



**SOUTH SALT LAKE
CITY ON THE
MOVE**

CITY COUNCIL

SHARLA BEVERLY
RYAN GOLD
IRVIN JONES
KEVIN D. RAPP
MIKE RUTTER
DEBBIE SNOW
ROY TURNER

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
P 801.483.6027
F 801.464.6770
TTY: 711

ORDER OF SPICAL MEETING

As provided by Section 10-3-502, Utah Code Annotated 1953, as amended, we, the undersigned members of the City Council, order a **Special Meeting** of the City Council of the City of South Salt Lake to be held at **6:00 p.m.** on **Wednesday, July 16, 2014**, for the purposes set out in the attached agenda for such meeting. Public notice of the meeting shall be given pursuant to Sections 10-3-502 and 52-4-202, Utah Code Annotated 1953, as amended.

Dated this 11th day of July, 2014.

**CHERIE WOOD
MAYOR**

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
P 801.464.6757
801.464.6770
TTY: 711

Special Meeting Agenda

Pursuant to order of Special Meeting signed by two members of the South Salt Lake City Council on July 11, 2014, notice is hereby given that the South Salt Lake City Council will hold a Special Meeting on **Wednesday, July 16, 2014**, in the City Council Chambers, 220 East Morris Avenue, commencing at **6:00 p.m.**, or as soon thereafter as possible.

Conducting: Irvin H. Jones, Jr., Council Chair

Items for Discussion and Vote:

1. An Ordinance of the City of South Salt Lake City Council Imposing Additional Fire Code Requirements Related to the Outdoor Storage of Wood Chips and Associated Materials.


Motion for Closed Meeting

THOSE NEEDING AUXILIARY COMMUNICATIVE AIDS OR OTHER SERVICES FOR THIS MEETING SHOULD CONTACT CRAIG D. BURTON AT 483-6027, GIVING AT LEAST 24 HOURS' NOTICE.

CRAIG D. BURTON
CITY RECORDER
July 11, 2014

Each of the Deseret News and Salt Lake Tribune was advised of the Special Meeting of the Council to be held Wednesday, July 16, 2014 by fax transmittal of the foregoing Agenda on Friday, July 11, 2014.

Dated this 11th day of July, 2014.



Craig D. Burton, City Recorder

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

The undersigned, the duly qualified and acting City Recorder of the City of South Salt Lake, does hereby certify that on the 11th day of July, 2014, pursuant to Utah Code Annotated Section 52-4-6 (1953), as amended, there was posted (at least 24 hours prior to the meeting time) at the regular meeting place of the City Council of the City of South Salt Lake, written Notice of the Agenda of the Work Meeting of the Council, a copy of which is attached and incorporated herein as Exhibit "A." The undersigned does further certify that there was mailed or delivered to all persons shown on Exhibit "B," Notice of Agenda of the above mentioned regular meeting, a copy of which is attached hereto and incorporated herein.

Name: CRAIG D. BURTON
Title: CITY RECORDER

Signature: _____


Witnessed the 11th day of July, 2014 by
Name: SHERI MILLER

Signature: _____




CITY COUNCIL

SHARLA BEVERLY
RYAN GOLD
IRVIN JONES
KEVIN D. RAPP
MIKE RUTTER
DEBBIE SNOW
ROY TURNER

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
P 801.483.6027
F 801.464.6770
TTY: 711

CHERIE WOOD MAYOR

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE CITY
UTAH
84115
P 801.464.6757
801.464.6770
TTY: 711

SPECIAL MEETING
SOUTH SALT LAKE CITY COUNCIL
July 16, 2014

As provided by Section 10-3-502, Utah Code Annotated, 1953, as amended, pursuant to Order of Special Meeting signed by two members of the City Council on July 11, 2014, the City Council of City of South Salt Lake met in a Special Meeting at 6:00 p.m. on July 16, 2014, in Council Chambers.

PRESIDING Council Chair Irvin H. Jones, Jr.

CONDUCTING Council Chair Irvin H. Jones, Jr.

COUNCIL MEMBERS PRESENT:
Sharla Beverly, Ryan Gold, Irvin Jones, Jr.,
Kevin Rapp, and Michael Rutter

COUNCIL MEMBERS EXCUSED:
Debbie Snow and LeRoy Turner

STAFF PRESENT:
Mayor Cherie Wood
Charee Peck, Chief of Staff
Lyn Creswell, City Attorney
Paul Roberts, Deputy City Attorney
Ron Morris, Fire Chief
Boyd Johnson, Fire Marshal
Pam Juliano, Human Resource Director
Craig Burton, City Recorder

OTHERS PRESENT:
See attached list

ITEMS FOR DISCUSSION AND VOTE:

1. **An ordinance or the City of South Salt Lake City Council imposing additional fore code requirements related to the outdoor storage of wood chips and associated materials.** Deputy City Attorney, Paul Roberts, advised that the City had a significant fire at a business which sells piles of mulch which revealed just how serious of a hazard these can be to neighboring property owners and identified the need for more restrictive regulations for the business. The ordinance before the Council tonight is a regulation which will make these types of businesses safer and protect neighboring property owners. This is an ordinance of general applicability. It is not targeting a specific business but targeting a specific fire hazard. The regulations in this ordinance are for large scale operations.

There was discussion of the proposed ordinance regarding the size of piles and how close they could be to each other.

Council Member Rutter asked if the City fires code that were not sufficient with the State code.

Fire Marshal Johnson explained that the State of Utah has adopted a state fire code and it has been adopted as the City's fire code. So, the City's fire code is the same as the State's.

Council Member Rutter surmised that this ordinance is an additional code that will give more protection to businesses and citizens in South Salt Lake.

Fire Marshal Johnson agreed.

Fire Chief, Ron Morris, advised that, in his opinion, the State Code is not restrictive enough for the City of South Salt Lake. That is why this ordinance is being presented tonight.

Council Member Rutter asked if there was anything that could be done to totally eliminate this from happening.

Chief Morris said there is not.

Council Member Beverly asked how the City will insure that the businesses are regularly monitoring the internal temperature and regularly wetting the piles.

Fire Marshal Johnson said the company has instruments to measure the temperature electronically.

Council Member Rutter asked why this ordinance wasn't crafted before now. Why did it take a fire like this to catch their attention?

Fire Marshal Johnson answered that codes are changed when incidents happen. He would love to be able to prevent every fire from occurring. The fire code is an historical document that is updated every three years based upon what has occurred.

Council Chair Jones opened the meeting to public comment.

Steve Getz, President of American West Labs, 463 West 3600 South. Since his building has burned they will probably lose their fire insurance. His industry is very specialized and they have a hard time finding insurance and without insurance they can't operate. He also raised the issue of property rights. They have been there since 1991 they would like to stay. Diamond Tree has moved in and created a threat to every building within two to three blocks. Everyone's

insurance rates are going to go up. He asked that this be dealt with quickly. He gave the City three computer discs full of the history of complaints since 2006.

Rick Skoggin, owner of Adrenalin Service. He has filed numerous complaints. He's had the Board of Health out to check it out. He has lost customers. They have stuff blowing in all the time. Diamond Tree just says just blow it off. He feels everyone should have a peaceful place to work where you can come and not have a mess at your front door, on your shirts, in your eyes, in your nose.

Bill Archer, owner of a building just south of Diamond Tree. He thinks Diamond Tree is a good business but they have outgrown their existence in the area. When they first came in it wasn't anything like it is now. He feels there has been neglect by the City and the Fire Department. It's been a problem twice in one week and it's been a problem before that. Property values are going down and it's hard to lease in the area because of orders and particulates in the air. If they can't lease their buildings it's going to affect the City and the business owners around. It's up to the City and Fire Department to do something about it.

Kelly Steele, 3653 South 500 West owner of the trampoline park. They had to evacuate early because of the fire and lost revenue. They do reap the benefit of the smell. People come into their business plugging their noses. There is a lot of debris blowing around. Their air conditioners wouldn't work the day after the fire. Filters had to be changed. Tomorrow they are coming to look at the swamp coolers. She feels there's a better place for their business. Maybe produce the mulch elsewhere and have this location be their sales office. She would appreciate whatever the City can do and whatever Diamond Tree can do as well.

Sharon Opferman, owner of Camp Bow Wow, 3600 South 500 West. Her issues are the dirt that comes over and lands on their client's cars, they get dirt in their eyes, the smell is horrendous. They can cut the flies with a knife. Other companies in the area said they never had flies until Diamond Tree came. They can't eat lunch at work because the flies are all over everything. Diamond Tree has been good to try and alleviate some of the issues. She's grateful for their efforts but it has become a business that does not fit within the community. She hopes there is a better solution than just changing the fire code.

James Tracy, attorney representing Diamond Tree. Diamond Tree has been in business since 1968 in this area. They've only had the fires recently; they haven't been a problem in the past. Since the fire they have reduced the size of the pile by over fifty percent. His concern about the ordinance is that no portion of any pile can be located within seventy-six feet of a property line. He suggested that people who buy mulch for resale usually store it against their property line in a little bin. The ordinance doesn't limit this to just the big piles. He would like the ordinance to apply for big piles and not for small ones.

