

July 24, 2006
Date

An Ordinance entitled, "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 22-166, 22-167, 22-168, 22-169, 22-174, 22-175 and 22-176 thereof, relating to sections that are now under the International Fire Code or adopted Airport Board Regulations",

which was considered and voted upon for the first time under Roll Call No. 06- 1230 of June 19, 2006, and considered and voted upon for the second time under Roll Call No. 06- 1358 of July 10, 2006, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

★ Roll Call Number

06-1358

Agenda Item Number

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July 10, 2006

Date

An Ordinance entitled, "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 22-166, 22-167, 22-168, 22-169, 22-174, 22-175 and 22-176 thereof, relating to sections that are now under the International Fire Code or adopted Airport Board Regulations",

which was considered and voted upon under Roll Call No. 06-1230 of June 19, 2006; again presented.

Moved by Hensley that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BROOKS	✓			
COLEMAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
KIERNAN	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk



Council Communication

Office of the City Manager

Date

June 19, 2006

Agenda Item No. 51

Roll Call No. 06-1230

Communication No. 06-356

Submitted by: Craig Smith, Aviation
Director

AGENDA HEADING:

Repealing sections in Chapter 22 of the Municipal Code of the City of Des Moines regarding sections that are now covered under the International Fire Code or under adopted Airport Board Regulations.

RECOMMENDATION:

Recommend approval to repeal sections 22-166, 22-167, 22-168, 22-169, 22-174, 22-175, and 22-176 of the Municipal Code pertaining to minimum acceptable fire safety standards at the Des Moines International Airport, upon recommendation from the Des Moines International Airport Board with a request to waive readings.

FISCAL IMPACT: NONE

Amount:

Funding Source:

ADDITIONAL INFORMATION:

The Federal Aviation Administration (FAA) administers Federal Regulations that address minimum safety standards at airports serving scheduled passenger air carrier aircraft. The FAA Administrator is responsible to provide guidance and standards to airport operators to meet the requirements of Federal Aviation Regulation 14 CFR Part 139, *Certification of Airports*. 14 CFR Part 139 requires each airport operator implement and maintain minimum fire safety standards acceptable to the FAA Administrator. The guidance and standards required to comply with 14 CFR Part 139 are published by FAA in Orders, Advisory Circulars, Certification Alerts, and other similarly published federal documents. The FAA Administrator's minimum fire safety standards have essentially been regulatory in nature as they once were the minimum acceptable standards by which airports could operate in compliance with 14 CFR Part 139.

In addition to the FAA Administrator's minimum fire safety standards, airport operators were required to adhere to the fire safety standards in place under the airport's local governing fire code. In the event one standard was less restrictive than the other, the most restrictive standard would be imposed.

Many years ago the City Council adopted the FAA Administrator's minimum fire safety standards into the Municipal Code, Chapter 22, *Aviation*. These standards, along with the City's Fire Prevention and Protection Code, served as the basis for the minimum fire safety standards at the Airport. On January 7, 2003, the Airport Board approved Resolution No. 02-39, which adopted the revised City of Des Moines' Fire Prevention and Protection code standards as those of the Airport. These revised standards were implemented, with the FAA's standards contained in Chapter 22 of the Municipal Code, and have served as the minimum fire safety standards at the Airport since that time.

In November 2005, the FAA Administrator notified all airports that the FAA would no longer require airports to adopt both the FAA's minimum fire safety standards and the fire safety standards of its local governing body. Thus, airports are now required to enforce only the minimum fire safety standards of the local governmental body having jurisdiction over that particular airport.

Approval of this regulation would remove the FAA's minimum fire safety standards from Airport Regulations and replace them with the City of Des Moines' Fire Prevention and Protection code as the single set of standards that apply to Airport operations.

PREVIOUS COUNCIL ACTION(S):

Date: February 20, 2006

Roll Call Number: 06-363

Action: Receipt of Airport Board Regulation No. 06-51 regarding general safety rules. Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: February 7, 2006

Resolution Number: A06-20

Action: Approval of First Reading of proposed Airport Regulation No. 06-51 including sections 4-2, 4-3, 4-4, 4-5, 4-6, 4-7 and 4-8 relating to general safety rules at the Des Moines International Airport.

Date: March 7, 2006

Resolution Number: A06-48

Action: Public Hearing and Approval of second reading of proposed Airport Regulation 06-51 including sections 4-2, 4-3, 4-4, 4-5, 4-6, 4-7 and 4-8 relating to general safety rules at the Des Moines International Airport.

Date: April 4, 2006

Resolution Number: A06-58

Action: Approval of third and final reading of proposed Airport Regulation 06-51 including sections 4-2, 4-3, 4-4, 4-5, 4-6, 4-7 and 4-8 relating to general safety rules at the Des Moines International Airport and authorized and directed Assistant City Attorney and Aviation Director to request City Council remove sections 22-166, 22-167, 22-168, 22-169, 22-174, 22-175, and 22-176 of the Municipal Code as these provisions are covered in either the International Fire Code adopted by City Council or in the Airport Board Regulations.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

06-1230
06-135849
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ORDINANCE NO. _____

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 22-166, 22-167, 22-168, 22-169, 22-174, 22-175 and 22-176 thereof, relating to sections that are now under the International Fire Code or adopted Airport Board Regulations.

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 22-166, 22-167, 22-168, 22-169, 22-174, 22-175 and 22-176 thereof, relating to sections that are now under the International Fire Code, as follows:

~~Sec. 22-166. Smoking~~Repealed by Ord. No. 14,---.

~~At the airport no person shall smoke or carry lighted cigars, cigarettes, pipes, matches, or any naked flame in or upon any fuel storage area, public landing area, public ramp, or apron area; on any open deck, gallery or balcony contiguous to and overlooking any such area; in any other place where smoking is specifically prohibited by signs; or upon any open space within 50 feet of any fuel carrier that is not in motion.~~

~~Sec. 22-167. Cleaning of aircraft~~Repealed by Ord. No. 14,---.

~~At the airport, no person shall use flammable volatile liquids having a flashpoint of less than 1,100 degrees Fahrenheit in the cleaning of aircraft, aircraft engines, propellers, appliances, or any other purposes, unless such operations are conducted outside a building in open air or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.~~

~~Sec. 22-168. Doping and painting~~Repealed by Ord. No. 14,----.

~~Aircraft doping and painting processes at the airport shall be conducted only in properly designated, fireproofed, and ventilated rooms or buildings in which all illumination, wiring, heating, ventilation equipment, switches, outlets, and fixtures shall be~~

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~~explosionproof, sparkproof, and vaporproof, and in which all windows and doors shall open easily. No person shall enter or work in a dope or paint room while doping or painting processes are being conducted unless such person wears sparkproof shoes.~~

~~Sec. 22-169. Fueling operations~~Repealed by Ord. No. 14, ---.

~~Unless otherwise approved by the aviation director, the following rules govern the fueling and defueling of aircraft at the airport:~~

- ~~(1) No aircraft shall be fueled or defueled while the engine is running or being warmed by applications of exterior heat or while such aircraft is in a hangar or enclosed space.~~
- ~~(2) No person shall smoke within 50 feet of an aircraft being fueled or defueled.~~
- ~~(3) Aircraft fuel handling at the terminal shall be conducted at least 50 feet from any hangar or other building, except where the location of underground fuel tanks installed requires such fuel handling closer to existing buildings or hangars.~~
- ~~(4) During refueling or defueling, the aircraft and the fueling dispensing apparatus shall both be grounded to a point of zero electrical potential. The following order shall be followed when so grounding aircraft:~~
 - ~~a. Aircraft to ground.~~
 - ~~b. Refueling unit to ground.~~
 - ~~c. Refueling unit to aircraft.~~
 - ~~d. Refueling nozzle to aircraft, if applicable.~~
- ~~(5) Adequate CO₂ or other approved fire extinguishers shall be within ready reach of all persons engaged in fueling or defueling aircraft.~~
- ~~(6) No person shall start the engine of any aircraft when there is any fuel on the ground under such aircraft.~~
- ~~(7) Fueling hoses and equipment shall be maintained in a safe, sound and nonleaking condition and shall be approved by the National Board of Fire Underwriters in all respects and parts.~~
- ~~(8) No aircraft shall be fueled or defueled while passengers are on board the aircraft unless a passenger loading ramp is in place at the cabin door of the aircraft, the aircraft door is in open position, and a cabin attendant is present at or near the cabin door.~~
- ~~(9) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel. Persons responsible will take proper measures to remove any volatile liquid if it is spilled.~~
- ~~(10) During fuel handling in connection with any aircraft, no person shall operate any radio transmitter or receiver in such aircraft or switch electrical appliances on or off~~

~~in such aircraft, nor shall any person do any act or use any material which is likely to cause a spark within 50 feet of such aircraft.~~

- ~~(11) Persons engaged in fueling operations shall report all fuel spills to the aircraft rescue and firefighting facility, the state department of natural resources or the aviation department and shall report to the United States Environmental Protection Agency, when required to do so by the Environmental Protection Agency, as soon as possible after the spill occurs. Any fuel spill cleanup and or remediation shall be the responsibility of the fuel facility owner and/or equipment operator and shall be coordinated with the aircraft rescue and firefighting facility, the state department of natural resources and the aviation department. The cost of fuel spill cleanup operations shall be paid by the aircraft operator responsible for fuel spills involving scheduled air carriers or by the fueling operator responsible for fuel spills involving transient aircraft operations and fuel storage facility operators.~~

~~Sec. 22-174. Open flame operation~~Repealed by Ord. No. 14,---

~~No person shall start any open fires of any type including flare pots, torches, or fires in containers formerly used for oil, paint, or similar material on any part of the airport without permission of the aviation director.~~

~~Sec. 22-175. Clothing lockers~~Repealed by Ord. No. 14,---


~~All clothing lockers at the airport shall be constructed of metal or other suitable fire resistant material.~~

~~Sec. 22-176. Engine heating~~Repealed by Ord. No. 14,---

~~At the airport, aircraft engines shall be heated only by the use of hot water, hot air, or approved electric heaters.~~

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

FORM APPROVED:


David A. Ferree
Assistant City Attorney