MIDVALE CITY, UTAH

ORDINANCE NO. 2013-O-08

AN ORDINANCE AMENDING TITLE 2 OF THE MIDVALE MUNICIPAL

WHEREAS, the City Council desires to amend Title 2, Administrative Code, of the Midvale Municipal Code; and

WHEREAS, the City Council finds it in the City's best interest to amend Title 2 of the Midvale Municipal Code to comply with changes made during the year to salaries and departments; and

WHEREAS, the City Council of Midvale City, Utah, finds it appropriate to adopt such an ordinance in an effort to provide comprehensive information to the citizens of Midvale.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The City Council desires to amend Title 2, Administrative Code, of the Midvale Municipal Code as set forth in Exhibit A.

Section 2. This ordinance shall be effective upon date of first publication.

PASSED AND APPROVED this 20th day of August 2013.

JoAnn B. Seghini, Mayor

Voting by the City Council “Aye” “Nay”

Colleen Costello  
Paul Glover  
Robert Hale  
Paul Hunt  
Wayne Sharp

Published this__ day of August, 2013.
2.12.040 Compensation of Mayor and City Council

A. Each member of the city council, other than the Mayor, shall be paid an annual salary of 
10,000 thousand dollars. The mayor shall be paid an annual salary of 16,000 thousand five hundred dollars and an annual car allowance in the amount of 3,400 thousand dollars.

B. In addition to the salary paid the elected officials shall be authorized to receive health and dental benefits at the same level as city employees.

C. In addition to all other compensation or salaries, elected officials may receive travel expenses and per diem established by the city for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the governing body. (Ord 2012-11 § 1 (Exh. A): Ord 2/16/2010O-2 § 1 (Exh. A) (part), 2010: Ord. 4/21/2009O-7 § 1 (Exh. A) (part), 2009: Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.3.104), 2007)

2.12.070 Rules of Conduct, Order and Procedure

The city council may have adopted rules of order and procedures by Resolution for the efficient and fair functioning of its meetings. These Rules of Order and Procedure are located on the city website with a summary available at each public meeting. In the absence of any specific rule or procedure to the contrary, Webster’s New World Robert’s Rules of Order, Simplified and Applied, shall govern parliamentary procedure before the city council. (Ord. 2/16/2010O-2 § 1 (Exh. A) (part), 2010: Ord. 4/21/2009O-7 § 1 (Exh. A) (part), 2009: Ord. 10/02/2007O-14 § 1 (Exh. A)(2.8.105), 2007. Formerly 2.36.050)

State law reference(s)—Similar provisions, § 10-3-607 of the Utah Code Annotated.

2.12.101 Access to council by citizens and employees.

A. Except as provided in subsection (D) of this section, No city policy, rule or directive, whether written or verbal, shall be established, promoted or issued by any city officer, individual or body other than the city council acting as a body that restricts the rights of citizens or employees to freely communicate with members of the city council at any time or on any subject.

B. No officer or employee shall be discharged or transferred to a position with less remuneration, nor shall any penalty of any kind be directed towards any officer, employee or citizen, as a result of his having exercised his right to communicate with any member of the city council.
C. If any city officer, manager, or supervisor shall be found to have willfully violated the provisions of subsection (A) or (B) of this section, he shall be subject to termination of employment with the city. The city manager shall terminate the employment of any employee who is found by the city manager to have willfully violated the provisions of this section. Any employee terminated under the provisions of this subsection shall maintain full right of appeal to the hearing officer, employee appeal board and the city council as provided in Section 2.24.210 provided such employee is entitled to appeal a discharge to the hearing officer, Employee Discharge Review Board.

D. If a city employee is pending employee disciplinary action, the employee shall not discuss that issue with any member of the city council outside of an actual appeal hearing, which shall be conducted before the body of the city council. In order that they may remain free from the effects of prejudice towards a case that is under appeal, individual Council members should not discuss issues related to an appeal outside of the actual hearing process.

E. If the city manager shall be found to have willfully violated the provisions of subsection (A) or (B) of this section, or failed to act as directed in subsection (C) of this section, he/she shall be removed from office upon a majority vote of the city council as provided in Section 2.16.550 (Ord. 2/16/2010O-2 § 1 (Exh. A) (part), 2010: Ord. 4/21/2009O-7 § 1 (Exh. A) (part) 2009: Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.3.109), 2007)

2.16.300 Structure of Administrative Branch.
A. The administrative branch of City government is structured between the City Manager and the various departments, boards and commissions, offices and officers designated in this title and other ordinances.

B. The administrative branch is further structured between the City Manager and seven subordinate departments, each administered by a director, who shall be head of that department. These departments shall be:

1. Administrative Services
2. Community & Economic Development
3. Fire-Legal Department
4. Human Resources
5. Police
6. Public Works
7. Redevelopment Agency
8. Justice Court

C. The Mayor and City Manager, may, with the advice and consent of the City Council, appoint Assistant City Manager(s) as needed to assist with the day-to-day operations of the City.
D. The Assistant City Manager will act as interim City Manager in the absence of the City Manager as indicated in Section 2.16.240.

E. The Mayor and City Manager, may, with the advice and consent of the City Council, create, consolidate, or abolish departments and divisions. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.4.301), 2007). Formerly 2.16.090)

2.16.430 Compensation.
The Mayor shall be paid an annual salary of fourteen thousand five hundred dollars and an annual car allowance in the amount of three thousand eight hundred dollars. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.4.404), 2007)

2.16.570 Emergency Interim Successors to City Manager.
If, because of natural or human-caused disaster or emergency situation, absence, disability or death, the City Manager is unable to carry out the duties imposed by this part, the duties and authorities of the City Manager shall be exercised by one of the following municipal officials, in the order indicated, until the City Manager or a person higher on the priority list becomes capable of exercising such duties:

A. Assistant City Manager/Community & Economic Development Director
B. Assistant City Manager/Administrative Services Director
C. Fire Chief City Attorney
D. Police Chief Public Works Director
E. Human Resource Director
F. Redevelopment Agency Director
G. Court Director

The exercise of emergency interim successor duties pursuant to this section shall be promptly reported to the members of the City Council as soon as practical by the person assuming those duties. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.4.508), 2007)

2.16.260 Compensation of Employees.
The Human Resource Director shall establish a municipal employee’s compensation plan, together with accompanying personnel policies and procedures to determine employee compensation for all appointed employees. All City employees, except as otherwise provided by ordinance, shall be compensated for their services in accordance with the plan, according to the grade and step level pay range of the employee as determined by the City Manager. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.4.603), 2007)
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Article III. Community and Economic Development

2.20.300 Appointment of Department Head.
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Director of Community & Economic Development. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.301), 2007)

2.20.310 Duties and Responsibilities of Department Head.
A. In addition to the duties prescribed by law, this title, or other City ordinance, the Community & Economic Development Director, subject to supervision and control of the City Manager, shall:

1. Supervise day-to-day operations and employees of the City’s Community & Economic Development Department to include planning, economic development, building, code enforcement, redevelopment agency, business licensing, and community building community.

2. Work with the EPA & UDEQ to ensure continued protection of the final remedies on the two former superfund sites and the future cleanup and improvements to the riparian corridor.

3. Work with the Wasatch Front Regional Council (WFRC) to ensure the City is represented in future transportation decisions and regional planning efforts.
4. Prepare quarterly report to EPA regarding expenditure of grant funds for the site coordinator and other employees conducting work on the former superfund sites.

5. Work with the Utah Transit Authority (UTA) addressing current and future transit needs of the City.

6. Involved in the planning of development and public utilities.

7. Represent the City during each legislative session to identify and track bills that may have a negative impact on issues related to Community & Economic Development Department.

8. Represent City on ULCT task forces as assigned.

9. Administer the City’s Community Development Block Grant program; take annual applications and make recommendations for individual funding levels to the City Council; and review invoices to ensure monies spent meet the proposed scope of work.

10. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing additional duties or responsibilities for the Community & Economic Development Director or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.302), 2007)

2.20.620320 City Engineer.
A. The City Manager shall, with the advice and consent of the Mayor and City Council, designate and appoint a qualified, professional engineer, registered under Utah Code Ann. Title 58, Chapter 22, to be the City Engineer.

B. The City Engineer shall file all drawings and documents submitted to him pertaining to public lands and improvements. Such documents shall be open for public inspection. The City Engineer shall keep the records and files in good condition and turn the same over to his successor in office. He shall allow no alteration, mutilation, or changes in any matter or record and shall be held strictly accountable for the same. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.603), 2007)

2.20.320 330 Department Division.
The Community & Economic Development Director may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.303), 2007)
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Director (Chief) of the Fire Department. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.401), 2007; prior code § 10-121. Formerly 2.24.020)

2.20.080 410 Duties and Responsibilities of Department Head.
In addition to the duties prescribed by law, this title, or other City ordinance, the Fire Chief, subject to supervision and control of the City Manager, shall:

A. The Chief shall have the responsibility for the general supervision of the department.

B. During a fire, the Chief shall have full authority to take all measures he/she deems necessary, subject to state law, to control and extinguish the fire and for that purpose he/she is made a special peace officer.

C. The Chief shall, on a regular basis, report to the governing body the condition of the fire equipment, the number of fires and their causes and the estimated loss together with such other information as the governing body may request or as he/she shall deem appropriate.

D. The Chief shall strictly enforce all of the provisions of the ordinances of the municipality relating to the protection against and prevention of fire.

E. The Chief shall ensure that the equipment of the department is in good repair and order and ready for use.

F. The Chief, subject to the approval of the Mayor and governing body, shall establish rules and regulations for the operation of the department.

G. The Chief may delegate his/her duties to any person employed by his department, but such delegation shall not relieve the chief of his/her responsibility for the performance thereof.

H. The Chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires.

I. Act as interim City Manager as needed. (See Section 2.16.240) (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.402), 2007; prior code § 10-122. Formerly 2.24.030)

2.20.090 420 Employees.
The Chief may make recommendations to the Mayor relating to the employment of firefighters and such other personnel as may be necessary to enforce the provisions of this chapter. The Chief may employ such additional personnel as the Mayor and governing body may direct or authorize. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.403), 2007; prior code § 10-123. Formerly 2.24.040)

2.20.100 430 Emergency Vehicles.
Fire apparatus are designated as emergency vehicles. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.404), 2007; prior code § 10-131. Formerly 2.24.050)
2.20.110 440—Removal of Obstructions at Fire:
The officer in charge at any fire may order the removal or destruction of any fence, building or structure, or that any utility be closed, cut or removed when deemed necessary to protect life, stabilize the incident, and conserve property. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.405), 2007: prior code § 10 132. Formerly 2.24.060)

2.20.120 450—Control of Persons:
All persons present at a fire shall obey the orders of any firefighters. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.406, 2007: prior code § 10 133. Formerly 2.24.070)

2.20.130 460—Interference with Firefighters in Discharge of Duties:
Every person at the scene of any fire who injures, defaces or destroys any property belonging to the municipality, or who interferes with the efforts of any firefighter, or who willfully hinders or obstructs any company of firefighters to extinguish the same, is guilty of a Class B misdemeanor. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.407), 2007: prior code § 10 134. Formerly 2.24.080)

2.20.140 470—Unlawful Interference with Officer, Apparatus, Water, etc.
Any person who willfully hinders any officer or firefighter in the discharge of his/her duty at a fire, or in any manner injures, defaces or destroys any apparatus, hose or other emergency equipment, belonging to the municipality, or who interferes with any fire company or person, or who willfully breaks or injures any water pipe, or interferes with the water at its source, shall be deemed guilty of a class B misdemeanor and shall be punished accordingly. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.408), 2007: prior code § 10 135. Formerly 2.24.090)

2.20.150 480—Investigation after Fire Report.
The Chief or such other person as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, 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 governing body at such time as it may direct. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.409), 2007: prior code § 10 136. Formerly 2.24.100)

2.20.160 490—Right to Enter Upon and Inspect Premises.
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 making inspections. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.410), 2007: prior code § 10 137. Formerly 2.24.110)

2.20.170 500—False Alarm:
A. It is unlawful for any person to, knowingly or intentionally, turn in or report to the Fire Department a false alarm or false report of a fire or to tamper with or remove any part of the fire alarm system:

B. Any entity or person reporting two false alarms in a thirty-day period or after reporting seven false alarms in any calendar year shall be assessed a fee at the following rate:
1. The hourly rate paid to each responding government personnel;

2. Consumable Supplies—Actual reimbursement cost plus twenty-five percent to cover shipping and durable equipment maintenance (calibration, replacement, etc.);

3. Durable Equipment—Use the "Department of Homeland Security/Emergency Preparedness and Response Directorate Schedule of Equipment Rates" that is published annually by FEMA. If an item is not listed, the City reserves the right to bill at a rate of cost plus twenty-five percent. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.411), 2007; Ord. 6/19/2007 O-7 § 1, 2007; Ord. 12-4-2001 § 1, 2001; prior code § 10-139. Formerly 2.24.130)

2.20.180-510 Emergency Medical Services (EMS).

A. All providers of emergency medical services (EMS) in the city shall be required to be licensed by the Utah Department of Health, Bureau of EMS, and shall follow all of the goals and standards contained within this section. Each licensed provider shall enter into an operational and financial contract with the city not later than six months after the effective date of the ordinance codified in this section.

B. Access to Emergency Medical Services (EMS).

1. Every person that calls 911 for medical assistance in the city shall receive an appropriate response from all licensed EMS providers;

2. The Fire Chief shall ensure that all components of the EMS system shall be made available to every citizen. These components shall include:

   a. Enhanced 911 communications;

   b. Trained and certified emergency medical dispatchers;

   c. A protocolized priority medical system;

   d. Certified emergency medical technician first responders;

   e. Ambulances fully stocked, staffed, and licensed according to state rule;

   f. Paramedics certified and trained to provide advanced life support;

   g. Automatic or manual defibrillation devices on all emergency vehicles;

   h. Medical director oversight provided by a contracted off-line medical director certified by the Bureau of EMS;

   i. A quality improvement and review process;

   j. Written policies, procedures, and protocols for EMS;
k. Strict adherence to local, regional, and state laws, rules, and protocols for the delivery of EMS.

C. Cost of the EMS System. The city, the fire department, and all licensed EMS providers shall actively find ways to contain the costs of providing emergency medical services. Each provider shall make every effort to collect the appropriate information needed to submit claims to insurance companies, third-party payers, and individual patients for collecting the fees of providing EMS services. Details of the cost recovery program shall be outlined in contracts between EMS providers and the city.

D. Quality of the EMS System:

1. All personnel actively engaged in the provision of EMS shall hold current Utah certifications for emergency medical technician (EMT) either basic, intermediate, or paramedic.

2. Each EMS provider shall develop and implement a complete and comprehensive quality improvement process that evaluates every aspect and level of the EMS system, including: communications, concurrent field care review by the medical director during ride-alongs, post-incident review, response time criteria, adherence to established treatment and transport protocols, appropriate scene release, accuracy and completeness of patient care reports.

3. Each EMS agency shall provide and maintain facilities, equipment and supplies in excellent condition and shall follow all applicable laws and regulations pertaining to licensed emergency response vehicles and ambulances. The facilities shall have the following components: training rooms; clean restrooms; break room; decontamination equipment including washing machine, sink, shower, and soap.

4. Each EMS provider shall develop and maintain career opportunities for EMS personnel and make every effort to assist personnel in their career development and professional progress as well as institute programs for employee advancement and retention.

5. Each EMS agency should actively develop and deliver illness and injury prevention programs to the community and create and promote a community education program that forwards community health.

6. Each EMS agency shall establish resource allocation models that most appropriately utilize EMS resources to their maximum efficiency and develop response plans that send the most appropriate resource in the most appropriate mode.

7. Each EMS agency shall provide expertise and support in the continual review and update to the prioritized medical dispatch protocols used by the contracted dispatch agency, regularly review dispatch policies and procedures and develop scientifically proven methods for determining EMS response types to specific dispatch codes.
8. Each EMS agency shall follow District IIIB protocols as they pertain to contacting online medical control. The fire department shall contract with a Utah certified medical director for the oversight of EMS in Midvale.

9. Each EMS agency shall ensure that adequate EMS coverage shall always be available and that all EMS standards shall be met or exceeded during normal conditions 365 days per year and 24 hours per day.

10. Each EMS agency shall attend regularly scheduled District IIIB protocol review meetings as well as Salt Lake Valley Interhospital Committee meetings. Each EMS agency shall ensure that its employees and activities are in compliance with the established protocols. Each EMS agency shall adopt these and others approved by its medical director as sound medical protocols for pre-hospital medical care.

11. Each EMS agency shall, in addition to District IIIB protocols, develop and adhere to policies, protocols, and procedures for the day-to-day EMS delivery operational system.

12. Each EMS agency should develop and implement a customer satisfaction survey that is intended to measure the satisfaction and effectiveness that the community and its users have with the EMS system and the EMS agency.

13. Each EMS agency shall create and adhere to infectious control procedures that meet NFPA and OSHA requirements, as well as local, district, and state rules, laws, and reporting procedures. Each EMS agency shall ensure that every employee is supplied with all appropriate personal protective equipment that is standard and common in the EMS industry. Each EMS agency shall provide an adequate indoor facility that can be used to decontaminate emergency vehicles and ambulances. Each EMS agency must also provide adequate supplies and equipment for the decontamination of clothing and personal protective equipment. The decontamination facilities and equipment must be located so that emergency vehicles, ambulances, and EMS crews are back in service as soon as possible.

14. Each EMS agency shall adhere to a detailed incident command policy that includes all elements typically found in a comprehensive incident command policy.

15. Each EMS agency shall provide for specialized rescue services, such as: patient evacuation; confined-space rescue; hazardous material; hazardous conditions caused by noxious and poisonous fumes, gases, releases or vapors. Each EMS agency shall ensure that its employees are trained and equipped to perform such rescues in a safe and effective manner and that each employee has all of the protective safety clothing, equipment, and gear to act in such a manner.

E. Response Times. Response time and time standards for Midvale are outlined below. These response criteria should be applied under normal circumstances and should apply to the first and second subsequent calls for service. In the event of multiple simultaneous calls or calls that require more than two ambulances or paramedics units, these response parameters should be followed as closely as possible.
### F. Minimum Number of Ambulances and Paramedic Units in Midvale:

1. The minimum number of ambulances permanently stationed within the corporate boundaries of Midvale shall be at least two fully equipped and staffed ambulances.

2. The minimum number of paramedic units permanently stationed within the corporate boundaries of Midvale shall consist of a minimum of one fully equipped and staffed paramedic unit not later than six months after the effective date of the ordinance codified in this section.

### G. Strategically Located Fixed Facilities. All EMS providers actively providing EMS services in Midvale must provide strategically located facilities for housing emergency response vehicles, ambulances, and EMS personnel. These facilities must provide protection to the vehicles, personnel, and equipment from the elements. The facilities must be secured, temperature controlled, clean, and well lit. Regular reviews must be performed to ensure that the locations of the facilities are appropriate for EMS response in Midvale.

### H. Mutual and Automatic Aid Agreements. All EMS providers licensed to provide service in Midvale must have signed written mutual aid and automatic aid agreements with all surrounding EMS agencies. These agreements must outline the dispatch, response, and operational procedures that must be followed. The agreements must also outline the incident command procedures to be used by each agency.


### 2.20.190 EMS, Fire, and Hazardous Materials Cost Recovery.

A. This section shall provide procedures for recovering costs incurred by the City for assistance rendered by the city in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses.

B. Any person or entity who knowingly requests city fire department emergency medical services to respond to unnecessary, false, capricious or for non-emergency situations shall be guilty of a Class B misdemeanor.

C. For the purpose of this article, the following words shall have the following meanings:

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

2. "Aggravated fire emergency" means: A fire proximately caused by the owner or
occupier of property or a structure, which presents a direct and immediate threat to
public safety and requires immediate action to mitigate the threat, and the fire:
a. Is caused or contributed to by the failure to comply with an order from any city
agency, department or official, or
b. Occurs as a direct result of a deliberate act in violation of the ordinances or
regulations of the City, or
c. Is caused by arson; or
d. An alarm that results in a city fire unit being dispatched and the person or entity
transmitting or causing the transmission of, the alarm, knows or has reasonable
basis to believe at the time of said transmission that no fire or fire related
emergency exists.

3. "Aggravated medical emergency" means an alarm that results in a city fire unit or an
emergency medical unit being dispatched and the person or entity transmitting, or
causing the transmission of the alarm knows, or should have known, at the time of
said transmission that there was no reasonable basis for believing that a medical
emergency existed.

4. "Expenses" means the actual costs of government personnel including the base hourly
pay rate, federal and state payroll taxes, worker’s compensation benefits, fringe
benefits, administrative overhead, costs of equipment, cost of equipment operations;
cost of material, cost of disposal and the cost of any contract labor and materials. Cost
of materials including costs for equipment breakdown.

5. "Non-emergency situation" includes but is not limited to alcohol intoxication, minor
lacerations, minor contusions and sprains, minor illness, insect and animal bites not
deemed emergencies, rashes, skin disorders, hives without difficulty breathing, home
delivery to avoid doctor and hospital services, venereal disease, patients seeking non-
emergency transportation, forehead and scalp lacerations only, cold syndrome, sore
throat, earache, hiccough, nervousness, anxiety, toothache, minor bruises, non-life
threatening overdoses, non-life threatening self-inflicted injuries.

D. Recovery authorization and procedure. The City is hereby authorized to recover expenses
incurred by virtue of the City’s response to a hazardous materials emergency, aggravated fire
emergency, aggravated medical emergency or a non-emergency situation from any person,
corporation, partnership or other entity that the City has a reasonable belief caused such an
emergency. The following procedure shall be followed to establish said belief:

1. The City Fire Department shall determine responsibility for the emergency or
response as defined above and notify the responsible party by mail of the
department’s determination of responsibility and the expenses to be recovered by the
City.
2. The notice shall specify that the determined responsible party may appeal the department’s decision before a hearing officer designated by the City Council and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than 30 calendar days from the date of the notice.

3. In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal. The appealing party and the City shall be entitled to present relevant evidence in support of their respective positions.

4. After the hearing is closed, the hearing officer shall within 30 calendar days make Findings of Fact and a recommendation to the City Council. The Council may adopt, modify, or remand the recommendation of the hearing officer for further proceedings. The City Council may, at its sole discretion, hear additional evidence prior to issuing its decision.

E. No admission of liability. The payment of expenses determined owing under this section does not constitute:

1. An admission of liability or negligence in any legal proceedings brought by third parties; or

2. An admission of criminal intent.

F. Action to recover expenses. In the event the parties determined to be responsible for the repayment of expenses incurred due to the city’s response to such an emergency fail to make payment to the City within thirty days after a final administrative determination of any appeal to the City or thirty days from the deadline for appeal in the event no appeal is filed, the City may initiate legal action to recover from the determined responsible parties the expenses determined to be owing, including the City’s reasonable attorney’s fees.

G. Fees

1. Personnel (charge will be the applicable rate for government personnel that respond as per Section 2C4);

2. Consumable Supplies — Actual reimbursement cost plus twenty-five percent to cover shipping and durable equipment maintenance (calibration, replacement, etc.).

3. Durable Equipment — Use the “Department of Homeland Security/Emergency Preparedness and Response Directorate Schedule of Equipment Rates” that is published annually by FEMA. If an item is not listed, the City reserves the right to bill at a rate of cost plus twenty-five percent. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.413), 2007: Ord. 6/19/2007 O-7 § 2-2007: Ord. 12-4-2001 § 2, 2001. Formerly 2.24.150)

2.20.200-530 Department Division.
Article V. Police Department

2.20.210-550 Appointment of Department Head:
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Director (Chief) of the Police Department. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.414), 2007)

2.20.220-560 Duties and Responsibilities of Department Head:
A. In addition to the duties prescribed by law, this title, or other City ordinance, the Police Chief, subject to supervision and control of the City Manager, shall:

1. Develop the organizational structure of the department in accordance with professional standards and sound management principles.
2. Establish issue and enforce rules, regulations, policies, and procedures for all members of the department.
3. Organize, direct, and control the personnel and resources of the department to include holding other exempt rank staff positions accountable for the effective and efficient conduct of members under their supervision and control.
4. Annually prepare and submit to the City Council the financial needs of the department, with recommendations for the ensuing fiscal year.
5. Act as the final authority in the discipline process, with review by the City Manager and the Employee Appeal Board.
6. Promote public understanding of the department through courteous and constructive interaction with individuals/groups and with members of the media.
7. Ensure department cooperation with other police departments, county, state, and federal agencies in matters of mutual interest; cooperate with the news media.
8. Understand and apply modern principles, methods, and procedures of law enforcement, to include criminal investigation and identification, crime prevention, police training and public relations.
9. Pursue, apprehend, and arrest persons who violate federal, state and local laws and ordinances in a lawful and, if applicable, forcible manner.
10. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing
additional duties or responsibilities for the Police Chief or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.502), 2007; prior code § 13-112. Formerly 2.28.020)

2.20.230 Powers and Duties of Police Officers.
The members of the police force shall have the power and authority as set forth in the Utah State Code. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.503), 2007; Ord. 4-4-95 (part), 1995; prior code § 13-113. Formerly 2.28.030)

State law references: §§10-3-914 and 10-3-915 of the Utah Code Annotated.

2.20.240 Department Division.
The Police Chief may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.504), 2007)

Article IV. Legal Department

2.20.400 Appointment of Department Head.
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the City Attorney.

2.20.410 Duties and Responsibilities of Department Head.
A. In addition to the duties prescribed by law, this title, or other City ordinance, the City Attorney, subject to supervision and control of the City Manager, shall:

1. Supervise and direct activities of the Legal Department.

2. Be responsible for department staffing and evaluations.

3. Develop departmental operational plans, priorities, policies and procedures to meet the needs of the City.

4. Manage professional service contracts the City enters into.

5. With input from management staff, develop and manage department wide budget.

6. Monitor fiscal activity to assure conformity with established policies; review and approve departmental purchases.

7. Consult with and advise Mayor, Council, senior staff, other City departments, and citizens groups on legal issues.

8. Prepare and negotiate contracts and agreements; ordinances; and resolutions for Council consideration.

9. Coordinate with federal, state, and local agencies to meet requirements of applicable laws and regulations.
10. Serve as the City's representative on various committees and boards as directed by City Manager.

11. Direct and manage criminal prosecution for the City.

12. Represent and defend the City in legal lawsuits and claims.

13. Make final decisions regarding recruitment, hiring, discipline, retention, and advancement of staff.

14. Ability to understand complex issues and make decisions based on available information and experience.

15. Ability to work well under pressure and in emergency situations.

16. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing additional duties or responsibilities for the City Attorney or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate.

2.20.420 Department Division.
The City Attorney may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate.

Article VI. V. Public Works Department

2.20.600-500 Appointment of Department Head.
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Director of Public Works. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.601), 2007)

2.20.610 Duties and Responsibilities of Department Head.
A. In addition to the duties prescribed by law, this title, or other City ordinance, the Public Works Director, subject to supervision and control of the City Manager, shall:

1. Supervise and direct activities of the Public Works Department.

2. Be responsible for department staffing and evaluations.

3. Develop departmental operational plans, priorities, policies and procedures to meet the needs of the City.

4. Manage professional service contracts the City enters into.

5. With input from management staff, develop and manage department wide budget.
6. Monitor fiscal activity to assure conformity with established policies; review and approve departmental purchases.

7. Consult with and advise Mayor, Council, senior staff, other City departments, and citizens groups on issues related to public works.

8. Coordinate with federal, state, and local agencies to meet requirements of applicable laws and regulations.

9. Serve as the City’s representative on various committees and boards as directed by City Manager.

10. Assist with the development of City ordinances and policies.

11. Make final decisions regarding recruitment, hiring, discipline, retention, and advancement of staff.

12. Ability to understand complex issues and make decisions based on available information and experience.

13. Ability to work well under pressure and in emergency situations.

14. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing additional duties or responsibilities for the Public Works Director or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.602), 2007)

2.20.630530 Department Division.
The Public Works Director may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate. (Ord. 10/02/2007 O-14 § 1 (Exh. A) (2.5.604), 2007)

Article VII. Human Resource Department

2.20.700 600 Appointment of Department Head.
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Human Resource Director.

2.20.740 610 Duties and Responsibilities of Department Head.
A. In addition to the duties prescribed by law, this title, or other City ordinance, the Human Resource Director, subject to supervision and control of the City Manager, shall:

2. Be responsible for department staffing and evaluations.

3. Develop departmental operational plans, priorities, policies and procedures to meet the needs of the City.

4. Manage professional service contracts the City enters into.

5. With input from management staff, develop and manage department wide budget.

6. Monitor fiscal activity to assure conformity with established policies; review and approve departmental purchases.

7. Consult with and advise Mayor, Council, senior staff, other City departments, and citizens groups on issues related to Human Resources.

8. Administer the personnel program of the City;

9. Formulate personnel principles and programs designed to:
   a. Assure that employment in the City government is based upon merit and free from personal and political considerations;
   b. Provide just, equitable and attractive incentives and conditions of employment so as to promote high morale, efficiency, and economy in the operations of City government.

10. In conjunction with department heads, prepare, revise and rewrite classification plans and job descriptions.

11. Recommend salary schedules for approval by the City Council.

12. Establish and maintain a roster of all employees, setting forth each officer and employee, class, title or position, salary, any changes in class title, status and such other data as may be deemed desirable or useful;

13. Maintain an accurate organizational chart;

14. Develop, acquire, and administer such recruiting and examining programs as may be necessary to obtain competent applicants to meet the needs of the City;

15. Propose, develop or otherwise acquire and coordinate training and education programs for City employees;

16. Search for and inquire about ways and means of improving personnel procedures; and

17. Develop a workable performance evaluation system.
18. Coordinate with federal, state, and local agencies to meet requirements of applicable laws and regulations.

19. Serve as the City’s representative on various committees and boards as directed by City Manager.

20. Assist with the development of City ordinances and policies.

21. Make final decisions regarding recruitment, hiring, discipline, retention, and advancement of staff.

22. Demonstrate ability to understand complex issues and make decisions based on available information and experience.

23. Demonstrate ability to work well under pressure and in emergency situations.

24. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing additional duties or responsibilities for the Human Resource Director or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate.

2.20.720 City Recorder.

A. The City Manager shall, with the advice and consent of the Mayor and City Council, designate and appoint a qualified, professional City Recorder, in accordance with Utah Code Ann. Title 10, Chapter 3.

B. The City Recorder shall manage all official records of the City; manage the municipal elections; and attend and keep official records of public meetings in accordance with state law. The City Recorder shall keep the records and files in good condition and turn the same over to his successor in office. He/she shall allow no alteration, mutilation, or changes in any matter or record and shall be held strictly accountable for the same.

2.20.720 Department Division.

The Human Resource Director may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate.

Article VIII. Redevelopment Agency Department

2.20.800 Appointment of Department Head.

The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Director of the Redevelopment Agency.

2.20.810 Duties and Responsibilities of Department Head.

A. In addition to the duties prescribed by law, this title, or other City ordinance, the Redevelopment Agency Director, subject to supervision and control of the City Manager, shall:
1. Supervise and direct activities of the Redevelopment Agency.

2. Be responsible for department staffing and evaluations.

3. Develop departmental operational plans, priorities, policies and procedures to meet the needs of the City.

4. Manage professional service contracts the City enters into.

5. With input from management staff, develop and manage department wide budget.

6. Monitor fiscal activity to assure conformity with established policies; review and approve departmental purchases.

7. Consult with and advise Mayor, Council, senior staff, other City departments, and citizens groups on issues related to the Redevelopment Agency.

8. Review and approve plans and applications for new development to ensure conformity to City standards.

9. Serve as the City's representative on various committees and boards as directed by City Manager.

10. Coordinate redevelopment of community and public properties in accordance with State Statute, City Ordinances and Agency policy.

11. Act as the Agency's representative in discussions and negotiations with property owners and developers.

12. Work closely with City elected and appointed officials and financial consultants to most effectively implement redevelopment plans and budgets.

13. Assess community needs and recommend goals and direction for redevelopment.


15. Administer redevelopment area budgets as adopted by the Agency Board and City Council and as approved by the Taxing Entities Committee.

16. Research, obtain, and administer funding through tax increment financing, grants and general program budgets.

17. Coordinate administrative procedures related to redevelopment and the integration with city-wide programs.

18. Assist with the development of City ordinances and policies.
19. Make final decisions regarding recruitment, hiring, discipline, retention, and advancement of staff.

20. Demonstrate ability to understand complex issues and make decisions based on available information and experience.

21. Demonstrate ability to work well under pressure and in emergency situations.

22. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing additional duties or responsibilities for the Redevelopment Agency Director or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate.

2.20.820 Department Division.
The Redevelopment Agency Director may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate.

Article VIII. Justice Court

2.20.800 Appointment of Department Head.
The City Manager shall, with the advice and consent of the Mayor and City Council, appoint a qualified person to be the Court Director.

2.20.810 Duties and Responsibilities of Department Head.
A. In addition to the duties prescribed by law, this title, or other City ordinance, the Court Director, subject to supervision and control of the City Manager, shall:

1. Supervise and direct activities of the Justice Court.
2. Be responsible for department staffing and evaluations.
3. Develop departmental operational plans, priorities, policies and procedures to meet the needs of the City.
4. Manage professional service contracts the City enters into.
5. With input from management staff, develop and manage department wide budget.
6. Monitor fiscal activity to assure conformity with established policies; review and approve departmental purchases.
7. Consult with and advise Mayor, Council, senior staff, other City departments, and citizens groups on issues related to the Justice Court.
8. Assess community needs and recommend goals and direction for the Justice Court.
9. Assist with the development of City ordinances and policies.

10. Make final decisions regarding recruitment, hiring, discipline, retention, and advancement of staff.

11. Demonstrate ability to understand complex issues and make decisions based on available information and experience.

12. Demonstrate ability to work well under pressure and in emergency situations.

13. Act as interim City Manager as needed. (See Section 2.16.240)

B. The enumeration of the foregoing duties and responsibilities specified in subsection (A) of this section shall not be deemed to prevent or limit the City Manager from prescribing additional duties or responsibilities for the Court Director or assigning the designated duties and responsibilities to another director, as the City Manager shall deem appropriate.

2.20.820 Department Division.
The Court Director may, with the concurrence of the City Manager, make such work assignments and assign such duties for the personnel within his/her department as he/she deems appropriate.