Matt Brooker, 515 Fine Drive. The biggest thing he has noticed in his year of living here is the constant issues. He wants to have a dialogue on safety with Diamond Rental. He was watching what he thought was a life threatening issue. He asked that the City look at this as a safety precaution for all of the people when considering what action to take.

Edna Pierce, lives two blocks from Diamond Tree. The number of trucks going up and down the street is a nuisance. She has to sweep up three buckets of debris every week or it is a total mess. She has lived here for 50 years and she feels she should have some say in what the business does, even in coming and going.

Steve Broadrick, owner for the building just north of Diamond Tree. He feels Diamond Tree is a great company and provides a great service to the area. He just feels that the area has outgrown and has established more of a retail center than when they first went in business. For him the debris is the biggest problem. He's had seven tenants move into his building and then leave early. They won't stay in that environment.

Jay Hatch, Subdivision off 500 West. The debris coming off the trucks that go up and down the street are not only Diamond Tree vehicles but customers who buy the product. Edna Pierce, who spoke earlier, is out a couple of nights a week sweeping up the debris. She has been warned by neighbors and her husband that she may get hit by a car. His eyes have been burning continually since last spring. He feels it's from the debris. When the smells from the meat plant and the mulch mix together it turns your stomach.

Rick Morgan, Morgan Excavating, 3452 South 500 West. He has been there between forty and fifty years. He supports Diamond Tree. He hasn't really smelled Diamond Tree and what the others have talked about. He disagrees with those who say they have debris in the eyes. You can get dust anywhere when the wind blows. Everyone lives with that. Diamond Tree tries to keep things clean in front of his place and does very well. He doesn't see a problem with what Diamond Tree is doing or how dirty the road is. Maybe he could reduce his piles a little bit. Everyone has accidents. It could happen to anyone.

End of public comments.

Council Member Beverly asked if Diamond Tree had privacy slats in their chain link fence and would it help with the debris problem.

Council Chair Jones thought they screening on their fences but not privacy slats.

Craig Rhoads, American West Laboratories. Upon their request, Diamond Tree put up a screen twenty feet high, they were hoping they would go as high as the telephone pole. They did secondarily come up with a much higher screen on

the north side, approximately 35 feet high that would be better than slats in the fence.

Mr. Tracy advised that the company does have privacy slats on the front side of building on 500 West.

Ms. Steele said her company was the one that paid to put up blue tarp to block out the vision of Diamond Tree. When the winds blow south, they have no protection. On the north side they did the tall netting and she wishes they would do the south side by them.

Council Member Rutter asked if the pass the ordinance tonight, what can be done to make changes, additions or deletions to it.

Mr. Roberts said if the ordinance is ineffective it can be brought back for further considerations. It's always open to further discussion if it is not working.

Council Member Rapp asked about the storage of small piles having to be 75 feet from the property line and wondered if that could be changed.

Fire Marshal Johnson explained that they need a twenty-eight foot wide fire lane and an additional fifty-foot buffer. The buffer seemed to be a reasonable from the studies he did regardless of the size of the pile. There are provisions on site now for concrete and jersey barrier where small piles are located. Those piles are very small. His concern is how big is too big for the amount of water and equipment the Fire Department has.

Mr. Roberts added that a smaller pile may not spontaneously combust but it still would be combustible. So, if another fire occurred the large break between piles would be able to be contained on site rather than spreading to several piles. If the Council feels they would like to change the distance for smaller piles, staff could consider that and if the Fire Marshal thinks it is safe, certainly they could consider it.

Council Member Gold asked if reducing the pile size would change the amount of debris scattered around the neighborhood.

Mr. Skoggin said when the wind blows the debris swirls right on him. He is in the middle of the building north of Diamond Tree. The piles were small and he has complained. Diamond Tree said they would put up a bigger fence to stop it but it doesn't. It still comes in. No matter the size of the fence the wind is going to pick it up and dump it in there. It's not good for the engines he is working on. Diamond Tree told him to just blow it out of the engines and sweep it out. It's not good for the engines and filters.

Council Member Gold asked if Diamond Tree was keeping the piles wet and if that helped.

Mr. Skoggin answered that they are but it is not helping.

Trent Van Dam, owner of Diamond Tree. He can decrease the pile or take it away. It's going to be a lot that is bear dirt. When the winds are blowing forty to sixty miles an hour you are going to get the dust and debris. The complaints come in when they are having microburst winds or really strong winds. He can't prevent it. Decreasing the pile is going to help but it is not going to illuminate everything. When the microburst winds blow it is not just his dust blowing around. He put up a screen that is thirty feet tall and got numerous emails thanking him for doing that.

Council Member Gold said he was trying to envision how high the pile was.

Mr. Van Dam said it was about to the top of the fence.

Council Member Gold said the reports he heard were up to fifty feet.

Mr. Van Dam said it may have been close to fifty feet, it wasn't sixty-five feet.

Council Member Gold said he's just trying to see if a pile that is less than twenty feet will have as much chance of blowing over through a screen that is thirty feet tall.

Mr. Van Dam said the way it was designed was to contain it.

Mr. Roberts advised that there is a proposed amendment to the ordinance which says, "Any person who operates a business which generates, collects or sells chipped or ground-wood based materials, including wood chips, hogged material, or compost as a major function of the business, and which stores more than 3,600 cubic feet of such product outdoors at any one time, shall comply with the provisions of this section. Nothing in this section shall prevent the fire marshal or other fire authority from enforcing generally applicable fire codes to smaller piles of such materials, in appropriate circumstances."

Council Member Rutter moved to approve the ordinance with above amendment.

MOTION: Mike Rutter
SECOND: Sharla Beverly

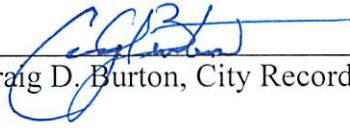
Voice Vote:

Beverly	Aye
Gold	Aye
Jones	Aye
Rapp	Aye
Rutter	Aye
Snow	Absent
Turner	Absent

The Special Meeting of the Council adjourned at 7:12 p.m.



Irvin H. Jones, Jr., Council Chair



Craig D. Burton, City Recorder

July 16, 2014

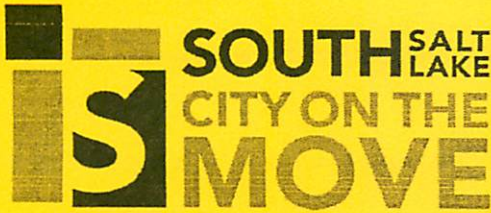
CITY COUNCIL - SPECIAL MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
Ep:		Diamond tree Experts
Mark Braun		Diamond Tree Experts
Miguel Garcia		Diamond Tree Experts
Terrence Colvin		Diamond Tree Experts
Hector Luis Sanchez		Diamond Tree Experts
Anthony Hayward		Amicus Unlimited
Cory Britton		American West Labs
Karin Erb		American West Labs
Leslie Jones	235 W. 3680 So	self - resident
Doreen Wynn	551 Fine Dr	Home owner - self
Cynthia Timon	557 Fine Dr.	Home owner - self
Pamela Manson		Salt Lake Tribune
Yuan B...		Diamond Tree
Sarah Lee		Diamond Tree Experts
Per Matheson		Diamond Tree Experts
Sean Doughten		Diamond Tree Experts
Rachel J...		Diamond Tree Expert
John Galt	123 ANY TOWN	RESIDENT
Rick Morgan	3452 SO. 500 W	OWNER MORGAN EX
Mark Johnson		CJE
Scott Johnson		CJE

July 16, 2014

CITY COUNCIL - SPECIAL MEETING
LIST OF ATTENDEES

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
ELVIN SORLAND		DIAMOND TREE
RANDY DANJANOVICH		DIAMOND TREE
Trent Van Dam		Diamond Tree
James K. Tracy		Diamond Tree
Ed WINTON	2992 So 600 E	SELF
Curtis Wilson		Diamond Tree.
Dustin Woods		Diamond Tree
Clay Chan		DIAMOND TREE
Dustin Chorn		Diamond Tree
Rob Chorn	3645 So 500 W.	Diamond Tree
Brittney Finneyan		Diamond
Michael Finneyan		Diamond
Brian Ostler		Diamond Tree
Clint Wright		Diamond tree Exp.
JOSE MARTINEZ		Diamond Tree exp.
Chris Pagan		Diamond Tree exp.
John J Peterson		diamond tree exp.
Nichole Anderson		Diamond Tree Exp.
Tiffany Van Dam		Diamond Tree Exp
Leticia Guzman		Diamond Tree EXPORTS
Jeremy Farrimond		Diamond Tree Exp
N. Travis 'RED' Green		DIAMOND TREE EXPERTS
Matt Erkeleus		Diamond Tree EXPERTS



COMMUNITY DEVELOPMENT DEPARTMENT
220 East Morris Avenue, Suite 200
South Salt Lake City, Utah 84115
(801) 483-6000 telephone
(801) 483-6060 fax
www.southsaltlakecity.com

REQUEST FOR NUISANCE DETERMINATION

What is a Nuisance Business?

