

ORDINANCE NO. 14,093

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Sections 46-1, 46-33, 46-61, 46-62, 46-63, 46-65, 46-176, 46-177, 46-178, 46-179, 46-180, 46-181, 46-216, 46-246, 46-248, 46-278, 46-279, 46-280, 46-281, 46-282, 46-283, 46-284, 46-285, 46-286, 46-287, and 46-316 thereof and enacting new Sections 46-1, 46-33, 46-61, 46-62, 46-63, 46-65, 46-216 46-246, 46-278, 46-281 and 46-316, and adding a new Article XI - False Fire Alarms, regarding the fire prevention and protection code.

Be It Ordained by the City Council of the
City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Sections 46-1, 46-33, 46-61, 46-62, 46-63, 46-65, 46-176, 46-177, 46-178, 46-179, 46-180, 46-181, 46-216, 46-246, 46-248, 46-278, 46-279, 46-280, 46-281, 46-282, 46-283, 46-284, 46-285, 46-286, 46-287, and 46-316 thereof and enacting new Sections 46-1, 46-33, 46-61, 46-62, 46-63, 46-65, 46-216 46-246, 46-278, 46-281 and 46-316, and adding a new Article XI - False Fire Alarms, regarding the fire prevention and protection code, as follows:

Chapter 46 FIRE PREVENTION AND PROTECTION*

Article III. Code

Sec. 46-61. Adoption of international fire code.

Sec. 46-62. Deletions.

Sec. 46-63. Amendments and additions.

Sec. 46-64. Appeals.

Sec. 46-65. Scope of code.

Secs. 46-66--46-90. Reserved.

Article XI. False Fire Alarms

See Chapter 38, Article III, Alarms, Division 2. False Fire Alarms.

ARTICLE I. IN GENERAL

Sec. 46-1. Permits required.

(a) It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this chapter without first having obtained such permit. Permits are required from the fire prevention bureau for the uses listed in subsections (b) through (h) of this section.

(b) Permits and fees for installations shall be required for the following:

(1) Compressed and liquefied petroleum gas system (see section 46-278 of this chapter):

a. For temporary installation not exceeding 30 days:

Less than 500 gallons \$
30.00

500 gallons and over 35.00

b. Total capacity in gallons:

150 to 500 30.00

501 to 1,000 35.00

1,001 to 18,000 40.00

18,001 to 30,000 60.00

30,001 to 60,000 85.00

Over 60,000 120.00

(2) Flammable or combustible liquid tanks (see section 46-246 of this chapter):

- a. For temporary installation not exceeding 30 days
 . 30.00

- b. For major repair, replacement or addition to piping
 50.00

- c. For each tank installation or major repair, up to and including 200,000 gallons
 . 90.00

- d. For each tank 200,001 to and including 1,000,000 gallons
 . 120.00

- e. For each tank exceeding 1,000,000 gallons
 . 180.00

(c) Yearly required operational permits and fees shall be as follows:

- (1) Aviation Facility. To use a Group H or Group S for aircraft servicing or repair and aircraft fuel-servicing vehicles (see chapter 11 of the fire code). . . .
 . 35.00

(2) Acetylene generator. To operate an acetylene generator having a carbide capacity of five pounds or greater (see section 46-121 of this chapter) 35.00

(3) Calcium carbide. To store or keep calcium carbide in excess of 100 pounds (see section 46-121 of this chapter) 35.00

(4) Cellulose nitrate film. To store, handle, or use nitrate film in quantities in excess of five reels or 25 pounds in weight (see section 306 of the fire code) 35.00

(5) Cellulose nitrate (pyroxylin).

a. To store or handle more than 25 pounds of cellulose nitrate plastic (see section 306 of the fire code) 35.00

b. To manufacture or assemble pyroxylin articles or parts of (see chapter 42 of the fire code) 35.00

(6) Combustible fiber. To store or handle combustible fibers in quantities in excess of 100 cubic feet (see chapter 29 of the fire code) 35.00

