

**SANTAQUIN CITY
ORDINANCE 05-01-2022**

**AN ORDINANCE CLARIFYING POWERS AND DUTIES OF THE SANTAQUIN FIRE CHIEF, PROVIDING FOR
CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR
THE ORDINANCE.**

WHEREAS the City of Santaquin is a fourth-class city of the State of Utah; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e., providing for the public safety, health, morals, and welfare; and

WHEREAS, Santaquin City has appointed a Fire Chief with duties pertinent to the protection of life and property in accordance with adopted fire codes and safety regulations; and

WHEREAS, it is appropriate to reorganize City Code to demonstrate the Fire Chief as an appointed official of the city and reiterate the Fire Chief's duties;

NOW THEREFORE, be it ordained by the Council of Santaquin City, in the State of Utah, as follows:

SECTION I. Amendments

1. Section 4.04.010 Chief of Fire Department is retitled "Chief of Fire and EMS Department" and amended as follows: (underlined text is added, stricken text is deleted)

~~A. Appointment: The mayor shall appoint the chief of the fire department with the advice and consent of the city council.~~

~~B. Compensation: The salary of the chief of the fire department and the members of the fire department shall be fixed by resolution of the city council from time to time, and shall be paid from the funds of the city upon warrants drawn from the city.~~

The Chief of the Santaquin Fire and EMS Department is an appointed position as provided in Title 1 Chapter 24, "Officers and Employees" and shall perform those outlined duties and under such powers as are granted by the laws of the State of Utah and ordinances of Santaquin City.

2. Section 4.04.020 Duties and Powers is amended to read as follows:

Members of the Fire and EMS department are authorized, under the direction of the City Manager or acting Chief of the Fire and EMS Department to assist and/or act on behalf of the Fire and EMS Chief in all related duties prescribed by the laws and regulations of the State of Utah and the ordinances of Santaquin City.

3. Section 1.24.160 "Chief of Fire and EMS" is created to read as follows:

1.24.160 Chief of Fire and EMS

- A. Appointment: The mayor shall appoint the Chief of the Fire and EMS department with the advice and consent of the city council.
- B. Compensation: The salary of the Chief of the Fire and EMS department and the members of the department shall be fixed by resolution of the City Council from time to time and shall be paid from the funds of the city upon warrants drawn from the city.
- C. Duties and Powers
 - 1. Enforce Fire Code: The Chief of the Fire and EMS department shall enforce all provisions of the adopted fire code, which may be amended from time to time.
 - 2. Appoint And Remove Officers: The chief of the Fire and EMS department shall have the power to appoint members and to remove any officer or member of the department subject to the terms and procedures of the standard operating procedures (SOP) and standard operating guidelines (SOG) of the department and subject to the terms and procedures of the "Santaquin City Employee Policies and Procedures Handbook".
 - 3. Right To Enter Premises: The Chief, or their designated employee(s) of the department, shall have the right to enter upon any premises at all reasonable hours for the purposes of inspecting the same.
 - 4. Protection Of Life and Property: The duty of extinguishing fires and of protecting life and property within the city and its designated service areas is entrusted to the chief of the Fire and EMS department. The Chief may divide the city into fire districts and make such rules and regulations, subject to the approval of the city council, for the government of all officers and members of the department, as he/she may deem expedient.
 - 5. Regulate And Command Department: The chief may make suitable regulations under which the officers and members of the department shall be required to wear an appropriate uniform or badge, by which, in case of fire and at other times, their authority and position in the Fire and EMS department may be known. The chief shall have sole and entire command over all officers and members of the department at fires.
 - 6. Charge Of Department Apparatus: The chief shall have full charge at all times of all apparatus and appurtenances belonging to the department and shall adopt such measures as he/she shall deem expedient for the extinguishment of fires, protection of property, or preservation of order and observance of the laws of the state and duties required of the chief by law and by the ordinances of the city council. It shall be the right of the Chief of the department to examine the condition of all facilities, vehicles, and equipment, of the Fire and EMS department.
 - 7. Enforcement Of Regulations: It shall be the privilege of the chief of the Fire and EMS department to see that all fire related provisions for the protection and regulation of property are strictly enforced, including, but not limited to Title 4, chapter 4 of this code.
 - 8. Removal Of Property And Buildings; Limitation: When a fire is in progress, the chief of the department, or in the chief's absence the officer in charge, in case of urgent public necessity may order any telegraph, telephone, electric light wire or poles, in close proximity thereto, to be torn down or otherwise disposed of for the purpose of checking the conflagration, but neither the chief of the department or any other officer or member of the Fire and EMS department shall unnecessarily or recklessly destroy or injure any building or property.
 - 9. Street Blockade: Whenever a fire shall occur, it shall be lawful for the chief, or the officer in command, to blockade any street, avenue, alley, sidewalk, or other place if in his/her judgment it is necessary to secure the efficient working of the firefighters, hoses, engines, or hook and ladder apparatus under his command, and to protect the same from injury.
 - 10. Establish Fire Limits: The police department, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except members of the