A nuisance business is a commercial business, property, single family or duplex rental that is deteriorating into havens for crime to the degree that a nuisance is created, ruining the safe, peaceful, and quiet enjoyment of property of neighbors, citizens, and patrons of other businesses.

What type of conduct is considered a nuisance?

Nuisances are divided into two categories – See Title 5.05 for more information:

Criminal Conduct

Means any of the following offenses that has the place of business as its locus, and can be reasonably linked to a patron, invitee, manager, owner or employee of the business, or a resident or occupant of the place of business:

- any offense designated as a felony under Utah law;
- the unlawful sale, manufacture, service, storage, distribution, dispensing or acquisition of any controlled substance, precursor, paraphernalia or analog;
- violent acts, threats of violence, or child abuse;
- intentional damage to other person's property;
- burglary of a vehicle or possession of burglary tools;
- any form of theft;
- riot or failure to disperse;
- animal fighting;
- lewdness or voyeurism;
- dangerous weapon offenses;
- environmental contamination;
- gambling;
- prostitution or promotion of prostitution.

Objectionable Conditions

Means conditions which are disruptive to the quiet enjoyment of neighboring residential or business uses, or the harassment of patrons of other businesses or other passers-by, such as:

- disturbances of the peace and harassment of passersby;
- intoxication, drinking in public and public urination;

- gambling, prostitution, and lewd conduct;
- gang activity, drug trafficking,
- extensive littering, rodent harborage, parking violations, unlawful accumulation of solid waste;
- unlawful discharges of hazardous materials; and
- fouling of the air with offensive odors or contaminants, excessive dust, or excessive loud noise.

How many acts must occur at a place of business before it can be determined to be a nuisance?

Criminal Conduct

A business is or has created a nuisance if, within one-hundred eighty (180) consecutive days, three or more separate incidents of criminal conduct occur at or within the place of business, between the period of time between one hour before opening and one hour after closing.

Objectionable Conditions

A business nuisance is created in the presence of objectionable conditions for more than one occasion over the course of one-hundred eighty (180) days.

How much does a nuisance determination cost?

There is no cost to apply for a nuisance determination.

What is the process?

1. A neighboring resident or business owner initiates a nuisance determination by submitting a request for nuisance determination, to the Director of Community Development;
2. Once a request for nuisance determination is submitted to the Department, it will assess whether the complaint is sufficient to proceed to mediation. A complaint is sufficient if credible, objective evidence of the objectionable conditions or criminal activity is presented. Objectionable conditions must be of the type which would support a nuisance determination under Utah law. If the Department does not proceed to mediation, it must provide a written response to the complainant explaining its decision within ten (10) calendar days of receipt of the request;
3. If the Community Development Director determines there is sufficient evidence to proceed, the Department shall contact or attempt to contact the business owner, during the business's regular business hours, and offer to mediate the dispute between the parties. If mediation does not work, then the request will be referred to the City's Administrative Law Judge for hearing and review;
4. If the parties are able to reach a resolution through mediation which includes remediation of the conditions which are the subject of the complaint, then an agreement shall be entered between the business owner and the City in which the business owner agrees to promptly mitigate the objectionable conditions. A corrective plan shall impose timelines and provide for penalties in the event the business owner does not complete the corrective actions. The plan is reviewed and approved by the Administrative Law Judge;

5. Failure to comply with the corrective plan shall result in the case being submitted to the Administrative Law Judge for enforcement of its provisions;
6. If the parties are not able to reach an agreement which resolves the complainant's concerns within thirty (30) days from the beginning of mediation, then the request for nuisance determination shall be forwarded to the Administrative Law Judge;
7. Once a request for nuisance determination is received by the Administrative Law Judge, the matter shall be placed on the next available calendar for which appropriate notice may be served, or a special setting may be convened;
8. A hearing is held before the Administrative Law Judge, witnesses may be called to testify and evidence may be presented;
9. When the Administrative Court has entered a finding of nuisance, it enters orders to require remediation of the nuisance, and other penalties, as appropriate. The business is subject to the continued supervision of the Administrative Court for the next six months.

Where can I find the Nuisance Business Ordinance?

The ordinance can be found on the City's website on the Community Development page
The ordinance can also be found under Municipal Code 5.05 – Nuisance Business

Any other questions?

Director of Community Development

Michael Florence

(801) 412-3225

mflorence@southsaltlakecity.com

Deputy Director / Housing Administrator

Francis Xavier Lilly

(801) 412-3224

flilly@southsaltlakecity.com

Business License Official

Julie Taylor

(801) 483-6031

julie.taylor@southsaltlakecity.com

EMERGENCY CITY COUNSEL MEETING ABOUT DIAMOND TREE!!!

PLEASE SHOW YOUR SUPPORT...

**LET THE CITY HEAR FROM YOU AND HOW DIAMOND TREE AFFECTS
YOUR BUSINESS, HEALTH, AND FUTURE!**

Wednesday, July 16th

6:00PM

SOUTH SALT LAKE CITY HALL

220 East Morris Avenue, 2nd Floor, South Salt Lake



Request for Nuisance Determination
 Community Development Department
 220 East Morris Avenue Ste 200
 South Salt Lake City, UT 84115
 801.483.6011 Fax 801.483.6060
 www.southsaltlakecity.com

Applicant Information			
Name Jay & Patricia Hatch			
Address 3800 So 565 W			
City SLC	State UT	Zip 84115	Phone Number 801 262-7634
Email			
Nuisance Information			
Address of Nuisance			
Name of Business Diamond Tree Service			
Criminal Conduct Nuisance			
For Criminal Conduct Nuisances please list at least three within the past 180 days (all criminal nuisance claims must be verified with South Salt Lake Police Department). See the cover sheet for a list of possible criminal conduct nuisances that may apply			
1. Oversize Mulch Piles Fire & Wind Danger			
2.			
3.			
Objectionable Conditions Nuisance			
Please describe all objectionable conditions that are being created by the commercial business, and the dates of each occurrence. A separate sheet of paper may be used to describe such conditions.			
1-Too large of Mulch Piles 2 Fires in past wk or 2			
2-Constant Smell from Rotting wood in air			
3-2 many heavy trucks hauling Mulch for Deteriorating asphalt Roads			
4-Constant Cleaning Home Sidewalks & Gutters, Driveways Blowage etc			
5-Concern for Older People Sweeping Road ways in 5th W Traffic			
Office Use			
Received By		Date Received	

SALT LAKE COUNTY)
 : ss.
STATE OF UTAH)

AFFIDAVIT

I/we _____, being duly sworn, depose and say that I/we am/are the individual(s) identified in the above Request for Nuisance Determination; that I/we have read the request and attached exhibits; and that said contents are in all respects true and correct based upon my personal knowledge.

Signature

Subscribed and sworn to before me this ___ day of _____ 20 _____.

Notary Public
Residing in Salt Lake County, Utah
My commission expires: _____



Request for Nuisance Determination
 Community Development Department
 220 East Morris Avenue Ste 200
 South Salt Lake City, UT 84115
 801.483.6011 Fax 801.483.6060
www.southsaltlakecity.com

Applicant Information			
Name George & Edna Pierce			
Address 3800 South 500 West			
City So. Salt Lake	State UT.	Zip 84115	Phone Number 801-267-496
Email edna.h.pierce@hotmail.com			
Nuisance Information			
Address of Nuisance 3600 So. 500 West			
Name of Business Diamond Tree (mulch-etc.)			
Criminal Conduct Nuisance			
For Criminal Conduct Nuisances please list at least three within the past 180 days (all criminal nuisance claims must be verified with South Salt Lake Police Department). See the cover sheet for a list of possible criminal conduct nuisances that may apply			
1.			
2.			
3.			
Objectionable Conditions Nuisance			
Please describe all objectionable conditions that are being created by the commercial business, and the dates of each occurrence. A separate sheet of paper may be used to describe such conditions.			
Office Use			
Received By		Date Received	

SALT LAKE COUNTY)
 : ss.
STATE OF UTAH)

AFFIDAVIT

I/we _____, being duly sworn, depose and say that I/we am/are the individual(s) identified in the above Request for Nuisance Determination; that I/we have read the request and attached exhibits; and that said contents are in all respects true and correct based upon my personal knowledge.

Signature

Subscribed and sworn to before me this ____ day of _____ 20 _____.

Notary Public
Residing in Salt Lake County, Utah
My commission expires: _____

Regarding South Salt Lake –the offending business Diamond Tree Experts-and the people trying to live in the Area.

