

CHAPTER 9. FIRE PREVENTION AND PROTECTION

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Article 9-1. Utah State Fire Code

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9-1-1. Adoption of Utah State Fire Code.

(a) There is hereby adopted by Utah County, as provided in Section 53-7-106, Utah Code Annotated, 1953 as amended, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion occurring in the unincorporated area of the county, the Utah State Fire Code which adopts, with modifications, the International Fire Code, 2012 Edition, issued by the International Fire Code Council, Inc., ("IFC"), save and except such portions as are hereinafter deleted, modified, or amended by the Utah County Code, as authorized in Section 53-7-204(3), Utah Code Annotated, 1953 as amended, hereinafter referred to as the Fire Code. In the event of any conflict between the terms of the Fire Code, the terms of this Chapter shall control to the extent permitted under Utah State Law.

(b) The following appendices to the International Fire Code are hereby adopted: Appendix B-Fire Flow Requirements for Buildings, Appendix C-Fire Hydrant Locations and Distribution, Appendix D-Fire Apparatus Access Roads, Appendix E-Hazard Categories, Appendix F-Hazard Ranking, and Appendix G-Cryogenic Fluids-Weight and Volume Equivalents.

(c) The Fire Code is hereby adopted in book form as provided in Section 17-53-208, Utah Code Annotated,

1953 as amended, and incorporated by such adoption as fully as if set out at length herein, and shall be controlling within the limits of the unincorporated area of Utah County, Utah. (Ord. 2005-3, 2-22-05)(Ord. 2010-29, 11-2-10)(Ord. 2015-2, 02-03-15).

9-1-2. Establishment and duties of Bureau of Fire Prevention.

(a) There is hereby established a Bureau of Fire Prevention within the Utah County Community Development Department, which Bureau shall be managed by the Utah County Community Development Director, which shall operate as the department of fire prevention when the function of such department is required by the Fire Code. The Fire Code shall be enforced by the said Bureau of Fire prevention and its officers as hereinafter set forth.

(b) There shall be the position of Fire Marshal within the Bureau of Fire Prevention, who shall serve as the "code official" or "Fire Chief", when the function of such officer is required by the Fire Code, and shall have the duties required in state law, the Fire Code, and other ordinances of Utah County appertaining to his office or required by his supervision.

(c) In addition to the position of Fire Marshal, the Bureau of Fire Prevention may include technical inspectors and other staff members, when authorized by the Board of County Commissioners, who work under the direction of the Fire Marshal to assist him in completing his duties.

(d) In addition to, or as a part of, the duties specified in this Chapter, the Bureau of Fire Prevention shall carry out the duties required by it in the contracts which Utah County has made with incorporated cities for fire protection in the unincorporated area. The Bureau of Fire Prevention in carrying out the enforcement of the Fire Code, may request and shall receive in so far as may be necessary and practical, the assistance and cooperation of other officials of Utah County and the contracting cities. (Ord. 2004-17, 7-20-04)(Ord. 2010-29, 11-2-10).

9-1-3. Definitions.

(a) Whenever the term "code official" is used in the Fire Code, it shall be held to mean the Fire Marshal.

(b) Whenever the term "Classification of Roof Covering" or "roof assembly" is used in this chapter of the Utah County Code, it shall be held to refer to the classification of a covering established by the International Building Code. The three International Building Code classifications of roof allowed in Urban Interface areas are Class A, Class B and Class C.

(c) Whenever the term “Cluster” is used in this chapter of the Utah County Code, it shall be held to refer to developments of not less than five separate building sites or lots (except for platted mountain home developments or recreational resorts having fewer than five building sites or lots for the entire development). A cluster shall be so designed as to provide that each building site within the cluster shall contain a location for a one-family dwelling which meets the standards of the International Building Code.

(d) Whenever the term “Construction” is used in this chapter of the Utah County Code, it shall mean the erection, building enlargement, alteration, repairing, moving, or structure or the wiring, piping, heating, cooling, ventilation, refrigeration, sanitation, or transportation fixtures and equipment therein, or the excavation, filling or paving of land.

(e) Whenever the term “Development” is used in this chapter of the Utah County Code it shall be construed to include any man-made change to improved or unimproved real estate, including but not limited to paving, excavation, drilling operations, storage of equipment or materials or landscaping.

