 7904.2.7, .3.3.3, .4.6.7, .5.1.2, 5.2.6, .5.3.6, 6.5.2.1, .6.6; 8001.1.3, 3.1, 3.2, 3.3, .5.2.2, .7, 15.1; Table 8003, .6-B; 8101.3.2, .3.2, .3.3; 8102.6.1, .7.1, .9.1; 8104.5.1, .5.2, Table 81-A; 8202.1, .2; 8204.1; 8208; 8212.14, .2.1; 8703; 8704.4.2, .8, .15, .16, .17; 8706.2, .3, .6, 8707.2

To further clarify and define the authority, duties and responsibilities of both the Brigham City Fire Marshal and the Brigham City Fire Chief, the following sections of the International Fire Code shall remain unchanged from the "Fire Chief": 101.5; 102.1; 103.2.1, .2.1.1, 3.1.2, 3.2.1, .4.1.1, 4.1.3, 4.3.3, .4.4; 104.1.1, .1.2, .1.3, .2, .3.1; 204-C Chief; 902.2.4.2, .4; 903.4.1.2, 1001.6.1, .6.3, .9, 1303.3.3.2; 7702.1.11; 7703.2.12; 8001.5.2.5.

11.01.060. Fire Prevention Bureau.

Section 103. (Section 103.2.2.1) of the International Fire Code 2003 Edition shall be amended to provide as follows:

A. A Fire Prevention Bureau shall be established by the Mayor with the consent of the City Council. The Fire Prevention Bureau shall consist of the Fire Marshal as chairman and other Fire Department personnel appointed thereto by the Mayor with the consent of the City Council. All such appointments shall be based upon appropriate qualifications and shall continue during good behavior and satisfactory service at the pleasure of the City Council.

B. the Fire Marshal shall enforce the International Fire Code on a full time basis with assistance as needed from the Fire Prevention Bureau.

11.01.070. Fire Department Investigators-Report.

A. The Chief of the Fire Department may detail such members of the Fire Department as investigators as shall, from time to time, be necessary. The Chief of the Fire Department shall recommend to the City Council the employment of technical investigators, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term.

B. A report of the Fire Department shall be made annually and transmitted to the Mayor and City Council. Said report shall contain all proceedings with such statistics as the Fire Chief may wish to include

therein. The Fire Chief shall also make recommendations which, in his judgement shall be desirable.

11.01.080. Definitions.

A. Wherever the word "municipality" is used in the International Fire Code, it shall be held to mean the Brigham City Corporation.

B. Wherever the term "corporation counsel" is used in the International Fire Code, it shall be held to mean the Brigham City Attorney

11.01.090. Modifications.

The Fire Marshal, with the approval of the City Council, shall have the power to modify any of the provisions of the International Fire Code upon application in writing by the aggrieved owner or lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Marshal thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

11.01.100. Appeals To Board of Appeal From Decision of Fire Marshal.

Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Marshal to the Board of Appeal as outlined within the International Fire Code.

11.01.110. Determination of New Processes, etc., Requiring Permits.

The City Council and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the International Fire Code. The Fire Marshal shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

11.01.120. Penalties for Violation.

A. Any person who shall violate any of the provisions of the code adopted by Section 11.01.130, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certification or permit issued thereunder, and from which no appeal has been taken, or who 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 herein, shall severally, for each and every violation and non-compliance respectively, be guilty of a Class B Misdemeanor.

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

CHAPTER 11.02. FIRE DEPARTMENT

11.02.005 Creation of Fire Department.

There is created and established a Fire Department in the City to be known as the Brigham City Fire Department. The members of the Department may adopt by-laws and such other rules and regulations as may be necessary for the effective operation of the Department, including requirements for membership therein. All by-laws and such other rules and regulations governing the operation of the Fire Department shall be approved by the City Council.

11.02.010. Office of Fire Department.

The officers of the Fire Department shall include a fire chief, one assistant chief, one first captain, one second captain, one first lieutenant, one second lieutenant, one secretary, one assistant secretary and one treasurer, each elected annually by the department membership. The names of the elected officers shall be submitted to the Mayor for confirmation by the City Council.