We have lived in South Salt Lake for over 50 years and have seen many changes in the area. It has gone from a rural area with farms, horses -and fields- and residential homes to a commercial area and our little section was sandwiched between all this and we suffer because money, big business control and political issues are all mixed together. 5th West has become a thoroughfare with trucks and businesses going at all hours of the day and night. In front of our home there is a recessed manhole which when trucks and cars go over it we hear a (very loud) BANG and it shakes the pictures loose on our walls. This can't be good on the vehicles either. Never the less the Diamond Tree trucks and other vehicles going to and from the mulch yard with their loads spread debris along the road. It flies out of their trucks and clutter up the road and gutters. Every week I have to go out and get an average of two to three buckets of debris to dispose of so that the front of our yard won't be littered. I'm 82 and my husband is 91 and I can't think someone of that age needs to go out on a weekly basis to clean up after an empire business. Don't they care about our environment or is it just a situation of a large enterprise taking over the area. Low and behold a street sweeper did come by on Monday. I am sure it was because of the situation . They stirred up dust across the street that covered all of the cars parked at the Handicapped Business. That is the 1st time they have come around in months and months. If even twice a year we are doing good to see them. **THIS BUSINESS NEEDS TO BE RESPONSIBLE AND HAVE ONLY COVERED VEHICLES AND REQUIRE THOSE TAKING AWAY COMPOST TO DO THE SAME!** It has become a safety factor now ...with 3 fires in one month. The 1st on July 3rd ...and then the big one on the 10th with flames like rolling lava and smoke so bad that even the freeways and other roads had to be closed. Still firefighters fought through the night and still another fire started again the next day. Several business were in danger and had the winds blown to the south many other business's would have been destroyed. What about the animals and children in the apartments and houses. **THIS PLACE NEEDS TO BE PUT IN A PLACE FAR AWAY FROM ANY CIVILATION.** Because they pay a revenue for their business license...how can this compensate for the harm they are doing. Don't let them pull the wool over your eyes....look at the rights of the other people and places involved. Thank you!

B

SATURDAY JULY 12, 2014

DESERET NEWS

MANAGING EDITOR, RICK HALL 801-237-2110



SALT LAKE BUDDHIST TEMPLE TO HOST
OBON FESTIVAL OF JOY TODAY

B2

MORMON TABERNACLE CHOIR TO BE IN
FEATURE LENGTH MOTION PICTURE

B2

local

Neighbors complain of mulch pile that burned

■ BY MIRANDA COLLETTE
AND WHITNEY EVANS
DESERET NEWS

SOUTH SALT LAKE — Spontaneous combustion caused a mulch fire that burned through Thursday night, then reignited Friday morning and sent one firefighter to the hospital, investigators said.

The Diamond Tree Experts Green Waste Disposal Facility was where the 50- to 60-foot-

high mulch pile first caught on fire at 3600 S. 500 West. It's the same place where a compost pile went up in flames on July 3.

About 65 firefighters and crew members employed bulldozers and backhoes to pull the pile apart and squelch the heat source. Crews battled the blaze throughout the night.

Heavy winds blew burning mulch around, igniting the roofs of two nearby businesses after the fire began Thursday

evening and burned for nearly 12 additional hours, causing hundreds of thousands of dollars in damage.

American West Analytical Laboratories was one of the businesses that caught fire. According to Kyle Gross, the facility's lab director, damages could total anywhere from \$500,000 to \$1 million. He hopes the mulch pile is completely moved by the end of the week.

As of late Friday afternoon,

50 percent of the mulch pile had been relocated. But South Salt Lake Fire Marshal Boyd Johnson said a portion of the pile will remain.

"There are plans for them to expand their business, not necessarily in our town ... but we are still going to have an element of their company here," Johnson said.

The city's community development director, Mike Florence, said South Salt Lake issued

the Diamond Tree Experts a business license in 2006, which took into account the mulch pile but did not include height regulations.

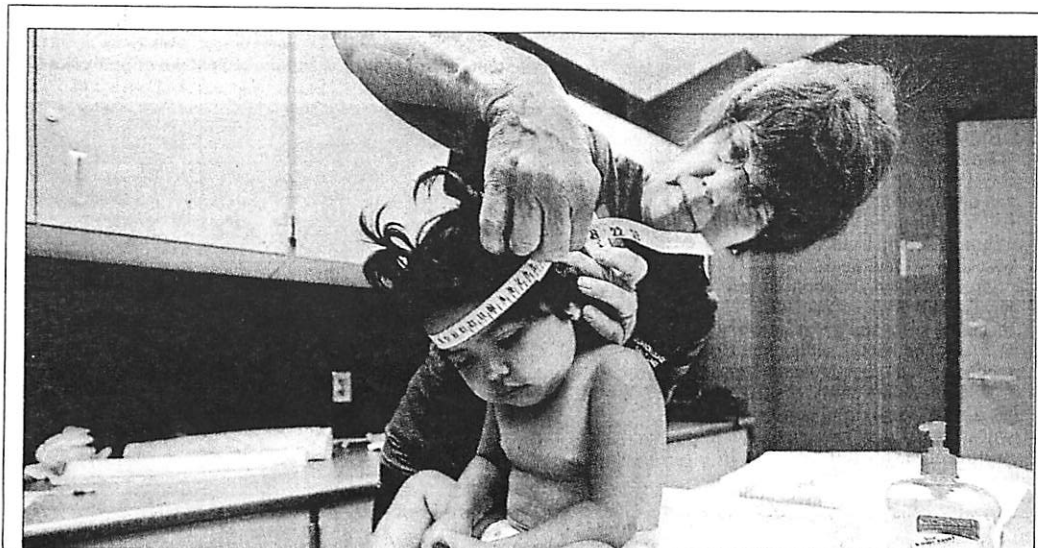
"On June 30, I went over and spoke with them about the pile height and let them know that it was too high and that it needed to be reduced," said John Hoggan, environmental health scientist at the Salt Lake Valley Health Department.

Although South Salt Lake

Mayor Cherie Wood recognizes that surrounding businesses have been unhappy with the closeness and height of the pile, she said the city couldn't have done anything about the issue in the past.

"We've heard the complaints of the surrounding businesses, and each time we've responded by sending out the appropriate agency to do the investigation.

FIRE B6



Study outlines costs of keeping Fairpark

■ BY MORGAN JACOBSEN
DESERET NEWS

SALT LAKE CITY — The state will need to spend around \$33 million to keep the Utah State Fairpark alive, according to a study assessing future options for the park.

It's a hefty but worthwhile investment in a piece of Utah history, said Fairpark Community Councilman Tom King.

"It's one of the key assets in

Utah Division of Facilities Construction and Management to examine the existing conditions of the grounds and the options to continue hosting the state fair there or taking it elsewhere.

The study says the \$33 million is needed over a 20-year period, but roughly half of that is required immediately to bring the historic buildings up to code, according to division spokeswoman Marilee Richins.

"If they choose to continue

Compost fire in S. Salt Lake closes roads, limits visibility

BY MCKENZIE ROMERO AND ALEX CABRERO
DESERET NEWS

SOUTH SALT LAKE — A fire at a compost pile near I-15 Thursday closed nearby freeways and roads and kept firefighters working through the night to protect nearby businesses.

The fire kicked up at the same Diamond Tree Experts compost pile that ignited July 3.

Roads near the fire, 3645 S. 500 West, were closed about 7:30 p.m. as smoke hampered visibility and crews responded to the scene.

The closures impacted I-15, I-80 and state Route 201.

Lanes re-opened shortly before 9 p.m. and light rain shortly after 10 p.m. helped knock down smoke. But drivers were warned about

limited visibility into the night.

Nearby 500 West remained closed and firefighters from several agencies were expected to fight the blaze through the night. The compost pile is more than 50 feet deep and an acre in size, causing concern about possible hotspots hidden below the surface.

Nearby businesses like Camp Bow Wow, which housed more than 50 dogs at the time of the fire, were warned they might be asked to evacuate. Meanwhile, crews searched nearby roofs for spot fires.

Surrounding businesses have complained to South Salt Lake City about Diamond Tree Experts and its compost pile.

"I just don't understand why South Salt Lake, first of all, would allow those

people to have a business permit that does that type of business in this area where there are literally thousands upon thousands of warehouses and retail," said Bill Archer, who owns a nearby warehouse.

South Salt Lake Deputy Fire Chief Kevin Bowman said the problem is being considered.

"We need to get it down, it's definitely creating a problem," Bowman said. "Our fire marshal is working with them, as a matter of fact we talked about it just this morning, and I know that pile is in the process of being reduced, it's just going to take a little bit of time."

The cause of the fire was unknown Thursday night as crews focused first on containing the blaze.

EMAIL: mromero@deseretnews.com
TWITTER: McKenzieRomero

One killed in overnight I-15 crash

LEHI — One person was killed and another injured in an early morning accident, and police were unsure Thursday if a third person was also involved.

About 1:20 a.m., a Nissan Altima traveling south on I-15 had just gone over the Point of the Mountain into Utah County, said Utah Highway Patrol Sgt. Todd Royce. The vehicle was crossing several lanes and the motorist was "driving

erratically," he said.

As the vehicle was swerving, the driver clipped a semitrailer that was parked on the right side shoulder and then rolled, Royce said.

Orem resident Chancey Merrikk, 21, was ejected from the vehicle and killed, he said. A second person suffered serious injuries that are not life-threatening. There were also reports of a third person at the scene,

but emergency crews were unable to find anyone. Investigators were looking Thursday at whether a third person walked away from the crash scene or if there were only two people in the vehicle.

Due to the driving pattern prior to the accident, Royce said investigators were looking into whether the vehicle was impaired.

