

## Wales Town

### ORDINANCE NO. 2019-XX<sup>02</sup>

#### *AN ORDINANCE ESTABLISHING WALES TOWN FIRE DEPARTMENT AND REGULATING FIRE RELATED ACTIVITIES*

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF WALES TOWN,  
SANPETE COUNTY, STATE OF UTAH:

WHEREAS, Wales Town, a municipal corporation of the State of Utah, has an established Fire Department and it is now necessary and advisable to adopt an ordinance for the controlling of fire related activities in Wales Town

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

#### **Section 1 - DEPARTMENT ESTABLISHED**

There is hereby established a fire department, which shall be known as the Wales Town volunteer fire department.

#### **Section 2 - FIRE CHIEF**

1. **Appointment; Officers:** The mayor shall appoint, with the approval of the city council, a chief of the fire department. The department shall be comprised of such other officers as may be determined by the members of the department and may include a secretary, a treasurer and a steward. The officers, other than the chief, shall be chosen by the members of the department.
2. **Powers And Duties:**
  1. The chief of the department shall have general supervision of the department, and during the continuance of a fire shall have the power to direct and control all acts pertaining to the extinguishment of the same. He shall quarterly, or oftener, if required, make a report to the city council of the condition of the fire apparatus, accidents of fire that may happen during such time, and the cause thereof if known, and the approximate loss thereby, with such other items as he may deem appropriate.
  2. It is the special duty of the chief of the fire department and of the other personnel as shall be designated by him or the city council to see that at all times the provisions of this code relating to the protection and regulation of property are strictly enforced, and also all provisions of this code for the prevention of and the protection against fires.
  3. The chief will establish and maintain a Community Wildfire Preparedness Plan, The plan will identify Preparedness, Mitigation, and Prevention projects.
  4. The chief will prepare and report to the Central Utah Area Manager of Utah Forestry, Fire and State Lands all projects completed as part of the Cooperative Agreement.

#### **Section 3 - FIREFIGHTERS**

1. **Appointment and Removal of Members:** The chief of the fire department shall have the power to select members of the fire department with the approval of the city council. The city council reserves the right to remove any officer or member of the department on recommendation of the chief of the fire department, or upon its own initiative.
2. **Powers And Duties:**
  1. The fire department shall have a right to enter upon any public or private property, wherever and whenever necessary for the purpose of extinguishing fires. The members shall have the power, with the approval of the chief, to enact such bylaws as may be necessary for the government of the department.
  2. The steward shall keep the fire apparatus and implements in good order and repair and ready for use. On alarm, all members of the department are hereby required to leave all other business and report to the fire station with all possible speed, and convey the fire apparatus to the place of fire and operate it under the direction of the chief, or other officer of the department who may be in charge. Practice shall be held not to exceed twice a month.

#### **Section 4 - EMERGENCY VEHICLES; RIGHT OF WAY**

The fire trucks of the town are hereby designated emergency vehicles within the provisions of the traffic code. All of the fire trucks shall have the right of way over all other vehicles.

#### **Section 5 - OBSTRUCTIONS AT FIRE; REMOVAL**

The chief of the fire department may order the removal or destruction of any fence, building or structure, when it may be deemed necessary in order to check the progress of the fire. All persons present at any fire shall be subject to the orders of the officer in charge of the removal and protection of property and in extinguishing the fire. The chief of the fire department may order removal of or make safe any structure that has been fifty percent (50%) or more damaged by fire.

#### **Section 6 - BUILDING DEMOLITION DURING FIRE CONDITIONS**

In cases of imminent and urgent public necessity, the chief of the fire department, or whoever is in command at the scene of the fire, may order any electric wires or poles in close proximity thereto to be cut or otherwise disposed of, and may also order the demolition of any building or other structure to prevent the spreading of an existing conflagration. In no case shall the chief or any officer or member of the fire department unnecessarily or recklessly destroy or injure any building, house or other property.

#### **Section 7 - OBSTRUCTION OF FIREFIGHTERS**

Every person who at the scene of any fire disobeys the lawful orders of any public officer or firefighter, or offers any resistance to interference with the lawful efforts of any firefighter or company of firefighters to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same is subject to penalty as provided in Utah State Code.

#### **Section 8 - INTERFERENCE WITH APPARATUS**

Any person who shall willfully hinder any officer or firefighter in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the city, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply, is subject to penalty as provided in Utah State Code.

#### **Section 9 - FALSE ALARMS**

Any person who shall without cause give an alarm of fire by outcry or by ringing of bells, or otherwise, is subject to penalty as provided in Utah State Code. After the second false alarm to the same address, the property owner shall be billed for the expense of the fire department response.

#### **Section 10 - FIRE INVESTIGATION; REPORT**

The fire chief, or in his absence, his assistants in charge of the fire, shall, after its extinguishment, make a prompt and thorough investigation of the cause of the fire, the time of breaking out, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department, and shall report the same to the city council at such time as it may direct.