(7) Compressed gases. To store, handle or use at normal temperatures and pressures in excess of quantities indicated:

a. Flammable gases in excess of 2,000 cubic feet (see chapter 35 of the fire code)
. . . . 45.00

b. Nonflammable gases in excess of 6,000 cubic feet (see chapter 30 of the fire code)
. . . . 35.00

c. Oxidizing gases in excess of 3,000 cubic feet (see chapter 40 of the fire code)
. . . . 45.00

d. Corrosive or toxic in excess of 1,000 cubic feet (see chapter 27 of the fire code)
. . . . 45.00

e. Highly toxic, radioactive or reactive (unstable) in

excess of 500
cubic feet
(see chapter
37 and 43 of
the fire code)
. . . . 45.00

(8) Cryogenics, except where federal
or state regulations apply and
except for fuel systems of the
vehicle (see chapter 32 of the
fire code), permits are required
to:

a. Produce
cryogenic
fluids
45.00

b. Store or
use
nonflammable,
nontoxic
cryogenics in
excess of 500
gallons . . .
. 45.00

c. Store or
use flammable,
nontoxic
cryogenics in
excess of 200
gallons . . .
. 45.00

d. Store or
use oxidizing
or toxic
cryogenics in
excess of 200
gallons . . .
. 45.00

e. Store or
use corrosive
or highly

toxic cryogens
in excess of
100 gallons .
. . . 45.00

(9) Dry cleaning plants. To engage
in the business of dry cleaning,
as prescribed by class of system
(see chapter 12 of the fire code):

- a. Type I system (if now
in operation)
80.00
- b. Type II system . . .
. 40.00
- c. Type III-A system . .
. . 40.00
- d. Type III-B system . .
. . 35.00

(10) Dust-producing operations. To
operate a grain elevator; flour,
starch or feed mill; or plant
pulverizing aluminum, coal, cocoa,
magnesium, spices, sugar or other
material producing dusts as
defined in chapter 13 of the fire
code 75.00

(11) Explosives or blasting
agents. The following permits are
required for explosives or
blasting agents (see chapter 33 of
the fire code):

- a. Keep, store or sell explosives
. . . . 50.00
- b. Transport explosives
40.00
- c. Blasting using explosives . . .
. 120.00

(12) Explosives, small arms ammunition, small arms primers, smokeless propellants, black rifle powder (see chapter 33 of the fire code):

a. Small arms ammunition, to store or sell 35.00

b. Small arms primers and smokeless propellants, to store or sell 35.00

c. Black rifle powder, to store or sell 35.00

(13) Fire appliances.

a. A permit to inspect, maintain, and certify fire appliances 25.00

b. Additional inspection tags:

Each 0.03

For 100 3.00

(14) Fireworks. To operate or conduct a fireworks display (see section 46-214 of this chapter) 60.00

(15) Flammable finishes. To conduct a flammable finish operation by painting, spraying, dipping or storing flammable

products for these operations (see
chapter 15 of the fire code) . . .
. 40.00

(16) Flammable or combustible
liquids.

a. Flammable
liquids (see
section 46-246
of this
chapter):

1. Class I and
II to store,
handle or use
. . . . 35.00

2. Class III-A
flammable
liquids, to
store, handle
or use
35.00

b. Storage of
class I, II
and III-A (see
subsection 46-
246(5) of this
chapter) by
total storage
capacity in
gallons:

1,000 to 5,000
40.00

5,001 to 10,000
60.00

10,001 to 20,000
100.00

20,001 to 40,000
125.00

40,001 to 100,000 . . .
. 150.00

100,001 to 500,000 . . .
. 180.00

Over 500,001
220.00

c. Retail dealers in
flammable or combustible
liquids (see subsection
46-246(2) of this
chapter):

1.
Serv
ice
stat
ions
:

i.
Mini
mum
annu
al
fee
.
.
35.0
0

ii.
Each
pump
, or
outl
et
in
exce
ss
of
four
.
.
3.00

2.
Othe
r
reta
il
deal
ers
. .
. .
35.0
0

d.
Manufacturing
using
flammable or
combustible
liquids . . .
. 50.00

(17) Fruit ripening. To ripen
fruit by the process described in
chapter 16 of the fire code using
ethylene gas 35.00