— Paul

Capitol Reef prepares for '14 fruit harvest

CAPITOL REEF NATIONAL PARK — Cherries, apricots, peaches, plums, apples and pears are typically available for harvest each summer at Capitol Reef National Park. The prediction for the 2014 fruit season shows that apples, pears and peaches should be in good supply.

"Fruit harvest times should range from early July through October," said Leah McGinnis, park superintendent.

Up-to-date fruit harvest information and pricing is recorded on the Capitol Reef Fruit Hotline, 435-425-3791, as fruit ripens and specific harvest start dates are determined, as well as the park's Facebook page and Twitter feed.

Climbing fruit trees is not permitted in the park. The National Park Service provides special fruit picking ladders.

Use care when picking and carefully read and follow posted instructions on ladder use.

Capitol Reef National Park uses the receipts from fruit sales to defray the cost of maintaining the orchards. The historic Fruita orchards are among the largest in the National Park System and were established beginning in the 1880s by Mormon pioneer residents of Fruita.

LETTER

FROM B2

to prescription drugs began when she was diagnosed with a terminal blood disorder called hereditary angioedema, an illness that causes her body to swell.

Over the last 10 months while behind bars. Vaillancourt

She described Walker as very smart and very funny, but admits their relationship was hard to describe.

"Never in a million years would I have ever, I never would have ever imagined him doing something like this — ever," she said.

On Tuesday, Walker pleaded guilty to aggravated murder, a first-degree felony for killing

facing two counts of obstruction of justice for her role in the case. Her next court hearing is scheduled for July 15.

Johnson was just 10 minutes away from finishing his graveyard shift on Sept. 1 when he stopped to assist a vehicle that appeared to have been involved in a crash near 13200 S. Fort St.

Need Cash Now?

We Want to Make You a Loan!

\$100 - \$3000 Today!
Quick Loan 801-776-8181

30 Minute Service

36th Anniversary Sale

Save up to

60%!

Sierra West JEWELERS

• Orem • Salt Lake

• Murray •

800-411-80

OBITUARIES

FROM B5



Cindy Davis
1963-2014

Cindy Davis returned to the arms of her Heavenly Father on July 9, 2014, at the Utah Valley Reg. Med. Center in Provo, UT. She was born Mar. 21, 1963, to William P. and RaNae C. Davis in SLC. Cindy loved babies, people (once a friend, always a friend), her family, music, Memory

Games, swimming, pulling faces for the camera, Special Olympics, 4th of July sleep outs, lunch with Mom and Dad, coming home for holidays and her birthday, and her care givers. She lived at the Lindon Care and Training Center, Lindon, UT. for 23 years before moving to the Provo Care Center a year ago.

She is survived by her parents, brother Clark C. Davis (Becky), sisters Margie D. Ungricht (Ben) and Liz Davis, nieces and nephews Phillip, William and MaryAnn Davis, Susannah, Eliza, John and Walker Ungricht and many aunts, uncles and cousins.

Friends and family are welcome to come visit and share memories of Cindy at the Holbrook Mortuary, 3251 So. 2300 E., on Sunday, July 13, at 5 p.m. Burial will be Monday, July 14 at noon at the SLC Cemetery. In lieu of flowers, give someone a hug and a smile. Her family would like to thank the staff at Lindon Care Center, Provo Care Center and Daybreak workshop for their years of caring for and loving Cindy.

Messages to the family can be posted at: www.HolbrookMortuary.com



Maurine Ellis Stacey
March 21, 1930 ~ July 8, 2014

Maurine Ellis Stacey was born March 21, 1930 in Salt Lake City and passed away July 8, 2014. Maurine was the fourth of nine children born to Malcolm and Gladys Ellis. She married James A. Stacey on February 18, 1957 in the Salt Lake Temple. Together they adopted four children and shared many adventures in the 49 years they were married.

Maurine made friends wherever she went, and she had a special love for children—hers and anyone else's. Her sweet smile and indomitable spirit will be missed.

Maurine was preceded in death by her beloved husband, Jim, and her son, Brian. She is survived by one son, Arlan, two daughters, Christine and Darla, nine grandchildren and two great-grandchildren.

Funeral services will be held at 11:00 a.m., Monday, July 14, 2014, at Russon Brothers Mortuary, 295 North Main, Bountiful. Friends and family may visit Monday at the mortuary from 9:45 to 10:45 a.m. Interment will be at the Bountiful City Cemetery.

OBITUARIES B7

FIRE

FROM B1

Each time they've come back and said that the business was in compliance," Wood said.

The two fires are not going unnoticed by city officials, who say they are reviewing a fire code ordinance that will supersede previous codes.

"It's actually a whole new game because now we have the fire code. ... Up until that it has only been complaints of dust and so there are new tools that the city does have that we can use," Wood said.

Owners of Broken Arrow Communications and Camp Bow Wow & Home Buddies, two of the surrounding businesses, said they plan to take legal action if serious changes are not made in the area.

Sharon Opfermann, owner of Camp Bow Wow, had 53 dogs housed at her business on the night of the fire.

"All of my employees came in as soon as they heard about it. We had an evacuation plan in place. We've always made those arrangements ahead of time, and we were ready to go out the door with those dogs if we needed to," Opfermann said.

"We are waiting to see what the city says. ... If their intention is for the business to stay here and keep operating, then we will find legal counsel and move forward," she said.

Craig Rhodes, who has owned American West Analytical Laboratories for the past 28 years, also hopes to see the wood pile moved.



RAVELL CALL, DESERET NEWS

Nichole Anderson puts up a closed sign Friday at Diamond Tree Experts after a fire at the business Thursday.

He said his insurance will cover the cost of damage to the roof of his business.

"In my mind, that big pile of wood that's maybe 40 to 50 miles high of wood chips, on a hot, wet August day is a can of gasoline. Someone should've said this is not safe in this type of environment," he said.

"I'm hoping now they finally make a resolution and remove the piles next to us. It's just not

acceptable," Gross added.

Workers contracted from the Rocky Mountain Power company were installing a new pole Friday morning and noticed

the fire had reignited Gross' laboratory building around 7 a.m. Crews quickly put that fire out.

Thick smoke from the fire caused officials to shut down nearby I-15 for more than an hour Thursday. A firefighter was also hospitalized Thursday after inhaling smoke. He was released Friday morning, Deputy Fire Chief Kevin Bowman said.

"There's so much heat that's generated in that compost pile ... and then with the wind and everything else and the temperatures ... it just creates a lot of heat in there," Bowman said, explaining how spontaneous combustion led to the fires ignition.

CONTRIBUTING: Haley Smith
EMAIL: mcollette@deseretnews.com; weans@deseretnews.com
TWITTER: @MirandaCollette

Spent this winter in sunny St. George, UT FURNISHED APARTMENTS

Available Now-Apr starting at \$800/month Smoke-free community

435-628-3436 sunsetsspringsapts.com

Sunset Springs

Our next big investment is in you



Let's talk about taking your career to new heights

You have a proven track record of success but you're looking for more. More responsibility. More challenges. At Wells Fargo you'll find that opportunity. You'll join a team of people who are smart and share your values. You can enjoy a diverse career as you learn and grow your capabilities across our multiple lines of business. Our supportive environment can help you make a difference within the company and the communities we serve. Visit our career site at wellsfargo.com/careers and let's start a conversation about your future.

We have over 40 full-time and part-time positions available for Collector 1, 2, and 3's.

Join us for our Grand Career Fair and Explore the Opportunities.

Tuesday, July 29th from 10:00 a.m. to 6:00 p.m.

5201 Amelia Earhart Drive, Salt Lake City, UT 84116

To apply, visit wellsfargo.com/careers and search by the following Job Opening IDs:

- Full-Time Collector - Job Opening ID# 5015691
- Part-Time Collector - Job Opening ID# 5015723

Starting pay: \$23,700-\$31,000 plus 15% shift differential. Earn up to \$1,500 monthly incentive.

Please apply online prior to attending the Career Fair and bring picture ID and a copy of your resume.

Together we'll go far

Relevant military experience is considered for veterans and transitioning service men and women. Wells Fargo is an Affirmative Action and Equal Opportunity Employer, Minority/Female/Disabled/Veteran. ©2014 Wells Fargo Bank, N.A. All rights reserved. Member FDIC.



In the "Conference of Champions," Dirk Facer has the Utes covered.