(f) Whenever the terms “chief appointing authority”, “appointing authority” or “governing body” is used in the International Fire Code, they shall be held to mean the Board of County Commissioners of Utah County.

(g) Whenever the term “Fire Department” is used in the International Fire Code, it shall be held to mean the Utah County Community Development Department.

(h) Whenever the terms “Fuel Break” or “Fire Break” are used in this chapter of the Utah County Code, they shall refer to a maintained area of land denoted by the thinning of native vegetation, the removal of dead plant material, and the replacing of highly flammable vegetation with irrigated areas and fire resistant plants in a manner and breadth approved by the Fire Marshal.

(i) Whenever the term “Large Scale Development” is used in this chapter of the Utah County Code, it shall mean a large scale development as defined in the Utah County Land Use Ordinance.

(j) Whenever the term “Heavy Fuel” is used in this chapter of the Utah County Code, it shall mean vegetation consisting of round wood 3 to 8 inches in diameter.

(k) Whenever the term “Light Fuel” is used in this chapter of the Utah County Code, it shall mean vegetation consisting of herbaceous plants and round wood less than ¼ inch in diameter.

(l) Whenever the term “Medium Fuel” is used in this chapter of the Utah County Code, it shall mean

vegetation consisting of round wood ¼ to 3 inches in diameter.

(m) Whenever the term “Building Area” is used in this chapter of the Utah County Code, it shall mean the area included within the surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projections of the roof or floor above.

(n) Whenever the term “Fire Flow” is used in this chapter of the Utah County Code, it shall mean the flow rate of a water supply measured at twenty pounds per square inch residual pressure that is available for fire fighting.

(o) Whenever the term “Log Wall Construction” is used in this chapter of the Utah County Code, it shall mean a type of construction in which the exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches. (Ord. 2004-17, 7-20-04)(Ord. 2010-29, 11-2-10)(Ord. 2011-24, 6-28-11)(Ord. 2015-2, 02-03-15).

9-1-4. Fire flow requirements.

(a) Pursuant to authority granted in the Fire Code and in Section 53-7-204 of the Utah Code Annotated, 1953 as amended, the following shall be exempt from the fire flow requirements of the Fire Code (the occupancy types referred to herein under shall be defined in section 202, occupancy classification of the International Fire Code):

(1) Structures with type “U” occupancies;

(2) Public utility poles and lines;

(3) “R3” occupancies under 6,000 square feet of building area (any expansion or addition which causes the structure to exceed said limitation shall require that the entire structure meet the fire flow requirements) if such occupancy complies with the following:

(A) Said occupancy has a fire break approved by the fire marshal and maintained by the owner or occupant.

(B) Said occupancy is on a lot equal to or greater than five irrigated acres.

(4) The following occupancies, if under 900 square feet of building area: “B”, “E”, “F”, “M”, and “S2”.

(b) All other structures shall be required to provide fire flow consistent with the Fire Code.

(c) EXCEPTION: R-3 occupancies may substitute an approved fire sprinkler system for fire flow. (Ord. 2010-29, 11-2-10)(Ord. 2015-2, 02-03-15).

9-1-5. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The storage of explosives and blasting agents as these terms are defined in the Fire Code is prohibited in the following areas:

All areas of Utah County lying East of the following line: Beginning at the intersection of the center of the right-of-way of Utah State Highway U-68 and the Utah County-Salt Lake County boundary line; thence Southerly along the center of the right-of-way to its intersection with the center of the right-of-way of Utah State Highway US-6; thence Easterly along the center of said right-of-way to its intersection with the center of the right-of-way of Utah State Highway I-15 at Santaquin City; thence Southerly along the center of said right-of-way to its intersections with the Utah County-Juab County boundary line; plus, the storage of explosives and blasting agents is prohibited within one (1) mile of the municipal limits of any municipality, city or town. (Ord. 2010-29, 11-2-10).

9-1-6. Appeals.

(a) Pursuant to Section 53-7-204 of the Utah Code Annotated, 1953 as amended, there is hereby created the Fire Code Board of Appeals of Utah County (the "Board") to hear and decide appeals of orders, decisions or determinations from the administration and enforcement of the Fire Code as adopted and amended herein. The members of the board shall be appointed by the Board of County Commissioners and shall serve until replaced or a resignation is accepted by the Commission. The Board shall consist of three members who are qualified by training and experience to pass on such code related matters pertaining to the Fire Code and are not employees of Utah County.