11.02.015 Supervision Over Fire Department and Equipment.

The Fire Chief shall be accountable to the Emergency Services Director, subject to the order and direction of the City Administrator and shall be responsible for the Fire Department and all leased vehicles,

equipment and fire apparatus belonging to the City.

11.02.020. Persons Ineligible for Fire Department Membership.

The Fire Department shall consist of not more than forty (40) active members and ten (10) support members, with total membership set at fifty (50). Persons residing outside of the corporate limits of the city are not eligible for membership in the Fire Department.

11.02.025. Policy Compliance.

Officers and members shall familiarize themselves with, and conform to, all federal law, state statutes, court decisions, rules and regulations, policies, procedures and orders of Brigham City and their department as they affect their duties and operations of the Fire Department.

11.02.030. Violation of Order.

Violation of any rule, regulation, policy and/or order of the City or verbal order of a fire officer shall be reported through proper channels to the Chief for proper action. Violation will be punishable according to Brigham City Employee Policies and Procedures .

11.02.035. Smoking Prohibited.

Members shall conform to the City's smoking policy.

11.02.040. Use of Alcohol and Drugs.

No individual shall report for, or be on duty, or drive a City vehicle while under the influence of alcohol, drugs, or compounds, including those prescribed by a license physician, that will in anyway adversely affect alertness, coordination, reaction, response, or safety. The unlawful manufacture, distribution, dispensation, possession or use of alcoholic beverages or controlled substances by members of the Fire Department when on duty, on call or on City property, is hereby prohibited and subject to the rules of the City Employee Polices and Procedures.

11.02.045. Fire Department Duties Generally.

It shall be the responsibility of the chief and the members of the Fire Department to keep the department up to the required number of volunteers and officers. The members shall keep the fire department apparatus in good condition and ready for use.

11.02.050. Filling Vacancies.

All vacancies that may occur from death, resignation, removal or otherwise in the Fire Department shall be filled pursuant to the City's hiring practices as outlined in the City Employee Polices and Procedures.

11:02.055 Oath of Members.

All members of the Fire Department shall subscribe to an oath supporting the ordinances and policies of the City and rules, regulations and by-laws of the Fire Department.

11.02.060 Chief in Charge at Fires and Emergencies.

It shall be the duty of the Fire Chief or his/her designee, in all cases, to take charge and maintain control of all members of the Fire Department and all persons assisting at fires. The Chief shall take all proper measures for the extinguishment of fires, the protection of property, the preservation of order at and in the vicinity of fires and to secure the observance of all ordinances and regulations pertaining to fire and emergencies. It shall be unlawful for any person to disobey any order of the chief in pursuance of this section.

11.02.065. Duty of Police at Fires.

It shall be the duty of the Chief of Police and members of the Police Department to maintain a secure perimeter at the fire/emergency scene.

11.02.070. Police Powers.

Every member of the Fire Department, while responding to, shall have special police powers.

11.02.080. Aid from Citizen.

It shall be lawful upon any fire alarm for the chief or officers in charge to require the aid of any citizen

or conveyance. Any person so called upon who shall refuse or neglect to obey the lawful orders of any officer shall be deemed guilty of a misdemeanor.

11.02.085. Compensation.

All fire department members are classified as part time city employees. Compensation is fixed by the Mayor and City Council as part of the city budgeting process. Officers compensation shall be paid with the regular scheduled city payroll and all others will be compensated on a quarterly basis.

11.02.090 Active Status.

Active members of the Fire Department are certified as Firefighter I, II or have firefighter experience. These members perform fire suppression activities, fire investigations, fire scene overhaul, vehicle extrication, fire support activities, other activities as outlined in the Utah Fire and Rescue Academy Firefighter training outline, active members may also perform all activities outlined under the Support and Honorary status, as outlined in this code.

11.02.90A. Support and Honorary Status.

All members of the Fire Department will receive support status when they can no longer perform the essential functions of active status as described in Section 11.02.090 active status.

Upon receiving support status they will not be able to respond to fires as firefighters, however, they will be able to respond and perform the following activities: driver/engineer, equipment operator, recovery and salvage activities, extrication, hazardous materials operations, public information officer, communications investigators, inspectors, public education, wild land support, safety officers, mobile command operators and other support activities as assigned by the officer in charge. They will be eligible to participate in "in house training"/drills and will function as mentors to new members of the Fire Department.