TRUST DEED NOTES

High Interest Lot Notes for Sale

10% to 14% APR - 10 yr. terms
\$25,000 to \$50,000 - Discounted up to 10%
Guarantee Agreement Included

Tren Grant | 801-560-2789



Request for Nuisance Determination
 Community Development Department
 220 East Morris Avenue Ste 200
 South Salt Lake City, UT 84115
 801.483.6011 Fax 801.483.6060
www.southsaltlakecity.com

Applicant Information			
Name Michelle Waggoner, Skooter Long			
Address 511 Fine Dr (0710 South)			
City SxS.L.C.	State UT	Zip 84115	Phone Number 801-590-8989
Email			
Nuisance Information			
Address of Nuisance 3645 So. 5th West (South S.L.C. 84115) mulch plant			
Name of Business DT GreenWaste			
Criminal Conduct Nuisance			
For Criminal Conduct Nuisances please list at least three within the past 180 days (all criminal nuisance claims must be verified with South Salt Lake Police Department). See the cover sheet for a list of possible criminal conduct nuisances that may apply			
<ol style="list-style-type: none"> 1. stacks too high 2. Too close too other businesses 3. Combustible materials dangerous. 			
Objectionable Conditions Nuisance			
Please describe all objectionable conditions that are being created by the commercial business, and the dates of each occurrence. A separate sheet of paper may be used to describe such conditions.			
<ul style="list-style-type: none"> • huge fine last week July 18th 2014 • fine on the previous week July 3rd 2014 • I have asthma since this business moved in, it has become worse. • The smell is overwhelming 			
Office Use			
Received By		Date Received	



Craig Burton <cburton@southsaltlakecity.com>

Fwd: mulch fire

1 message

Mike Florence <mflorence@southsaltlakecity.com>
To: Craig Burton <cburton@southsaltlakecity.com>

Mon, Jul 14, 2014 at 2:38 PM

Craig, Paul said this should be forwarded to you

Michael Florence
Community Development Director
City of South Salt Lake
Sent from my iPhone

Begin forwarded message:

From: Irvin Jones <ijones@southsaltlakecity.com>
Date: July 14, 2014 at 2:34:36 PM MDT
To: Cherie Wood <cwood@southsaltlakecity.com>, Charee Peck <cpeck@southsaltlakecity.com>, Lyn Creswell <lcreswell@southsaltlakecity.com>, Ron Morris <rmorris@southsaltlakecity.com>, Mike Florence <mflorence@southsaltlakecity.com>
Subject: Fwd: mulch fire

----- Forwarded message -----

From: <sagetz@aol.com>
Date: Mon, Jul 14, 2014 at 2:11 PM
Subject: mulch fire
To: dsnow@southsaltlakecity.com, mrutter@southsaltlakecity.com, ijones@southsaltlakecity.com

Good afternoon. I am Steve Getz, President of American West Analytical Labs (AWAL). Our building was the one burnt in last week's mulch fire. AWAL has been in this location since 1991. We are a good business. We employ about 35 people and spend almost \$70,000 per week on goods and services. Many other businesses depend on AWAL, both clients and support services.

Our decision to rebuild or move needs to be made and is dependent on information from the city. There is a sense of urgency because our insurance limitations providing our staff's payroll. There is also questions about our ability (and all the surrounding businesses) to continue fire insurance. If we can't get insurance due to the "new" threat, we can't operate in this location. We are pursuing this question with Hardford Insurance, but have not received a firm commitment. If we have a decision about DT Green, we then can make

our decisions.

It would be greatly appreciated if you could each come personally tour our facility before the Wed. meeting. We can schedule at any time. You can contact either Kyle Gross, 801 263-8686 or myself, 702 379-1031.

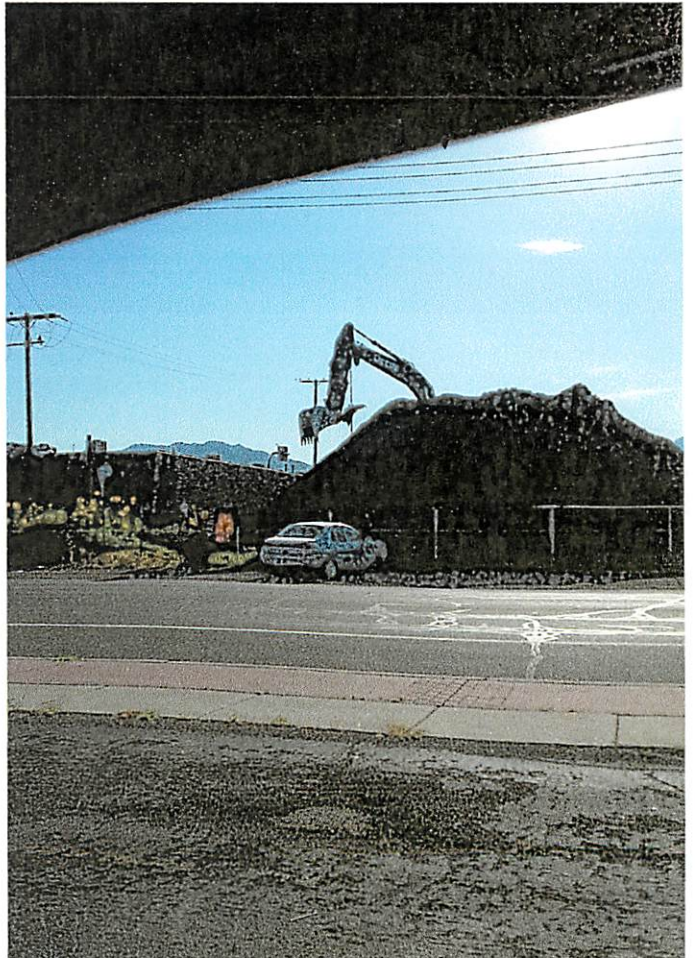
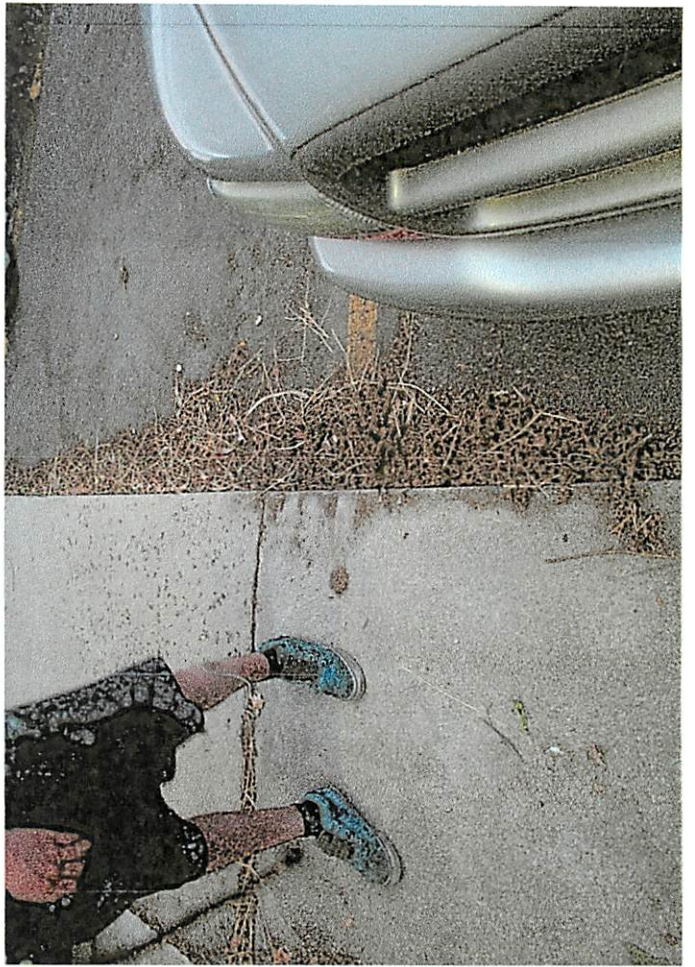
Respectfully submitted,