There must be a minimum of two members to form a quorum. The chair, or the acting chair, shall conduct all hearings and may administer oaths and compel the attendance of witnesses. The Secretary of the Community Development Department shall be the Secretary of the Board and shall keep minutes of the proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions. These minutes and records, along with the appeal application, written statements, and other facts bearing on the appeal and decision of the Board, shall be filed in the office of the Board and shall be public record.

The Secretary shall make a tape recording of the proceedings of the Board, and a transcription may be requested from the Secretary. The Board shall establish rules relating to such requests, including a reasonable compensation to be paid to the Secretary

for making the transcription. The Secretary shall oversee the making of the transcript and shall be responsible for maintaining the integrity of the tape. Where more than one record exists or is purported to exist, a transcription caused to be prepared by the Secretary and certified to its accuracy before a notary public, shall be the official record of the proceedings of the Board.

(b) Any person or entity wishing to appeal a decision made in applying the Fire Code may commence such action by completing the standard forms and filing the forms in the office of the Secretary of the Board. The Secretary of the Board shall accept and process such forms only if they are properly completed and accompanied by the filing fee in the current amount set by the County Commission. Any appeal of a decision made in applying the Fire Code must be properly filed within twenty (20) calendar days of the date of the contested decision, or it shall be time-barred and not heard. (Ord. 2012-8, 4-3-12).

(c) The Board shall fix a reasonable time for hearing the appeal and decide the same. The Board shall set a standard procedure for conducting public hearings and reviewing requests before the Board, which may include: reasonable limits of time in which appellants, respondents, and other parties may speak; sign-up sheets for those who wish to speak at the public hearing (and cut off times for adding names); deadlines for submitting written comment; and other rules needed to conduct a fair and orderly hearing. The decision of the Board shall be based upon the facts and not upon expressions of support or protest, or lack of support or protest, which may be made at the hearing. Any party may appear at the hearing in person or by agent or by attorney.

(d) An appeal shall be approved only when the Board finds that all of the forms, procedures, and rules have been completed and fully complied with. To reverse any order, requirement, decision, or determination made in administering or interpreting the Fire Code it shall require the concurring vote of a majority of the members of the Board hearing the matter. When an appeal is approved, the Board shall enter into the official minutes the specific reasons for approval, any conditions or limitations of the approval, and the names of those voting for and against. If the decision of the Board is to deny an appeal, the Board shall enter into the official minutes the specific reasons for denial and the names of those voting for and against.

(e) The Board shall not grant the relief appealed for unless it finds that all of the following standards have been met:

(1) Prior to filing the appeal with the Board, the Board shall lack jurisdiction and shall not hear the appeal unless, within ten (10) calendar days of the

date of the decision being appealed, the appellant provided to the Code Official, or other person or entity which made the decision in question, a claim of error which fully sets forth a brief statement of the facts, and the nature of the claim of error.

Within fifteen (15) calendar days of the date of the decision being appealed, the Code Official, or other person or entity which made the decision in question may, but is not required to, respond in writing to the claim of error. The claim of error shall be deemed denied if the Code Official, or other person or entity which made the decision in question, fails to approve or deny the claim of error or otherwise respond. A copy of the claim of error, and any response received, shall be attached to the appeal application.

(2) If the Board finds that the claim of error was timely filed, the Board shall not grant the reversal or relief appealed for unless it finds that all of the following standards have been met:

(A) The appellant has filed a properly completed written application for appeal, which states with specificity the nature of the alleged error and how the appellant has been adversely affected by said alleged error.

(B) The application for appeal was properly filed with the Secretary of the Board twenty (20) calendar days or less after the date of the decision being appealed. This twenty (20) calendar day filing deadline is jurisdictional and the Board shall dismiss the appeal if the Board finds that the application for appeal filing deadline has not been met.

(C) The appellant is a party which was adversely affected by the subject decision applying the Fire Code.

(D) If the Board grants the appellant's request, the result will be consistent with the provisions of the Fire Code, and not waive or modify any of the terms or requirements thereof.