Support members shall receive compensation for their activities and will be eligible to participate in the City's insurance benefits under existing conditions. Attendance percentages are waived.

Members of the Fire Department shall move from support when they can no longer perform the essential functions of support status as described in Section 11.02.090A Support and Honorary Status. Honorary members may attend drills and training but will not receive any compensation for their attendance or insurance/benefits. Honorary members shall not be allowed to vote or to hold office.

CHAPTER 11.03. AMBULANCE DEPARTMENT.

11.03.005. Creation of Ambulance Department.

There is created and established an Ambulance Department in the City to be known as the Brigham City Ambulance Department. The members of the Department may adopt by-laws and such other rules and regulations as may be necessary for the effective operation of the Department, including requirements for membership therein. All by-laws and such other rules and regulations governing the operation of the Ambulance Department shall be approved by the City Council.

11.03.010. Officers of Ambulance Department.

The officers of the Department shall include an Ambulance Chief, assistant chief, secretary and training officer each elected annually by the department membership. The names of these officers shall be submitted to the City Council for confirmation.

11.03.015. Supervision over Ambulance Department and Equipment.

The Ambulance Chief shall be accountable to the Emergency Services Director, subject to the order and direction of the Mayor and City Council, for the Ambulance Department and all ambulance apparatus belonging to the City.

11.03.020. Persons Ineligible for Ambulance Department Membership.

The Ambulance Department shall consist of not more than thirty members. Persons residing outside the corporate limits of the City are not eligible for membership in the Ambulance Department.

11.03.025. Policy Compliance.

Officers and members shall familiarize themselves with, and conform to, all federal law, state statutes, court decisions, rules and regulations, policies, procedures and orders of Brigham City and their department

as they affect their duties and operation of the Ambulance Department.

11.03.030. Violation of Order.

Violation of any rule, regulation, policy and/or order of the City or verbal order of an ambulance officer shall be reported through proper channels to the chief for proper action. Violation will be punishable according to Brigham City Policy and Procedure, Article IX.

11.03.035. Smoking Prohibited.

Members shall conform to the City's smoking policy.

11.03.040. Use of Alcohol and Drugs.

No individual shall report for, or be on duty, or drive a City vehicle while under the influence of alcohol, drugs, or compounds, including those prescribed by a license physician, that will in anyway adversely affect alertness, coordination, reaction, response, or safety. The unlawful manufacture, distribution, dispensation, possession or use of alcoholic beverages or controlled substances by members of the Fire Department when on duty, on a call or on City property, is hereby prohibited and subject to the rules of City Policy IX.10 and IX.11a.

11.03.045. Ambulance Department Duties Generally.

It shall be the responsibility of the chief and the members of the Ambulance Department to keep the department up to the required number of volunteers and officers. The members shall keep the vehicles and equipment in good order and ready for use and drill.

11.03.050. Filling Vacancies.

All vacancies that may occur from death, resignation, removal or otherwise in the Ambulance Department shall be filled pursuant to the city's "Filling of Vacancies" policy Articles VI and VII.

11.03.055. Oath of Members.

All members of the Ambulance Department shall subscribe to an oath supporting the ordinances and policies of the City and rules, regulations and by-laws of the Ambulance Department.

11.03.070. Police Powers.

Every member of the Ambulance Department, while on duty, shall have special police powers.

11.03.075. Reports to Council; Control and Direction of Mayor and Council.

It shall be the duty of the ambulance chief to prepare a written report to the City Council quarterly, specifically March, June, September and December, and more often if required, on the condition of the equipment and to recommend such additions to ambulance equipment as he or she may deem expedient. The Ambulance Department shall at all times be subject to the control and direction of the Mayor and City Council.

11.03.080. Aid from Citizens.

It shall be lawful upon any ambulance alarm for the chief or officers in charge to require the aid of any citizen or conveyance. Any person so called upon who shall refuse or neglect to obey the lawful orders of any officer shall be deemed guilty of a misdemeanor.

11.03.085. Compensation.

The compensation of the Ambulance Chief, selected officers and the members of the Ambulance Department shall be fixed by the Mayor and Council by resolution from time to time. Officer compensation shall be paid with City payroll. All other compensation to the Ambulance Department membership shall be paid quarterly.