Steve Getz

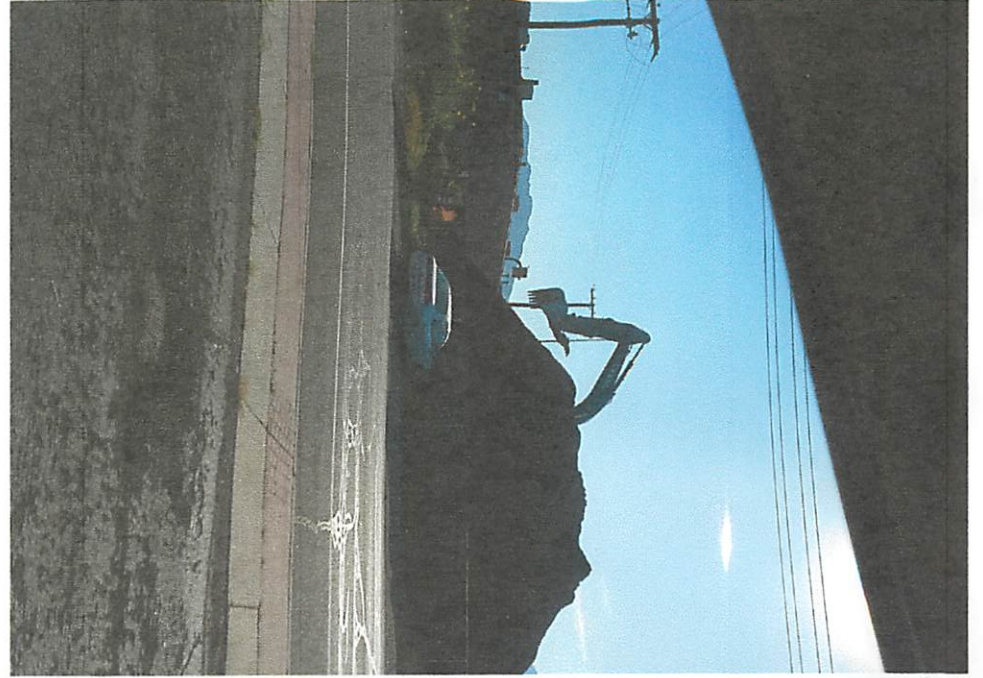
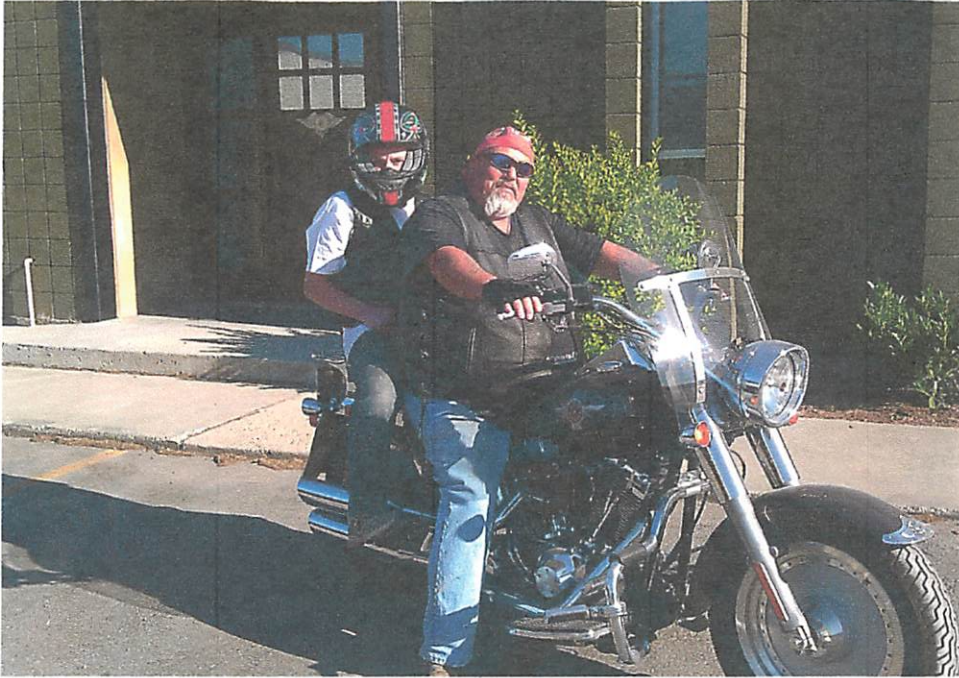
702 379-1031

sagetz@aol.com







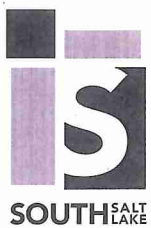






RON L. MORRIS
FIRE CHIEF

2600 S MAIN ST
SOUTH SALT LAKE CITY
UTAH
84115
O 801.464.6720
F 801.412.3289



CHERIE WOOD
MAYOR

220 E MORRIS AVE
SUITE 200
SOUTH SALT LAKE
CITY
UTAH
84115
O 801.464.6757
F 801.464.6770

Date: 7-11-14

TO: Ad Hoc Committee Assigned for the Development of a Retroactive City Ordinance Pertaining to the Storage of Outdoor Wood Chips and Associated Materials

FROM: Boyd Johnson
Fire Marshal
South Salt Lake City Fire Department

Committee Members,

I greatly appreciate your willingness to meet, discuss and come to consensus so we can provide our Mayor with the necessary recommendations to prevent future fires involving piles of wood-based chips and like materials.

Please note that the intent of the International Fire Code is to establish the minimum requirements that are consistent with nationally recognized good practice and to provide for a reasonable level of fire and life safety.

The development of this recommendation has utilized sections of the International Fire Code and the National Fire Protection Association Standard 230, "Standard for the Fire Protection of Storage." This being said, it is imperative to understand that where the fire code does not specifically provide for topics that are essential for the public safety of an existing or proposed activity the fire marshal can determine a necessary course of action. My position however is to involve the committee so that we consider all facts associated with this topic.

Recommendations

- 1) **Scope:** This recommendation shall apply only to the storage of chipped or ground wood-based materials. Ref. 1
- 2) **Purpose:** To provide for a reasonable degree of fire protection that is based upon accepted principles and field experience. Ref. 2
- 3) **Degree of Risk:** In those cases where an existing situation presents an unacceptable degree of risk, the Fire Marshal shall be permitted to apply retroactively any portion of this recommendation as deemed appropriate when approved by this committee and as amended and approved by the Mayor. Ref. 2
- 4) **Storage Piles of Wood-Based Chips and Like Materials**
 - a) **Operational Fire Prevention**

Combustible waste materials such as bark, sawdust, chips, and other debris shall not be permitted to accumulate in a quantity or location that constitutes an undue fire hazard. Ref. 3
 - b) **Smoking**

Smoking shall be prohibited except in specified safe locations approved by the Fire Marshal. Signs that read "No Smoking" shall be posted. Ref. 4

- c) **Storage**
Storage areas shall be enclosed with a suitable fence with locked gates and a fire department "Knox" box for keyed access, located as necessary to allow for entry of fire department apparatus. Ref. 5
- d) **Hazard Potential**
The fire hazard potential inherent in storage piles shall be controlled by a positive fire prevention program under the direct supervision of the property owner or designee. Ref. 6
- e) **Spontaneous Heating**
Establishment of control over the various factors that lead to spontaneous heating, including provisions for monitoring the internal condition of the pile shall be provided via thermocouple. Ref. i
- f) **Fire Department Access**
Piles shall be constructed to provide for fire department access to within 150 ft. of all sides of a pile. Ref. g
- g) **Electrical**
All electrical equipment and installations shall conform to the provisions of NFPA 70, "National Electrical Code" Ref. 8
- h) **Storage Site**
The storage site shall be reasonably level, and shall be paved with blacktop, concrete, or other hard-surfaced material. Ref. 9
- i) **Operating Plans**
Operating plans for the buildup and reclaiming of any pile shall be based on a turnover time of not more than *1 week* under ideal conditions. Ref. 9
- j) **Pile Size, Wetting and Location**
The pile size shall be *limited as follows*:
 - 1) Pile heights shall not exceed 20 feet in height with a pile-to-pile clearance of not less than 30 ft. at the base
 - 2) Thermocouples shall be installed during pile buildup, for measuring temperatures within the pile and provisions for regular (weekly) reports shall be provided when requested to the Fire Marshal.
 - 3) The pile shall be wetted regularly to help keep fines from drying out and to help maintain the moisture content of the surface layer of the pile.
 - 4) Piles shall be located no closer than 50 feet to any property line. Ref. 9
- k) **Fire Extinguishers**
Portable fire extinguishers suitable for Class A fires shall be provided in accordance with NFPA 10, Standard for Portable Fire Extinguishers, on all vehicles operating on or near a pile in addition to the normal Class B units for the vehicle, and additional portable fire extinguishers suitable for all weather conditions shall be mounted and within a maximum travel distance not to exceed 75 ft. from any pile. *
- l) **Water supplies and fire hydrants shall be provided as follows**:
 - 1) Hydrants are to be accessible at all times for emergency use.
 - 2) Hydrants shall be flow tested by the property owner or owner's designee and said flow test results shall be submitted to the Authority Having Jurisdiction.
 - 3) Hydrants shall be spaced at a maximum of 250 ft. intervals and each hydrant shall flow a minimum of 1,500 gallons of water per minute. Ref. 10
- m) **Heavy Equipment**
Power-operated, shovel-type or scoop-type vehicles, dozers, or similar equipment shall be available for use in moving stored material for firefighting. Ref. 11

n) **Temporary conveyors**

Temporary conveyors and motors on the surface or adjacent to the piles shall not be permitted. Ref. 12

o) **Physical Protection**

Physical protection shall be provided to prevent heat sources such as steam lines, airlines, electrical motors, and mechanical drive equipment from becoming buried or heavily coated with combustible material. Ref. 13

Reference Notations

1. IFC 102.7, 102.8, 102.9
2. NFPA 230, 1.3.2
3. NFPA 230, 11.2.2
4. NFPA 230, 11.2.2.2
5. NFPA 230, 11.2.2.4
6. NFPA 230, 11.6.2.1
7. NFPA 230, 11.6.3.1
8. NFPA 230, 11.2.2.8
9. NFPA 230, 11.6.2.2
10. IFC Section 507
11. NFPA 230, 11.6.3.7
12. NFPA 230, 11.6.3.8
13. NFPA 230, 11.6.3.9

*Fire Marshal created for this situation

Thank you,

Boyd Johnson

Boyd Johnson
Fire Marshal
South Salt Lake City

ORDINANCE NO. 2014- 18

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL
IMPOSING ADDITIONAL FIRE CODE REQUIREMENTS RELATED TO
THE OUTDOOR STORAGE OF WOOD CHIPS AND ASSOCIATED
MATERIALS

WHEREAS, Utah State Code § 15A-1-401(6) permits municipalities to enact ordinances that are more restrictive in fire code requirements than the State Fire Code; and

WHEREAS, the City desires to implement regulations in order to provide protection for life and property in and around property containing outdoor storage of wood chips, mulch and associated, combustible materials; and