(E) The applicant has the burden of proving that an error was made; however, expressions of support or protest alone shall not constitute the basis of approval or denial.

(F) The Board shall presume that the order, requirement, decision, or determination made in the administration or determination of the Fire Code is valid; and determine only whether or not the order, requirement, decision, or determination is arbitrary, capricious, or illegal.

(G) An order, requirement, decision, or determination is valid if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.

(H) A determination of illegality requires a determination that the order, requirement, decision, or determination violates a law, statute, or ordinance in effect at the time the order, requirement, decision, or determination was made.

(J) If there is a record, the Board's review is limited to the record provided; and the Board may not accept or consider any evidence outside the record, unless that evidence was previously offered and it was improperly excluded. If there is no record, the Board may call witnesses and take evidence.

(f) After a decision has been made, the secretary shall file the written decision of the Board in the Community Development Office and mail a copy of the decision to the applicant at the address supplied in the application form. The decision of the Board shall be deemed final at the time it is filed in the Community Development Office.

(g) Any person adversely affected by any decision of the Board may file a petition with the Fourth District Court for Utah County for a review of that decision. Any such appeal or petition shall be barred unless it is filed within twenty (20) calendar days of the date when the decision was filed in the Community Development Office. The petition shall be limited to the allegation that the decision of the Board was arbitrary, capricious, or illegal. The Board shall transmit to the reviewing court the complete record of its proceedings, including applications, exhibits, minutes, findings, orders, and any transcript of tape recordings which may be on file with the Board. The person or entity filing the petition for review shall request from the Secretary to the Board a verbatim transcript of the record and such person or entity shall pay the reasonable transcription fees as set by the Board. If there is a record, the review of the District Court is limited to the record, and the Court may not accept or consider evidence outside of the record unless it determines that such evidence was offered to the Board and improperly excluded. If there is no record, the Court may call witnesses and take evidence. The Court shall affirm the decision of the Board if the decision is supported by substantial evidence in the record. Filing a petition for review with the Court does not automatically stay the decision of the Board. Before filing the petition for review with the Court, the aggrieved party may petition the Board to stay its decision. The Board shall take action on any petition to stay only in a meeting where proper notice was given and where a quorum is present. Upon considering such petition to stay, the Board may grant the stay if it finds such to be in the best interests of the County. After filing a petition for review with the Court, the petitioner may seek from the Court an injunction staying the decision

of the Board. No decision of the Board shall be subject to rehearing by the Board, except when remanded from a court of competent jurisdiction. (Ord. 2010-29, 11-2-10).

9-1-7. Penalties.

Any property owner or other person, firm, corporation, partnership, or entity violating any of the provisions of this Chapter shall be deemed guilty of a Class B Misdemeanor; it shall be a separate offense for each and every day within which a violation of any provision of this Chapter is committed. Upon conviction, the violator shall be punished as provided by Section 1-1-9 of the Utah County Code. (Ord. 2010-29, 11-2-10).

9-1-8. Superseding conflicting ordinances.

Consistent with Section 53-7-106 of the Utah Code Annotated, 1953 as amended, should the provisions of the Fire Code be deemed to be in conflict with the requirements of another ordinance, the more restrictive regulations shall apply. (Ord. 2010-29, 11-2-10).

9-1-9. Recovery of fire suppression costs.

- (a) Any person responsible for the existence or spread of a wildland fire, or any other fire, on public or private property, necessitating suppression action shall be liable for the payment of the costs of the suppression action.
- (b) Utah County, by and through its County Commission, may recover from any person responsible for the existence or spread of a wildland fire, or any other fire, on public or private property, the costs of the suppression action.
- (c) The payment of suppression costs under this section does not constitute an admission of liability or negligence in any legal action for damages.
- (d) Utah County may obtain assistance from the Utah State Attorney General or a municipal attorney of the affected jurisdiction to assist Utah County in recovering fire suppression costs. (Ord. 2011-24, 6-28-11).

Article 9-2. Fire Safety Permit

9-2-1. Permit required.

9-2-1. Permit required.

Consistent with Section 53-7-204 of the Utah Code Annotated, 1953 as amended, which provides for the issuance of permits, no construction shall commence on any new building or structure, no building or

structure shall be moved onto property, and no building or structure shall be occupied until a Fire Safety Permit therefore has been issued by the Utah County Fire Marshal stating the conditions under which the building has been approved according to the provisions adopted by this Chapter. (Ord. 2010-29, 11-2-10).