Fire and EMS department, or police, or those admitted by order of the officer in charge, shall be permitted to enter or remain.

11. **Require Aid Of Citizens:** The police department, fire chief, fire officer, or any officer in charge of the department, may require the aid of every citizen, inhabitant or bystander in drawing any engine, cart or other fire apparatus to the fire, and, upon the refusal or neglect of any such person to immediately comply with such requirements, the offender shall, upon conviction thereof, be guilty of a class C misdemeanor, subject to penalty as provided in SCC 1.16.010. All officers are authorized to command the aid or assistance of any citizen, inhabitant or bystander to obey any reasonable direction for the extinguishing of fire for the protection of property.
12. **Use Of Water:** The chief of the Fire and EMS department or other officer in charge, shall have the right to use water from any source for the purpose of extinguishing fires or saving property in danger of being destroyed thereby.
13. **Investigation After Fire:** The chief, or in the chief's absence the assistant 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 estimated amount of loss and insurance coverage, a description of the affected buildings and premises, and shall secure all other useful information and data 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 times as it may direct.
14. The Chief shall prescribe trainings of department members to enable them to perform their duties in accordance with established medical procedures and standards for protection and preservation of life.

SECTION II. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION III. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION IV. Severability.

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City

Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION V. Effective Date.

This ordinance shall become effective at 5:00 p.m. on Wednesday, May 19th, 2022. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

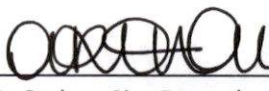
PASSED AND ADOPTED this 17 th day of May, 2022.



Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted <input checked="" type="checkbox"/> YES
Councilmember David Hathaway	Voted <input checked="" type="checkbox"/> YES
Councilmember Lynn Mecham	Voted <input checked="" type="checkbox"/> YES
Councilmember Elizabeth Montoya	Voted <input checked="" type="checkbox"/> YES
Councilmember Jeff Siddoway	Voted <input checked="" type="checkbox"/> YES

ATTEST:


Amalie R. Ottley, City Recorder



STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Amalie R. Ottley, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 17th day of May 2022, entitled

ORDINANCE 05-01-2022
AN ORDINANCE CLARIFYING POWERS AND DUTIES OF THE SANTAQUIN FIRE CHIEF, PROVIDING FOR CODIFICATION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 17th day of May 2022.

(SEAL)





Amalie R. Ottley
Santaquin City Recorder

AFFIDAVIT OF POSTING


STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Amalie R. Ottley, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 18th day of May, 2022.

The three places are as follows:

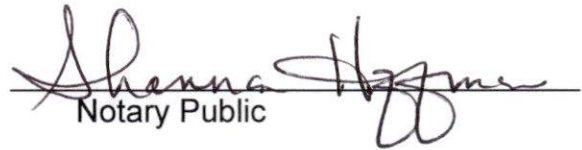
- 1. Zions Bank
- 2. Post Office
- 3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.



Amalie R. Ottley
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 18th day of May, 2022, by Amalie R. Ottley.



Notary Public