(18) Garages. To use any structure
as a place of business for
repairing motor vehicles (see
chapter 22 of the fire code) . . .
. 35.00

(19) Hazardous chemicals. To store
or handle the following hazardous
chemicals in excess of quantities
indicated (see chapter 27 of the
fire code):

a. Corrosives
in excess of
110 gallons or
1,000 pounds .
. . . 35.00

b. Flammable
solids in
excess of 100

pounds
35.00

c. Highly
toxic liquids,
solids and
pesticides in
excess of 55
gallons or 500
pounds
35.00

d. Oxidizing,
unstable or
water reactive
solids or
liquids, class
3 and 4 or
organic
peroxides
class I or II
in excess of
50 pounds/five
gallons
. 35.00

e. Oxidizing,
unstable, or
water reactive
solids or
liquids, class
1 or 2 or
organic
peroxides
class III or
IV in excess
of 500
pounds/55
gallons
. 35.00

f. Bulk
storage of
hazardous
chemicals for
storage of the
chemicals

listed in this
subsection in
excess of
1,000 percent
of listed
permit
100.00

g. Bulk
storage,
miscellaneous.
Bulk storage
of more than
two classes of
hazardous
materials
requiring a
permit
225.00

(20) Liquefied petroleum gas. To
operate or maintain an LP gas
system or store LP gas (see
section 46-278 of this chapter)
for total storage capacity in
gallons as follows:

150 to 500 25.00

501 to 1,000
30.00

1,001 to 5,000
40.00

5,001 to 10,000
55.00

10,001 to 20,000
85.00

20,001 to 40,000
125.00

40,001 to 100,000
. 150.00

100,001 to 500,000 . . .
. 180.00

Over 500,001
225.00

(21) Lumberyards. To store lumber
in excess of 100,000 board feet
(see chapter 19 of the fire code) .
. . . 35.00

(22) Magnesium. To melt, cast,
heat treat or grind more than ten
pounds of magnesium per working
day (see chapter 36 of the fire
code) 35.00

(23) Mall, covered. To use a
covered mall in the following
manner: placing or constructing
temporary kiosks, display booths,
concession equipment or the like
in the mall; to use the mall as a
place of assembly; to use open-
flame or flame-producing devices;
to display any liquid or gas
fueled powered equipment; to use
liquefied natural gas or
compressed flammable gas 30 days
only 30.00

(24) Organic coatings. To
manufacture more than one gallon
of organic coatings in a working
day (see of the fire code)
45.00

(25) Ovens, industrial baking or
drying. To operate an industrial
baking or drying oven regulated by
this chapter (see chapter 21 of
the fire code) 35.00

(26) Paint and oil. To store or
handle paint, oil, varnish or
other similar flammable mixtures
in excess of 25 gallons (see

section 46-246 of this chapter) .
. . . 35.00

(27) Refrigerant equipment. To operate a refrigeration unit or system containing any amount of group 2 or 3 refrigerant or those with group 1 refrigerant and a compressor rating of 100 horsepower or more (see chapter 6 of the fire code) 35.00

(28) Tents. To erect or maintain a tent or air-supported structure in excess of 200 square feet, or canopy in excess of 400 square feet (see chapter 24 of the fire code) 30.00

(29) Tire rebuilding. To operate a tire rebuilding or tire recapping plant (see chapter 25 of the fire code) 45.00

(d) Required construction permit: A construction permit allows the applicant to install or modify fire protection systems and equipment for which a permit is required:

(1) Automatic fire-extinguishing systems . .
. \$150.00

(2) Compressed gases . . . \$50.00

(3) Fire alarm and detection systems and related equipment. . . \$150.00

(4) Fire pumps and related equipment . . .
\$100.00

(5) Flammable and combustible liquids . . .
\$100.00

(6) Spraying or dipping . . . \$100.00

(e) The fee for connection to fire department communications center shall be as follows:

(1) Any fire alarm user having installed or maintaining a fire alarm system connected to the fire department communications center shall pay an installation fee of \$200.00 and a maintenance fee of \$15.00 per month from the time of connection. The maintenance fee shall be collected in advance at the time of connection in an amount equal to the fees which would be owed to the end of the fiscal year counting any portion of a month as an entire month. After initial connection, maintenance fees shall be paid annually for the entire fiscal year in advance with all fees to be paid no later than 30 days after the start of the fiscal year. Any alarm user disconnecting shall be refunded fees paid in advance for each entire month remaining in the fiscal year.

(2) Any person failing to pay the fees for connection or monitoring is subject to a disconnection of the fire alarm system from

monitoring service by
the fire department.

(f) Exemption for certain classes of applicants. Persons performing work or operations for the federal government or the state may obtain permits for such work or operations without paying the permit fees described in this section.

(g) The permit fees required by this section shall be doubled whenever a permit is not obtained prior to conducting the activities described in this section, provided such increase shall not exceed \$200.00. No additional permits shall be issued to any person who owes the city the double fee established in this subsection.

Sec. 46-33. Copies of fire and medical records and reports.

(a) The fire chief is authorized to prepare and deliver upon request copies or printouts of fire and medical incident reports by the fire department and to charge for such service a fee of \$15.00 per copy to cover the cost of copying or printing such reports, except that if the copy is to be mailed to the person making the request, the fee shall be \$15.00 per copy. However, copies or printouts of the reports required by state law and designated confidential shall not be made available to the public.

(b) The fire chief is further authorized to prepare and deliver upon request copies or printouts of investigation reports and to charge for such service a fee of \$15.00 to cover the cost of copying or printing such reports.

(c) The fire chief is further authorized to release to the police department photographic negatives, which may be reproduced to requesting persons. Any fees associated with the reproduction of the

photographs shall be paid to the police department by the requesting person.

(d) The fire chief is further authorized to prepare and deliver upon request copies or printouts of fire department records or reports and to charge for such service a fee of \$15.00 per copy to cover the cost of copying or printing such reports.

(e) The fire chief is authorized to deliver upon request photographic copies of fire investigative scenes and to charge for such service a fee of \$10.00 per photograph.

(f) All such copies and printouts shall be furnished to the federal, state or municipal governments or their agencies without charge.

(g) The fire chief shall permit persons to view fire reports and investigations under supervision for a reasonable period of time, and there shall be no charge for such viewing. Persons viewing such records or reports shall be permitted to make notes on their own paper from such records and reports, but no person shall be permitted to make notes, marks or erasures on any such reports or records. However, reports required by state law and designated confidential shall not be made available to the public.

(h) The fire chief shall have authority, subject to the approval of the city manager, to prescribe rules and regulations relating to the furnishing, making and handling of all such copies, printouts and reproductions and the terms and conditions upon which they shall be made available.

Sec. 46-61. Adoption of international fire code.

(a) This chapter shall consist of the International Fire Code, 2000 edition, published by the International Code Council,

Inc. and known commonly as the international fire code, which volume is incorporated in this section by this reference as fully as though set forth in this chapter in its entirety, excepting only such portions as are stated to be deleted therefrom and such additional provisions as are set forth in this article.

(b) This chapter and all provisions incorporated in this chapter, by reference or otherwise, shall be known as the fire prevention code, may be cited as such, and will be referred to in this chapter as such and as "this code" or as "this article" or as "this chapter." Further references made in this chapter to chapters will be to chapters of the international fire code. References to section numbers not preceded by "46-" will be to sections in the international fire code.

Sec. 46-62. Deletions.

The following sections are hereby deleted from the international fire code adopted in section 46-61 of this article and are of no force or effect in this chapter:

(1) Sections 307, and
1106.5.4.

(2) Appendix A.

Sec. 46-63. Amendments and additions.

(a) Article I of this chapter and the remaining sections in this chapter and in division 2 of article III of chapter 38 of the city Code are and represent amendments and additions to the requirements contained in the international fire code. Where their requirements conflict with those of the international fire code, the requirements of sections 38-81 and 38-82 of the city Code and articles IV through X of this chapter shall prevail.

(b) The deleted sections and the corresponding amendments and additions to those sections are as follows:

(1) Section 108 (see section 46-64 of this chapter).

(2) Section 105 (see section 46-1 of this chapter).

(3) Section 2601.2 (see section 46-121 of this chapter).

(4) Section 3308.2 (see article VII of this chapter).

(5) Section 3401.4 (see section 46-246 of this chapter).

(6) Sections 2701.4, 2703.9.1, 2703.9.1.1, 2701.5.3, 2701.5, 2701.5.1 and 2701.5.2 (see article IV of this chapter).

(7) Section 3804 (see section 46-281 of this chapter).

Sec. 46-65. Scope of code.

(a) Where circumstances make compliance with adopted codes or standards infeasible due to rapid technological advancement or cause undue hardship to the operation of a business, the fire chief may, under authority of section 104.9 of the international fire code, authorize alternate methods and materials, as provided in a more recent edition of a nationally recognized code.

(b) Group R division 3 occupancies shall be inspected upon request or approval of the occupant. Fire department personnel will not be responsible for the inspection of group R division 1 occupancies, except hotels and dormitories. Housing code enforcement shall be responsible for enforcement of the housing code and fire safety requirements as provided in article IV of chapter 26 of the city Code.

Sec. 46-176. Repealed by Ord. No. 14,093.

Sec. 46-177. Repealed by Ord. No. 14,093.

Sec. 46-178. Repealed by Ord. No. 14,093.

Sec. 46-179. Repealed by Ord. No. 14,093.

Sec. 46-180. Repealed by Ord. No. 14,093.

Sec. 46-181. Repealed by Ord. No. 14,093.

Sec. 46-216. Insurance for display.

The applicant for the permit required by this article shall, at the time application is made for a permit, attach thereto a certificate of insurance naming the applicant and the city as insureds in the sum of not less than \$5,000,000.00, provided that the fire chief at his or her discretion or the city council may at its discretion require a greater amount. The insurance shall inure to the use and benefit of the city and/or any person who suffers damage either to person or property because of the display of fireworks or the compounding, storage or use of pyrotechnic special effects material.

Sec. 46-246. Permits required.

For the purpose of this article, a permit shall be obtained for any of the following:

- (1) Storage, handling, or use of class I liquids in excess of five gallons inside a building or in excess of ten gallons outside of a

building, except that a permit is not required for the storage or use of:

a.
Flam
mabl
e
liqu
ids
in
the
fuel
tank,
of a
moto
r
vehi
cle,
airc
raft
,
moto
rboa
t,
mobi
le
powe
r
plan
t,
or
mobi
le
heat
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plan
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unle
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stor
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in
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opin
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of
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fire
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woul
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unsa
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b.
Pain
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oils
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varn
ishe
s,
or
simi
lar
flam
mabl
e
mixt
ures
when
such
liqu
ids
are
stor
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for
a
peri
od
of
not
more
than
30

days

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(2) Retailing of class I, II, or IIIA liquids at a service station or other locations.

(3) Storage, handling or use of class II or III-A liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except storage of 550 gallons or less of fuel oil when connected with oil burning equipment.

(4) The manufacture, processing, blending, or refining of class I, II, or IIIA liquids or where liquids are used in the manufacturing, processing or finishing of articles.

(5) Storage of flammable or combustible liquids in stationary tanks or placement tanks temporarily out of service, when the total storage capacity is 1,000 gallons or more.

(6) Installation or major repair of tanks either aboveground or belowground containing class I and II liquids, and class III-A liquids in excess of one 275-gallon tank outside a building or two 275-

gallon tanks inside a building.

(7) Major repair, replacement or addition of piping, either aboveground or belowground, used with class I, II or III-A liquids on existing tanks.

Sec. 46-248. Repealed by Ord. No. 14,093.

Sec. 46-278. Permit and reports of installations.

(a) A permit shall be obtained for each installation of liquefied petroleum gas employing a container of 150 gallons or more. Prior to making such an installation, an installer shall submit plans to the fire prevention bureau, and if compliance with the requirements of the fire prevention code is shown by such plans, a permit shall be issued.

(b) An annual permit shall be obtained for the operation and maintenance of a liquefied petroleum gas installation for each year after the system has been installed and approved, as required in subsection (a) of this section.

(c) Installers shall maintain a record of all installations for which a permit is not required by subsection (a) of this section, but not including installation of gas-burning appliances and replacing of portable cylinders, and shall have it available for inspection by the fire prevention bureau.

Sec. 46-279. Repealed by Ord. No. 14,093.

Sec. 46-280. Repealed by Ord. No. 14,093.

Sec. 46-281. Location of containers.

(a) Underground containers for liquefied petroleum gas shall not be permitted within the corporate limits. No liquefied petroleum gas installation shall be permitted in fire zone nos. 1 and 2 of the fire district as defined in section 46-2 of this chapter, unless specifically approved by the fire chief on a temporary basis only or the containers are not larger than 20 pounds, located outside a building, and are used for cooking purposes only.

(b) The aggregate capacity of any one installation shall not exceed 1,000 gallons of water capacity, except that in particular installations this limit may be altered at the discretion of the chief of the fire prevention bureau after due consideration of all factors involved. Bulk plants, gas utility plants, container charging operations, and larger amounts of storage shall be governed by approved national standards and state regulations.

(c) Containers and first stage regulating equipment shall be located outside of buildings, other than buildings especially provided for this purpose, except that small department of transportation containers and regulating equipment may be used indoors under the following conditions:

(1) If temporarily used for demonstration purposes and the container has a maximum water capacity of 12 pounds.

(2) If used with a completely self-contained gas hand torch or similar equipment and the container has a

maximum water capacity
of 2 1/2 pounds.

(3) Storage of
containers not installed
for use at the final
utilization point shall
be governed by the
regulations of the state
and nationally approved
standards, including
storage:

a.
On
the
prem
ises
of
the
user

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b.
For
resa
le.

(d) Each individual container shall be
located with respect to the nearest
important building or line of adjoining
property in accordance with the following
table:

Water Capacity per Container (gallons)	Minimum Distance (feet)	Distance Between Containers
Less than 125	None	None

125--250	10	None
251--500	10	3 ft.
501--2,000	25	3 ft.
2,001--30,000	50	5 ft.
30,001--70,000	75	1/4 sum of diameters of adjacent containers
70,001--90,000	100	
90,000-120,000	125	

If the aggregate water capacity of a multicontainer installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. The minimum distance between aboveground containers does not apply to such installations.

(e) Containers installed for use shall not be stacked one above the other. Containers of 1,000 gallons or less shall be set on concrete pads of sufficient size to prevent tipping. Concrete blocks or bricks shall not be used.

(f) Weeds, dry grass, and combustible materials shall be removed within ten feet of any container.

(g) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be ten feet.

Sec. 46-282.Repealed by Ord. No. 14,093.

Sec. 46-283.Repealed by Ord. No. 14,093.

Sec. 46-284.Repealed by Ord. No. 14,093.

Sec. 46-285. Repealed by Ord. No. 14,093.

Sec. 46-286. Repealed by Ord. No. 14,093.

Sec. 46-287. Repealed by Ord. No. 14,093.

Sec. 46-316. Distance.

The distance requirements in section 2403.2 of the International Fire Code may be lowered to ten feet for a tent or canopy up to 1,600 square feet, if approved by the fire chief.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Carol J. Moser, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-1416), passed by the City Council of said City at a meeting held June 3, 2002 signed by the Mayor on June 3, 2002 and published as provided by law in the Polk County Press Citizen on June 14, 2002 Authorized by Publication Order No. 3280.

Donna V. Boetel-Baker, City Clerk