Article 9-3. Open Fires

9-3-1. Regulations for open fires.

9-3-2. Open fire permits.

9-3-3. Open fire or smoking areas designated.

9-3-1. Regulations for open fires.

Regulation for open fires shall be in accordance with the International Fire Code Section 307. (Ord. 2010-29, 11-2-10).

9-3-2. Open fire permits.

(a) As provided in Section 53-7-204 of the Utah Code Annotated, 1953 as amended, the Fire Marshal may issue permits for open fires in a manner not inconsistent with Sections 11-7-1 or 19-2-114 of the Utah Code Annotated, 1953 as amended.

(b) Open fire permits shall be issued in accordance with International Fire Code Section 105.6.30. (Ord. 2010-29, 11-2-10).

9-3-3. Open fire or smoking areas designated.

(a) The Fire Marshal may, and he is hereby authorized in his discretion to, designate places where it shall be lawful or unlawful to build open fires or to light, ignite or set fire to any tobacco, cigarette, pipe, cigar or other smoking device on private property, with the permission of the owner thereof, or upon any public road, or within any public park, or upon any public land.

(b) The Fire Marshal may place or cause to be placed uniform signs or posters on or at such premises indicating the place or limits where such fires may be built and maintained, or where such smoking may take place, without further permit or permission; provided, however, that it shall be unlawful to leave or cause or permit to be left, any lighted tobacco or any fire burning in such place. Before leaving such place tobacco or fire shall be thoroughly extinguished and so completely covered with mineral earth in such manner as to adequately prevent such tobacco or fire from burning thereafter. (Ord. 2010-29, 11-2-10).

Article 9-4. Fireworks Act

9-4-1. Conformance with the Utah Fireworks Act.

9-4-1. Conformance with the Utah Fireworks Act.

(a) The Sections of this Article are intended to be adopted so as to conform to the Utah Fireworks Act, which comprises Sections 53-7-220 through 53-7-225 of the Utah Code Annotated 1953 (U.C.A.), as amended; all interpretations of this Article shall be made in accord with such Act.

(b) Rules, specifications, standards or requirements promulgated by the Utah State Fire Prevention Board are included and adopted and incorporated by reference. (Ord. No. 1998-15, 08-18-98)(Ord. 2010-29, 11-2-10).

Article 9-5. General Fire Protection Standards.

9-5-1. Maintenance.

9-5-1. Maintenance.

(a) The fire protection provisions required by the Fire Code and/or by this Chapter shall be maintained by property owner and/or the applicable homeowner's association as a condition of maintaining "adequate fire protection" in accordance with Section 11-7-1 of the Utah Code Annotated, and the protective covenants made with Utah County at the time of development approval.

(b) any fire alarm system shall be the responsibility of the owner to be maintained in proper operating order. After a maximum of two recorded false alarms from an alarm company or local alarm during any twelve month period, the owner shall be responsible for costs of fire department and/or law enforcement response related to any additional false alarms occurring within said twelve month period. (Ord. 2010-29, 11-2-10)(Ord. 2011-24, 6-28-11).

Article 9-6. Wildland/Urban Interface Areas.

9-6-1. Scope.

9-6-2. Access.

9-6-3. Emergency Water Supplies.

9-6-4. Structural Design and Construction.

9-6-5. Manufactured Homes.

9-6-6. Defensible Space Requirements.

9-6-7. Storage of Combustible Materials.

9-6-8. Fireworks

9-6-9. Outdoor Fires

9-6-1. Scope.

This Article applies to "Large Scale Developments" which include: Recreational Resorts, Mountain Home Developments and Subdivisions in the

Wildland/Urban Interface lands, and structures not included within a platted Large Scale Development. The specific needs for fire prevention in these high fire prone areas are subject to the regulations of this Article are delineated on the overlay map in Appendix "A" of this Code. The provision of both Articles 5 and 6 of this Chapter shall apply to all areas of the Urban Interface shown in Appendix A. (Ord. 2015-2, 02-03-15).

9-6-2. Access.