WHEREAS, the City is authorized to exercise police powers for the protection of the health, safety and well-being of residents, businesses, and property owners within the city; and

WHEREAS, the City Council has received testimony and information related to this topic; and

WHEREAS, the City Council finds that the urban environment of the City of South Salt Lake calls for more strict fire regulations than those established in the State Fire Code in some cases; and

WHEREAS, the City Council finds that compliance with the requirements in this ordinance is likely to mitigate or prevent fires which can occur at such locations; and

WHEREAS, the immediate and retroactive application of these requirements for existing properties is necessary for the protection of the public; and

WHEREAS, the City Council finds that these additional requirements are necessary in order to meet the public safety needs of this jurisdiction,

THEREFORE, BE IT ORDAINED, therefore, by the City Council of the City of South Salt Lake that chapter 8.48 of the South Salt City Code is hereby enacted, and is immediately and retroactively applicable to all properties maintaining such uses, regardless of prior uses,

plans, or site approvals, with the exception of sections 8.48.030 and 8.48.040, which shall be effective immediately and not retroactively:

Chapter 8.48 Supplemental Fire Code Regulations

Part I – General Provisions

8.48.010 Purpose.

It is the purpose of this chapter to meet the public safety needs of the City when, due to the unique circumstances and hazards associated with certain uses, materials, and structures in the City and the urban nature of the City’s composition, there is a need for more restrictive ordinances related to fire safety than exist in the State Fire Code.

8.48.020 Enactment of more restrictive ordinances.

When a more restrictive fire code requirement is enacted by the City, the City shall follow the procedures contained within the State Fire Code Administration Act, as amended, in order to notify the appropriate state officials.

8.48.030 Violations – Fines.

(A) Any violation of this chapter is punishable as a Class B misdemeanor. In the discretion of the Fire Marshal or a designee, violations may also be punished by an administrative citation.

(B) The fine for a violation of this chapter is \$1,000.00 per day that the violation occurred or continues to occur.

8.48.040 Administrative action.

In addition to criminal penalties, if a property owner or other responsible person is maintaining premises contrary to the provisions of this chapter, the Fire Marshal or a designee is permitted to take such measures as is necessary to protect the public or neighboring properties from the risk of fire, including evacuation or immediate closure to occupancy.

Part II – Specific Regulations

8.48.100 Outdoor storage of wood chips and associated materials.

(A) Any person who operates a business which generates, collects or sells chipped or ground-wood based materials, including wood chips, hogged material, or compost as a major function of the business, and which stores more than 3,600 cubic feet of such product outdoors at any one

time, shall comply with the provisions of this section. Nothing in this section shall prevent the fire marshal or other fire authority from enforcing generally applicable fire codes to smaller piles of such materials, in appropriate circumstances.

(B) Maximum amount of product per business location. No business may store greater than an aggregate total of 510,000 cubic feet of wood chips or materials regulated by this section, piles of which are subject to the further regulations in this section.

(C) Combustible waste materials such as bark, chips and other combustible debris shall not be permitted to accumulate in a location which constitutes, in the opinion of the Fire Marshal, an undue fire hazard. Such locations shall be affirmatively identified by the Fire Marshal.

(D) Smoking shall be prohibited on the entire premises, except designated, permanent locations which shall be kept free of any combustible materials and shall be clearly marked. The manager or owner must post "No Smoking" signs throughout the property.

(E) Storage areas shall be:

(1) enclosed with a minimum eight foot chain link fence with privacy slats with locked gates and a fire department box for keyed access by fire personnel, located as necessary to allow for entry of fire apparatus; and

(2) approved by the Fire Marshal using International Fire Code, Appendix "D" Section D102 "Required Access, Fire Apparatus Access Roads," and said access shall be paved with graded asphalt, concrete or other approved driving surface any of which shall be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

(F) The owner or manager of the premises shall enact and follow a fire prevention program which includes the following elements:

(1) Establishing controls over factors that lead to spontaneous heating, including the monitoring of internal conditions of the pile by thermocouple, or other approved means which shall be installed with the piles, regularly monitored, and provide for regular reports upon request of the Fire Marshal;

(2) Placement of piles which provides access to within 150 ft. of all sides of a pile;

(3) Electrical equipment and installations shall conform to the provisions of the National Electrical Code and National Fire Prevention Association Standard 70;

(4) Freeze protected yard hydrants shall be installed on the site at maximum spacing intervals of not more than 250 feet. Yard hydrants shall be available for emergency use and for the day-to-day compost, chip and for other related fire prevention irrigation purposes. These yard hydrants shall be protected by barricades, posts, or necessary devices and spaced so that all portions of the yard hydrant has a minimum three foot

clearance around the hydrant. Hydrants shall be accessible at all times for emergency use; and

(5) Portable fire extinguishers suitable for all weather conditions shall be mounted and within a maximum travel distance not to exceed 75 feet from any pile.

(G) Piles shall comply with the following regulations at all times:

(1) Pile heights shall not exceed 20 feet in height, 150 feet in width and 170 feet in length, with a pile-to-pile clearance of not less than 30 feet.

(2) Piles shall be wetted regularly to keep materials from drying out and to maintain the moisture content of the surface layer of the pile;

(3) No portion of any pile shall be located within 76 feet of a property line; and

(4) No temporary conveyors or motors shall be placed or used on the surface or immediately adjacent to the piles.

(H) The premises shall not contain more than the amount of product identified in the operating plan, which may be modified annually by the Fire Marshal prior to the issuance or renewal of the business's license.

(I) Vehicles used on site shall be subject to the following regulations:

(1) Power-operated, shovel-type or scoop-type vehicles, dozers, or similar equipment shall be available for use in moving stored material for firefighting purposes;

(2) Portable fire extinguishers suitable for Class A fires shall be provided in accordance with NFPA 10, Standard for Portable Fire Extinguishers, on all vehicles operating on or near a pile in addition to the normal Class B units for the vehicle; and

(3) Physical protection shall be provided to prevent heat sources, such as steam lines, airlines, electrical motors, and mechanical drive equipment from becoming buried or heavily coated with combustible material.

This ordinance shall take effect immediately upon execution by the Mayor, or after fifteen days from transmission to the office of Mayor if neither approved nor disapproved by the Mayor.

The City Recorder is further directed to notify, within 30 days of this ordinance's enactment, the Utah Fire Prevention Board of this action, provide a copy of this ordinance, along with the public safety need that formed the basis of this ordinance.

(signatures appear on separate page)

DATED this 16th day of July, 2014.

BY THE CITY COUNCIL:

Irvin H. Jones, Jr.

Irvin H. Jones, Jr., Council Chair

ATTEST:

Craig D. Burton
Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly	<u>AYE</u>
Gold	<u>AYE</u>
Jones	<u>AYE</u>
Rapp	<u>AYE</u>
Rutter	<u>AYE</u>
Snow	<u>ABSENT</u>
Turner	<u>ABSENT</u>

Transmitted to the Mayor's office on this 17th day of July, 2014.

Craig D. Burton
Craig D. Burton, City Recorder

MAYOR'S ACTION: APPROVE

Dated this 17 day of July, 2014.

Cherie Wood
Cherie Wood, Mayor

ATTEST:

Craig D. Burton
Craig D. Burton, City Recorder



4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910

The Salt Lake Tribune
WWW.SLTTRIB.COM

MEDIAOne
OF UTAH
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONEUTAH.COM

Deseret News
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
CITY OF SOUTH SALT LAKE, ATTN: AMY DALLEY ATTN: CRAIG BURTON 220 E MORRIS AVE. SOUTH SALT LAKE CITY UT 84115	9001382697	7/21/2014

ACCOUNT NAME	
CITY OF SOUTH SALT LAKE,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8014836000	0000971596 /
SCHEDULE	
Start 07/19/2014	End 07/19/2014
CUST. REF. NO.	
Ord 2014.18	
CAPTION	
CITY OF SOUTH SALT LAKE ORDINANCE NO. 2014-18 An Ordinance of the City of South S:	
SIZE	
23 Lines	1.00 COLUMN
TIMES	RATE
2	
MISC. CHARGES	AD CHARGES
TOTAL COST	
33.75	

**CITY OF SOUTH SALT LAKE
ORDINANCE NO. 2014-18**
An Ordinance of the City of South Salt Lake City Council imposing additional fire code requirements related to the outdoor storage of wood chips and associated materials.
s/ Irvin H. Jones, Jr.
Council Chair
The complete Ordinance 2014-18 is available in the office of the City Recorder, 220 East Morris Avenue, South Salt Lake, Utah.
Published: Saturday, July 19, 2014
971596 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF CITY OF SOUTH SALT LAKE ORDINANCE NO. 2014-18 An Ordinance of the City of South Salt Lake City Council imposing additional fire code requirements related to th FOR CITY OF SOUTH SALT LAKE, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 07/19/2014 End 07/19/2014

SIGNATURE 

DATE 7/21/2014

VIRGINIA CRAFT
NOTARY PUBLIC - STATE OF UTAH
My Comm. Exp. 01/12/2018
Commission # 672963


NOTARY SIGNATURE

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT