

Ordinance No. 2016-37

**AN ORDINANCE ADOPTING MUNICIPAL CODE TITLE 6, CHAPTER 5
ADOPTING A PROCESS FOR RECOVERY OF COSTS FOR RESPONDING TO
EMERGENCIES RESULTING FROM FIRES CAUSED BY NEGLIGENCE OF
PROPERTY OWNERS/OCCUPIERS OR NEGLIGENT USE OF FIREWORKS**

WHEREAS, the City Council of Park City Municipal Corporation, Utah, (herein "City") has a desire to recover expenses resulting from emergency responses to negligently caused fires, including fires caused by negligent use of fireworks within the City limits; and

WHEREAS, negligently caused fires may cause extensive damage and economic hardship within the City; and

WHEREAS, absent a specific ordinance, the City may be barred from recovering the costs of providing emergency public services from the individual or entity whose conduct caused the need for such services, and

WHEREAS, the City should have a procedure for recovering costs directly associated with a response to a fire emergency from any person, corporation, partnership or other individual or entity whose negligent actions cause fire emergency expenses incurred by city agencies;

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

SECTION 1 ADOPTION Title 6, Chapter 5 COST RECOVERY FOR NEGLIGENTLY CAUSED FIRE EMERGENCIES of the Park City Municipal Code is hereby adopted as follows:

6-5-1 PURPOSE:

This chapter shall provide procedures for recovering costs incurred by the city for city assistance in negligently caused fire emergencies.

6-5-2 DEFINITIONS:

As used in this chapter:

A. **EXPENSES:** The actual labor costs of government and volunteer personnel, including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal and the cost of any contract labor and materials.

B. **NEGLIGENTLY CAUSED FIRE EMERGENCY:**

1. A fire proximately caused by the negligence of an owner or occupier of property and/or structures which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, or
2. A fire proximately caused by the negligent use of fireworks which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat

6-5-3. RECOVERY AUTHORIZATION AND PROCEDURE:

The city is empowered to recover from any person, corporation, partnership or other individual or entity whose negligent actions cause fire emergency expenses incurred by city agencies directly associated with a response to a fire emergency pursuant to the following procedure:

- A. The city shall determine responsibility for the emergency and notify the responsible party by mail of the city's determination of responsibility and the costs to be recovered.
- B. The notice shall specify that the party determined responsible may appeal the city's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.
- C. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the city shall be entitled to present evidence in support of their respective positions.
- D. The hearing officer shall, after the hearing, make a recommendation to the mayor, who shall issue a decision assessing responsibility and costs.

6-5-4. NO ADMISSION OF LIABILITY: The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

6-5-5. ACTION TO RECOVER COSTS:

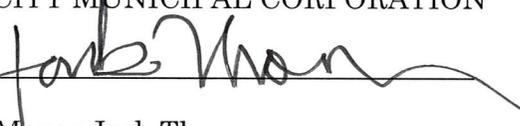
In the event parties determined to be responsible for the repayment of negligently caused fire emergency costs fail to make payment to the city within thirty (30) days after a determination of any appeal by the mayor, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the city may initiate legal action to recover the costs determined to be owing, including the city's reasonable attorney fees.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective immediately.

PASSED AND ADOPTED this 21st day of July , 2016.

PARK CITY MUNICIPAL CORPORATION

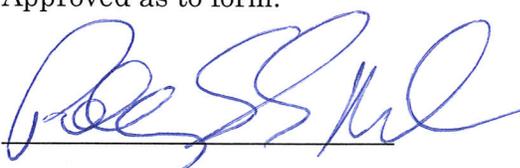



Mayor Jack Thomas

Attest:


Michelle Kellogg, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney
Ass. City Attorney
Polly Samuels McLean