11.03.090. Senior and Honorary Status.

All members of the Ambulance Department will receive senior status when physical conditions necessitate or when State EMS Regulations cannot be met (determined by City policy). Upon receiving senior status they will not be eligible to respond to ambulance calls; however, they will be eligible to participate in a limited function, specifically for in-house training and drills. Senior members shall receive compensation for their service as defined.

Members of the Ambulance Department shall move from senior status to honorary status as physical conditions necessitate (determined by City policy). Honorary members may attend drills and training but will not receive any compensation for their attendance.

11.03.085. False Alarms.

It shall be unlawful for any person to sound or cause to be sounded any ambulance alarm when there is no necessity for the sounding of such alarm or to falsely alarm or unnecessarily call out the Ambulance Department. Violation of this section shall be a Class B Misdemeanor.

11.04. PUBLIC SAFETY COST RECOVERY.³

11.04.010. Title.

The provisions of this chapter may be cited and referred to as the "Brigham City Public Safety Cost Recover Ordinance."

11.04.020. Purpose.

This chapter shall provide procedures for recovering expenses incurred by Brigham City in connection with any response to a Hazardous Materials Emergency, an Aggravated Fire Emergency or an Aggravated Medical Response, as defined herein.

11.04.030. Definitions.

A. "Hazardous Materials Emergency" means a sudden or unexpected release of any substance that, because of its quantity, concentration or physical or chemical or infectious characteristics, presents a direct or immediate threat to public safety or the environment and requires action to mitigate the threat.

B. "Aggravated Fire Emergency" means:

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

a. is caused or contributed to by the failure to comply with an order from any State, County, City or local agency, department or official; or

b. occurs as a direct result of an act in violation of state law or the ordinances and/or regulations of Brigham City or other local agency.

2. a fire that constitutes arson or reckless burning as defined by the Utah Code.

3. an alarm that results in a fire unit and/or fire personnel being dispatched by Brigham City, and the person transmitting, or causing the transmission of the alarm, knows or should have known at the time of said transmission that no fire or fire related emergency exists.

C. "Aggravated Medical Emergency" means an alarm that results in a fire or ambulance (medical) unit and/or fire and ambulance personnel being dispatched by Brigham City, and the person transmitting or causing the transmission of the alarm knows or should have known at the time of said transmission that no medical emergency exists.

D. "Emergency Response Expenses" means the actual costs incurred by Brigham City and volunteer personnel, including worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal and cost of any contract labor and materials, in responding or providing a response to a Hazardous Materials Emergency, and Aggravated Fire Emergency or an Aggravated Medical Emergency.

11.04.040. Recovery Authorization and Procedure.

A. Brigham City is hereby empowered to recover Emergency Response Expenses incurred by virtue of its response to a Hazardous Materials Emergency, Aggravated Fire Emergency or an Aggravated Medical Emergency, from any person, corporation, partnership or other individual or entity who caused such a response, pursuant to the following procedure:

1. The Brigham City Emergency Services Department shall determine responsibility for the emergency or response as defined above and notify the responsible party by mail of the department's determination of responsibility and the expenses to be recovered.

2. The notice shall specify that the determined responsible party may appeal the department's

³ Ordinance No. 01-21, 4/19/01

decision before a hearing officer designated by the City Council and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

3. In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing the appealing party and the Emergency Services Department or other local government shall be entitled to present evidence in support of their respective positions.

4. After the hearing, the hearing officer shall make a recommendation to the City Council, which shall issue a decision determining responsibility and assessing expenses. The City Council may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The City Council may, in its sole discretion, hear additional evidence prior to issuing its decision.

11.04.050. No Admission of Liability.

The payment of Emergency Response Expenses determined owing under this Chapter does not constitute:

- A. an admission of liability or negligence in any legal action for damage; or
- B. a criminal fine.

11.04.060. Actions to Recover Expense.

In the event the party or parties determined to be responsible for Emergency Response Expenses fail to make payment to Brigham City within thirty (30) days after a final administrative determination of any appeal, or thirty (30) days from the deadline for appeal in the event no appeal is filed, Brigham City may initiate legal action to recover from the determined responsible party the Emergency Response Expenses determined to be owing, including the reasonable attorney's fees, and costs incurred by Brigham City in such legal action.