(a) Driveways. Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. Driveway turnouts shall be an all-weather surfaced road at least ten feet wide and thirty feet long and located not more than 200 feet apart or as approved by the County Engineer. A driveway shall not serve in excess of five (5) dwelling units.

Driveway turnarounds shall have inside turning radii of not less than 30 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one (1) point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

(b) Grade. The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official. It will be up to the code official to ascertain the maximum grade based on specifications of the fire equipment providing fire protection, provided that the maximum grade shall not exceed ten percent (10%) unless a steeper grade is approved by the fire chief. (Ord. 2010-29, 11-2-10).

(c) Address Markers. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located. (Ord. 2015-2, 02-03-15).

9-6-3. Emergency Water Supplies.

(a) Notwithstanding Section 507 and Appendix B of the International Fire Code and because of a greater exposure of fire in Urban Interface areas, an approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into clustered large scale developments in the Urban Interface.

(b) The minimum fire flow and flow duration requirements for a one family dwelling having a building area which does not exceed 3,600 square feet shall be 1,000 gallons per minute for two hours. The fire flow for all other occupancies and for dwellings greater than 3,600 square feet shall be determined by the Fire Marshal using the International Fire Code as a guide.

(c) A reduction in required fire flow of up to 75 percent, as approved by the Fire Marshal, is allowed when the building is provided with a fire extinguishing system in accordance with Appendix B sections B103 and B105 of the International Fire Code, or is provided with an approved automatic sprinkler system, and when an adequate vegetation clearance is maintained. Water supplies for fire sprinklers shall comply with the National Fire Protection Association (N.F.P.A.) 13 Standards.

(d) The above fire-flow requirements shall not apply to any dwelling outside of a Large Scale Development which is in the Urban Interface and is provided with a fire break as defined herein and as such firebreak is maintained by the owner-occupants. Also excluded are any "S2" occupancies under 900 square feet and farm buildings not within 50 feet of a structure with habitable space.

(e) The above fire-flow requirements shall not apply to dwellings within clustered large scale developments approved without fire-flow when provided with approved fire sprinkler systems.

(f) Water storage supplies shall likewise be calculated to provide the required daily culinary supply for each building lot plus the required fire flow for the building having the greatest demand.

(g) The fire flow requirements of this section shall not be applied in Large Scale Developments approved prior to September 15, 1978. Facilities, buildings, and structures constructed or expanded after the effective date of this paragraph, in said developments, which fail to comply with the emergency water requirements of this section shall not exceed 1500 square feet of building area as defined by the International Fire Code unless a fire extinguishing system in accordance with Section 904 of the International Fire Code or listed automatic sprinkler system in accordance with NFPA 13 Standards is installed or adequate fire flow

is provided.(Ord. 2010-29, 11-2-10)(Ord. 2011-24, 6-28-11)(Ord. 2015-2, 02-03-15).

9-6-4. Structural design and Construction.

The International Fire Code is hereby amended to include the following provisions:

(a) New structures and expansion of existing structures in the Wildland/Urban Interface areas of Utah County shall meet the following requirements:

(1) Automatic fire sprinkler systems. Automatic fire sprinkler systems shall be installed in all dwellings and in all other occupancies as required by the International Fire Code. Automatic fire sprinkler systems shall comply with NFPA standards.

(2) Roof covering. Roofs shall have at least a Class B roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire-stopped to preclude entry of flames or embers, or have one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the combustible decking.

(3) Roof valleys. When provided, valley flashings shall be not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 running the full length of the valley.

(4) Existing roof coverings. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a roof covering required for new construction.

(5) Protection of eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of $\frac{3}{4}$ inch (19 mm). No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

(6) Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter.

(7) Exterior walls. Exterior walls of buildings or structures shall be constructed with one of the following methods:

- Approved noncombustible materials
- Heavy timber or log wall construction.
- Fire-retardant-treated wood on the exterior side.

The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.

- Approved building materials installed over fire-rated sheetrock or other similar noncombustible material with ignition-resistant materials on the exterior side.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

(8) Unenclosed under floor protection. Buildings or structures shall have all under floor areas enclosed to the ground, with exterior walls in accordance with exterior walls requirements above. Exception: Complete enclosure shall not be required where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction or fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.

(9) Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of one of the following:

- Approved noncombustible materials;
- Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code; or
- Ignition-resistant building materials in accordance with exterior walls requirements above.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152 mm) of the ground, in accordance with exterior wall construction above.

(10) Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire-protection rating of not less than 20 minutes.

(11) Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1³/₄-inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Exterior glazing requirements above.

(12) Vents. Attic ventilation openings, foundation or under floor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed 1/4 inch or shall be designed and approved to prevent flame or ember penetration into the structure.

(13) Vent locations. Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet from lot lines. Under floor ventilation openings shall be located as close to grade as practical.

(14) Detached accessory structures.

(A) Detached accessory structures located less than 50 feet (15,240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction, or constructed with approved noncombustible materials or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.

(B) When the detached accessory structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with exterior wall requirements above or under floor protection in accordance with unenclosed under floor protection requirements above.

(C) EXCEPTION: The under floor area enclosure shall not be required where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction or fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code.

(15) Spark Arrestors.

(A) Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire

screening of 12 USA standard gage wire (0.1046 inch) (2.66 mm) having openings not exceeding $\frac{1}{2}$ inch (12.7 mm). The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

(B) EXCEPTION: Additions or alterations to existing non-conforming structures, involving less than 50% of the structure shall not be required to meet the requirements of new construction provided the additions or alterations meet or exceed the fire safety requirements of the existing structure.

(b) Dwellings located in an area of light fuel extending at least $\frac{1}{2}$ mile beyond a conforming defensible space and conforming with the water supply requirements of Section 9-6-3 of this code shall meet the following less restrictive requirements:

(1) Automatic fire sprinkler systems. Automatic fire sprinkler systems shall be installed in all dwellings and in all other occupancies as required by the International Fire Code. Automatic fire sprinkler systems shall comply with NFPA standards.

(2) Roof covering. Roofs shall have at least a Class C roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire-stopped to preclude entry of flames or embers, or have one layer of 72-pound mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 installed over the combustible decking.

(3) Roof valleys. When provided, valley flashings shall be not less than 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide (914 mm) underlayment consisting of one layer of 72-pound (32.4 kg) mineral-surfaced, non-perforated cap sheet complying with ASTM D 3909 running the full length of the valley.

(4) Existing Roof Coverings. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a roof covering required for new construction.

(5) Unenclosed under floor protection. Buildings or structures shall have all under floor areas enclosed to the ground with exterior walls. Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

(6) Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be provided with an approved means to prevent the accumulation of leaves and debris in the gutter.

(7) Spark Arrestors.

(A) Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) (2.66 mm) having openings not exceeding $\frac{1}{2}$ inch (12.7 mm). The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

(B) EXCEPTION: Additions or alterations to existing non-conforming structures, involving less than 50% of the structure shall not be required to meet the requirements of new construction provided the additions or alterations meet or exceed the fire safety requirements of the existing structure.

(c) The 2012 edition of the International Wildland-Urban Interface Code shall, at the discretion of the fire marshal, be consulted for guidance in determining fire safety requirements. (Ord. 2010-29, 11-2-10)(Ord. 2015-2, 02-03-15).

9-6-5. Manufactured Homes.

Where manufactured homes are permitted, they shall meet all applicable construction and safety standards and shall be provided with full skirting constructed of noncombustible materials. Any porches and sun-decks shall be constructed of non-combustible or listed fire-retardant materials. (Ord. 2015-2, 02-03-15)

9-6-6. Defensible Space Requirements.

(a) Notification. The Utah County Fire Marshal shall be notified, in writing, and a site plan submitted for approval before development or construction of any structure commences so that vegetation can be evaluated and ample clearance around structure(s) can be determined.

(b) Minimum Requirements. Unless otherwise specified by the Fire Marshal, minimum vegetation clearance will be as follows:

(1) Grass and groundcovers. Dry or non-fire resistive grass and groundcovers shall be cleared and maintained to a maximum of 5 in. in height within 30 ft. of the structure and a maximum of 18 in. in height from 30 to 50 feet from the structure. Areas beyond 50 feet from the structure shall be determined by the fire marshal.

(2) Trees. Trees within 50 feet of a structure shall comply with the following:

(A) Canopies of individual trees or small groups of trees shall be a minimum of 10 feet apart.

(B) Canopies shall not be permitted to extend within 10 feet from under eaves, decks, or balconies or chimney openings.

(C) Trees within 50 feet of a structure shall be pruned to a height of 6 feet above the ground, trees less than 20 feet in height shall have the lower one-fourth pruned.

(D) All trees within 50 feet of a structure shall be kept free of dead or dying materials.

(3) Dead Vegetative Material. All dead vegetative material shall be removed and maintained clear within 50 ft. of any structure.

(4) Propane or Fuel tanks. Ground vegetation around tanks shall be maintained no higher than 4 inches for a minimum of 10 foot radius. Trees and brush shall be trimmed maintaining a minimum of three feet above the tank.

(5) Fire Hydrants. Vegetation or other obstructions shall be maintained below 4 inches high. Clearance shall be provided three feet on all sides of the hydrant and extend to the roadway.

(6) Disposal of Flammable Vegetation and Fuels. Disposal, including chipping, burying, or removal to an approved landfill shall be completed prior to final inspection of a building permit. Open Burning of these materials is prohibited. (Ord. 2015-2, 02-03-15).

9-6-7. Storage of Combustible Materials.

(a) General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of thirty (30) feet from structures and separated from the crown of trees by a minimum horizontal distance of fifteen (15) feet.

(b) Storage for off-site use. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard. (Ord. 2015-2, 02-03-15).

9-6-8. Fireworks.

Fireworks shall not be used or possessed in Wildland/Urban Interface areas. (Ord. 2010-29, 11-2-10)(Ord. 2015-2, 02-03-15).

9-6-9. Outdoor Fires.

(a) No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any Wildland/Urban Interface area, except by the authority of a written permit from the code official.

(1) Exception 1: Outdoor fires specifically allowed by any governmental agency having jurisdiction over the land.

(2) Exception 2: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbeque, portable barbeque, outdoor fireplace, incinerator or grill and are a minimum of thirty (30) feet from any combustible material or non-fire-resistive vegetation.

(b) No person shall use a permanent barbeque, portable barbeque, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

(c) Incinerators, outdoor fireplaces, permanent barbeques and grills shall not be built, installed or maintained in Wildland/Urban Interface areas without approval of the code official. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

(d) The pile of fuel to be burned in the fire area for recreational fires shall not be larger than 3 feet in diameter and 2 feet high.

(e) A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at recreational fires.

(f) Recreational fires are required to be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment. The attendant shall supervise the burning material until the fire has been extinguished. (Ord. 2015-2, 02-03-15).

Article 9-7. Hazardous Materials

9-7-1. Definitions as used in this section.

9-7-2. Recovery of expenses.

9-7-1. Definitions as used in this section.

(a) The definition of terms used herein are intended to be consistent with Title 29, Chapter XVII, Part 1910, Subpart Z, Section 1910.1200(c) of the Code of Federal Regulations.

(b) Hazardous Material - Hazardous chemical means any chemical which is a physical hazard or a health hazard.

(1) Health Hazard means a chemical, mixture of chemicals or a pathogen for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in an exposed individual. The term "health hazard" includes chemicals which are carcinogens,

toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. It also includes stress due to temperature extremes.

(2) Physical Hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(c) Hazardous Material Incident - A sudden and unexpected release or threat of release of any substance that because of its quantity, concentration, or physical, chemical, or infectious characteristics presents a direct threat to health, public safety, the environment, or property.

(d) Expenses - Direct and indirect costs of labor, equipment, administrative overhead, governmental agencies, private contractors, contract labor and materials, disposable and damaged items associated with the response, containment, control, and mitigation of a hazardous material incident. (Ord. No. 1994-07, 4-25-94)(Ord. 2015-2, 02-03-15).

9-7-2. Recovery of expenses.

(a) Utah County, by and through its County Commission, may recover from those persons whose actions caused the costs of a hazardous materials emergency response incurred by Utah County or any of its agencies directly associated with the response to a hazardous materials incident taken under authority of this chapter or any other applicable law.

(b) The payment of expenses under this subsection does not constitute an admission of liability or negligence in any legal action for damages.

(c) Utah County may obtain assistance from the Utah State Attorney General or a municipal attorney of the affected jurisdiction to assist Utah County in recovering expenses and legal fees.

(d) Any recovered costs shall be deposited in the general fund of Utah County. (Ord. No. 1994-07, 4-25-94)