#### **Section 11 - INSPECTIONS**

**Right Of Entry:** The fire chief or his deputies, upon presentation of proper credentials, shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the same.

**Unsafe Conditions:** The fire chief shall have the right and it shall be his duty to make any inspection to determine whether or not there has been compliance with the terms of this chapter or If he should find that there is defective wiring or any other unsafe condition in the property, then he shall give the owner or the person operating the same five (5) days' notice requiring the owner or person to make changes or alterations necessary to render any building or property safe, and if any person shall disregard the notice and refuse or neglect to comply with the terms and demands therein, he shall be subject to penalty as provided in Utah State Code. The fire chief shall have authority coextensive with the building inspector.

#### **Section 12 - FIRE RESTRICTIONS**

##### **June 1<sup>st</sup> to Oct 31<sup>st</sup>**

Open fires are declared to be illegal unless approved on an individual basis by the fire chief. The following restriction are placed:

- Open fires includes burning of yard debris, ditches, fence lines, burn barrels, campfires, weed burning or any other open fire burning.
- Smoking, except within an enclosed vehicle, trailer, or building, or in an area that is paved or free from dry vegetation
- Cutting, welding or grinding metal in areas of dry vegetation
- Operating a motorcycle, chainsaw, ATV, or other small internal combustion engine without an approved and working spark arrestor

The following persons are exempted from the above prohibitions

- Persons with a permit or waiver specifically authorizing a specified act at a specific location
- Any on-duty firefighter in the performance of an official duty

These restrictions include all areas within Wales Town limits.

#### **Section 13 - FIRE PERMITS**

Fire Permits are available upon written application (Appendix) to the Fire Chief or designee.

All applications for permits as in this chapter provided shall set forth the date, the hour and the place of request. Fire Permits will be approved on a case by case basis and must be signed by the Fire Chief or designee.

#### **Section 14 - FIREWORKS RESTRICTIONS**

All firework restrictions for Wales Town are governed by Utah State Code, and Map established by Sanpete County. The following Utah State Codes apply:

**53-7-222. Restrictions on the sale or use of fireworks.**

**53-7-225. Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage.**

A person may not discharge class C common state approved explosives in the state except as follows: between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight, beginning on July 2 and ending on July 5, beginning on July 22 and ending on July 25, beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day, beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day

**15A-5-202.5. Amendments and additions to Chapters 3 and 4 of IFC**

**53-7-221. Exceptions from Utah Fireworks Act.**

**53-7-202. Definitions**

- "Class C explosive" means a division 1.4G explosive as defined by the United States Department of Transportation in Part 173, Title 49, Code of Federal Regulations.
- "Class C common state approved explosive" means a firework that: is purchased at retail for use by a consumer; and is not a Class C dangerous explosive.
- "Class C dangerous explosive" means a class C explosive that is: a firecracker, cannon cracker, ground salute, M-80, cherry bomb, or other similar explosive, a missile type rocket, a single shot, or reloadable aerial shell, a rocket similar to one described in Subsections (6)(a)(ii)(A) through (C), including an aerial salute, a flash shell, a comet, a mine, or a cake containing more than 500 grams of pyrotechnic composition, a bottle rocket, a roman candle, a rocket mounted on a wire or stick, a device containing a rocket described in this Subsection
- "Fireworks" means: class C explosives, class C dangerous explosives, class C common state approved explosives

#### **Section 15 - EFFECTIVE DATE:**

Immediately after its adoption, this ordinance shall be signed by the Mayor and Town Clerk and shall take effect immediately upon its passage and as required by law.

PASSED AND APPROVED by the Town Council of the Town of Wales, \_\_\_\_\_ day of \_\_\_\_\_

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Keith S. Jensen

Mayor

Attest:

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Velva Lee Sherman

Town Clerk

# Wales Town

150 N Main  
Wales, Utah 84667  
435-436-9345

## BURN PERMIT

Applicant Name: \_\_\_\_\_

Burn Location: \_\_\_\_\_

Type of Burn Requested: \_\_\_\_\_

Permit # \_\_\_\_\_

BURN AGREEMENT: June 1<sup>st</sup> to Oct 31<sup>st</sup>

1. No burning of trash or construction debris is permitted.
2. All burning shall take place when there is little to no wind and humidity is at a higher level. (Mornings are best)
3. Burn shall take place in an open area away from structures and no overhead power or phone lines. Burns shall not be done on city curbs or streets.
4. Fire shall be attended at all times until the fire is fully extinguished.
5. Fire shall be kept to a manageable size at all times.
6. Permittee must have proper suppression equipment to maintain control of the fire at all times. (Garden hose, fire extinguisher, etc.)
7. Be considerate of neighbors. Smokey fires that cause a nuisance will terminate the fire activity.
8. This agreement does not release the signed applicant from any responsibility relating to violations or damages that may occur as a result of the fire activity.
9. Permit is only valid for the location stated above.

FIRE REPRESENTATIVE: \_\_\_\_\_ Date: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ Date: \_\_\_\_\_