

29A

Date August 12, 2013

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, as heretofore amended, by amending Sections 46-1, 46-3, 46-3.07, 46-61, 46-62, 46-63, 46-64, 46-73, 46-247, 46-281, 46-316 and 46-318, and adding and enacting new Sections 46-74 and 46-75, and by repealing Sections 46-68, 46-69, 46-70, 46-72, 46-246 and 46-249, relating to adoption of the international fire code and amendments and additions thereto",

which was considered and voted upon for the first time under Roll Call No. 13- 1140 of July 15, 2013, and considered and voted upon for the second time under Roll Call No. 13- 1219 of July 29, 2013, again presented.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

13-1219-29A

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	Date:	July 15, 2013
	Agenda Item No.	55A
	Roll Call No.	13-1140
	Communication No.	13-378
Submitted by:		John F. TeKippe, Fire Chief

**AGENDA HEADING:**

Amending Chapter 46 of the Municipal Code relating to adoption of the International Fire Code and amendments and additions thereto.

**SYNOPSIS:**

Recommend approval of this Ordinance which amends Sections 46-1, 46-3, 46-3.07, 46-61, 46-62, 46-63, 46-64, 46-73, 46-247, 46-281, 46-316, and 46-318, and enacts new Sections 46-74 and 46-75, all of Chapter 46, Fire Protection and Prevention of the Municipal Code of the City of Des Moines.

Approval of this Ordinance also deletes Sections 46-68, 46-69, 46-70, 46-72, 46-246, and 46-249. The change to Section 46-61 is to replace the 2009 edition of the International Fire Code by adopting the more recent 2012 edition of the International Fire Code. The other changes to Chapter 46 are intended to reflect changes between the 2009 edition and the 2012 edition of the International Fire Code, and to provide the Fire Department with supplemental options for enforcement of the Fire Prevention Code.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

The Municipal Code of the City of Des Moines adopts and incorporates the International Fire Code as published by the International Code Council, which is historically updated every three (3) years. The International Fire Code "is a model code that regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes" and is historically updated every three (3) years to incorporate technological advances and best practices in fire protection, prevention, and inspection. In conjunction with the adoption of the 2012 edition of the International Fire Code, the amendments, additions, and deletions to the Municipal Code of Des Moines must also be updated by ordinance to correlate with the new edition. The proposed ordinance also adds new requirements regarding securing of fire-damaged buildings following fire events.

The proposed revisions to Chapter 46 include, but are not limited to, the following:

Des Moines Municipal Code Section 46-1. Permits Required.

The proposed revisions to Section 46-1 reflect the renumbering of chapters and sections of the 2012 edition of the International Fire Code, and incorporate new permitting requirements found in said edition.

Des Moines Municipal Code Sections 46-3, 46-3.07, and 46-64. Violations; notice of violation – administrative penalties – corrective action order; appeals.

The proposed revisions add the option for the Fire Department to pursue nuisance or other legal remedies for violations of Chapter 46, in addition to misdemeanor and municipal infraction charges.

Des Moines Municipal Code Section 46-61. Adoption of International Fire Code.

The proposed ordinance replaces the outdated 2009 edition of the International Fire Code with the 2012 edition of the International Fire Code.

Des Moines Municipal Code Section 46-62. Deletions.

The following sections of the 2012 Edition of the International Fire Code are deleted and replaced elsewhere in the Municipal Code of the City of Des Moines or were not recommended for adoption by the Building and Fire Code Board of Appeals:

Section 113 – fees  
Section 307 - open burning, recreational fires, and portable outdoor fireplaces  
Section 510.3 – permit required for emergency responder radio coverage  
Section 2006.5.4 – aircraft fueling vehicles – transfer personnel  
Section 3104.15.5 and 3104.15.6 – cooking tents and outdoor cooking  
Appendix A – Board of Appeals

While the aforementioned list is not all inclusive, it highlights some of the International Fire Code requirements that have been deleted.

Des Moines Municipal Code Section 46-63. Amendments and additions.

Open Flames in Residential Occupancies. Section 308.1.4 is deleted and replaced with Section 46-66 and 46-67. Section 46-66 limits the use of charcoal burners and other ash/ember producing cooking devices to one (1) and two (2) family dwellings and Section 46-67 allows the use of LPG (liquid propane gas) fueled cooking devices in multi-family dwellings with certain restrictions and safeguards.

Securing Fire Damaged Premises within 48 hours – Section 46-74. Section 46-74 establishes that the new requirement that within 48 hours of a fire event, and upon determination of the fire department official that the fire-damaged structure in an unsecured condition may constitute a hazard and emergency nuisance condition, a fire damaged structure must be secured by the property owner. If the property owners fails to secure the fire-damaged property (or have the fire-damaged property secured at the owner's expense including by homeowner's insurance coverage), the Fire Chief or designee may cause the fire-damaged structure to be secured and assess the costs against the property in the same manner as a property tax, pursuant to the procedures set forth in article VI, chapter 42 of the City Code. Rather than creating a new preferred vendor contract process for securing fire-damaged structures, the Fire Department will utilize the Building Department's contracted preferred vendor for commercial structures and the preferred vendor on contract with the Neighborhood Inspection Division will be used for residential structures.

Fire Escape Examination for Structural Integrity – incorporated by adoption of 2012 edition of International Fire Code (Section 46-61). Section 1104.16.5 of the 2012 International Fire Code requires fire escape stairs and balconies to be examined for structural adequacy and safety by a registered design professional or others acceptable to the fire code official every five (5) years, or as required by the fire code official. The reason for this change is that building fire escapes are a means of egress component in many existing multiple-story buildings. The evaluation of fire escapes is

necessary to confirm that this exterior stair egress component satisfies a minimum design load, is properly maintained, and is available for service in the event of an emergency.

Appendices B, C, and D. Appendix B – Fire Flow Requirements for Buildings, Appendix C – Fire Hydrant Locations and Distribution, and Appendix D – Fire Apparatus Access Road Requirements establish minimum fire protection features that previously were referenced during project review by the Fire Department. The Building and Fire Code Board of Appeals recommends formally adopting these appendices since they are currently being required and enforced during project reviews.

Emergency Responder Radio Coverage – Section 46-73(b). Sections 510.1 and 1103.2 of the 2012 edition of the International Fire Code require that emergency responders must be capable of effectively communicating in new and existing buildings when using emergency portable radios. The communication challenges experienced during the September 11th World Trade Center tragedy prompted this fire code change. In situations where the design or construction features of the buildings do not allow for effective radio transmission/reception, the owner of the building is required to install bi-directional amplifiers or other upgrades to achieve compliance. The Des Moines Fire Department has been conducting field radio tests and preliminary results suggest that fewer than 50 buildings will be impacted. There are financial implications for those buildings that fail the field radio test and require further testing and system upgrades. Pursuant to the proposed revisions to add Section 46-73(b), once notified, building owners will have three (3) years (with a possible two (2) year extension) to comply with the Emergency Responder Radio Coverage requirement.

Carbon Monoxide Alarms in Institutional and Residential Buildings incorporated by adoption of 2012 edition of International Fire Code (Section 46-61). Sections 908.7 and 1103.9 of the 2012 International Fire Code address carbon monoxide issues and require carbon monoxide alarms to be installed in new and existing institutional and residential occupancies. This requirement will require enforcement coordination between the Fire Department, Building Department and Neighborhood Inspection Division, but the benefit of detecting deadly carbon monoxide gas is indisputable. The financial impact to property owners is minimal.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: December 20, 2010

Roll Call Number: 10-2100

Action: Amending Chapter 26 of the Municipal Code to adopt the 2009 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code and Uniform Plumbing Code – as amended by changing Section 26-328 and 26-329 to address concerns raised by local homebuilders. (Council Communication No. 10-764) Moved by Hensley that this ordinance do now pass, #14.981. Motion Carried 7-0.

Date: December 6, 2010

Roll Call Number: 10-2014 and 10-2015

Action: Amending Chapter 26 of the Municipal Code to adopt the 2009 editions of the International Building Code; International Residential Code; International Existing Building Code; International

Mechanical Code; International Fuel Gas Code; International Energy Conservation Code and Uniform Plumbing Code – as amended by changing Section 26- 328 and 26-329 to address concerns raised by local homebuilders. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Moore.

(A) Amendment to the Schedule of Fees. (Council Communication No. 10-715) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.

Date: November 22, 2010

Roll Call Number: 10-1959, 10-1960 and 10-1961

Action: On Amendment of Chapter 26 of the Municipal Code to adopt the 2009 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code and the Uniform Plumbing Code. (Council Communication No. 10-704) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.

(A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage on all sections, excluding Sections 26- 328 and 26-329 of the International Residential Code; refer those sections to the City Manager for review and recommendation regarding how suburbs are handling sprinklers. Motion Carried 6-1. Nays: Moore.

(B) First consideration of ordinance on amendment of Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments and additions. (Council Communication No. 10-689) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Moore.

Date: July 23, 2007

Roll Call Number: 07-1431 and 07-1432

Action: Amending Chapter 46 of the Municipal Code regarding the following:

(A) Fire Protection and Prevention Code. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(B) Adoption of the International Fire Code and amendments and additions to International Fire Code. (Council Communication No. 07-424) Moved by Cole that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Board: Building and Fire Code Board of Appeals

Date: May 9, 2013

Resolution Number: N/A

Action: Motion to recommend Council adopt the 2012 editions of the Uniform Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Building Code, International Existing Building Code, and the International Fire Code with amendments as proposed by the Building and Fire Code Board of Appeals. Motion carried 9-1 (Martie Mendenhall opposed).

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

13-1219 SSA  
13-1140  
29A

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, as heretofore amended, by amending Sections 46-1, 46-3, 46-3.07, 46-61, 46-62, 46-63, 46-64, 46-73, 46-247, 46-281, 46-316 and 46-318, and adding and enacting new Sections 46-74 and 46-75, and by repealing Sections 46-68, 46-69, 46-70, 46-72, 46-246 and 46-249, relating to adoption of the international fire code and amendments and additions thereto.

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, as heretofore amended, is hereby amended by amending Sections 46-1, 46-3, 46-3.07, 46-61, 46-62, 46-63, 46-64, 46-73, 46-247, 46-281, 46-316 and 46-318, and adding and enacting new Sections 46-74 and 46-75, and by repealing Sections 46-68, 46-69, 46-70, 46-72, 46-246 and 46-249, relating to adoption of the international fire code and amendments and additions thereto, as follows:

**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 shall be required for each of the following installations, and the fee for each such installation shall be the amount established in the schedule of fees adopted by the city council by resolution:
  - (1) Compressed and liquefied petroleum gas system (see section 46-278 of this chapter).

- (2) Flammable or combustible liquid tanks (see section 105.7.8 of the fire code 46-246 of this chapter).
- (c) Yearly operational permits shall be required for each of the following facilities or uses, and the fee for each such installation or use shall be the amount established in the schedule of fees adopted by the city council by resolution:
- (1) Aviation Facility. To use a Group H or Group S for aircraft servicing or repair and aircraft fuel-servicing vehicles (see chapter 11-20 of the fire code).
  - (2) Acetylene generator. To operate an acetylene generator having a carbide capacity of five pounds or greater (see section 46-121 of this chapter).
  - (3) Calcium carbide. To store or keep calcium carbide in excess of 100 pounds (see section 46-121 of this chapter).
  - (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).
  - (5) Cellulose nitrate (pyroxylin).
    - a. To store or handle more than 25 pounds of cellulose nitrate plastic (see section 306 of the fire code).
    - b. To manufacture or assemble pyroxylin articles or parts of (see chapter 42-65 of the fire code).
  - (6) Combustible fiber. To store or handle combustible fibers in quantities in excess of 100 cubic feet (see chapter 29 52 of the fire code).
  - (7) Compressed gases. To store, handle or use at normal temperatures and pressures in excess of quantities indicated:
    - a. Flammable gases in excess of 2,000-200 cubic feet (see chapter 3558 of the fire code).
    - b. ~~Nonflammable~~ Inert and simple asphyxiant gases in excess of 6,000 cubic feet (see chapter 30-53 of the fire code).
    - c. Oxidizing gases in excess of 3,000504 cubic feet (see chapter 40-63 of the fire code).
    - d. Corrosive or toxic ~~in excess of 1,000 cubic feet~~ gases in any amount (see chapter 27-50 of the fire code).
    - e. Highly toxic, radioactive or reactive (unstable) ~~in excess of 500 cubic feet~~ materials in any amount (see chapter 37-60 and 43-66 of the fire code).
  - (8) ~~Reserved. Cryogenics, except where federal or state regulations apply and except for fuel systems of the vehicle (see chapter 32 of the fire code).~~
    - ~~a. Produce cryogenic fluids.~~
    - ~~b. Store or use nonflammable, nontoxic cryogenics in excess of 500 gallons.~~
    - ~~c. Store or use flammable, nontoxic cryogenics in excess of 200 gallons.~~
    - ~~d. Store or use oxidizing or toxic cryogenics in excess~~



~~of 200 gallons.~~

- ~~e. Store or use corrosive or highly toxic cryogenics in excess of 100 gallons.~~
- (9) Dry cleaning plants. To engage in the business of dry cleaning, as prescribed by class or type of system (see chapter 12-21 of the fire code).
- (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 13-22 of the fire code.
- (11) Activities or uses involving explosives or blasting agents. (see chapter 33-56 of the fire code):
  - a. Keep, store or sell explosives.
  - b. Transport explosives.
  - c. Blasting using explosives.
- (12) Activities or uses involving explosives, small arms ammunition, small arms primers, smokeless propellants, black rifle powder (see chapter 33-56 of the fire code):
  - a. Small arms ammunition, to store or sell.
  - b. Small arms primers and smokeless propellants, to store or sell.
  - c. Black rifle powder, to store or sell.
- (13) Inspection, maintenance and certification of fire appliances.
- (14) Operation for conducting a fireworks display (see section 46-214 of this chapter).
- (15) Conducting a flammable finish operation by painting, spraying, dipping or storing flammable products for these operations (see chapter 15-24 of the fire code).
- (16) Flammable or combustible liquids (see section 105.6.16 of fire code).
  - ~~a. For storage, handling or use of flammable or combustible liquids, by class. (see section 46-246 of this chapter).~~
  - ~~b. Retail dealers in flammable or combustible liquids (see subsection 46-246(2) of this chapter).~~
  - ~~c. Manufacturing using flammable or combustible liquids.~~
- (17) Fruit ripening. To ripen fruit by the process described in chapter 16-25 of the fire code using ethylene gas.
- (18) Garages. To use any structure as a place of business for repairing motor vehicles (see chapter 22-23 of the fire code).
- (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.~~

- ~~b. Flammable solids in excess of 100 pounds.~~
- ~~c. Highly toxic liquids, solids and pesticides in excess of 55 gallons or 500 pounds.~~
- ~~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.~~
- ~~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.~~
- ~~f. Bulk storage of hazardous chemicals for storage of the chemicals listed in this subsection in excess of 1,000 percent of listed permit.~~
- ~~g. Bulk storage, miscellaneous. Bulk storage of more than two classes of hazardous materials requiring a permit. Hazardous chemicals. To store or handle the following hazardous chemicals in excess of the quantities indicated (see Chapter 50 of the fire code).~~

Combustible liquids - see 105.6.16

Corrosive liquids - 55 gallons

Corrosive solids - 1000 pounds

Flammable liquids - see 105.6.16

Flammable solids - 100 pounds

Highly toxic liquids and solids - any amounts

Toxic liquids - 10 gallons

Toxic solids - 100 pounds

Organic Peroxides

Liquids - Class I and II - any amount

Liquids - Class III - 1 gallon

Liquids - Class IV - 2 gallons

Liquids - Class V - no permit required

Solids - Class I and II - any amount

Solids - Class III - 10 pounds

Solids - Class IV - 20 pounds

Solids - Class V - no permit required

Oxidizing materials

Oxidizing gases - any amount

Oxidizing liquids class 4 - any amount

Oxidizing liquids class 3 - 1 gallon

Oxidizing liquids class 2 - 10 gallons

Oxidizing liquids class 1 - 55 gallons

Oxidizing solids class 4 - any amount

Oxidizing solids class 3 - 10 pounds  
Oxidizing solids class 2 - 100 pounds  
Oxidizing solids class 1 - 500 pounds

Unstable (reactive) materials

Liquids class 3 & 4 - any amount  
Liquids class 2 - 5 gallons  
Liquids class 1- 10 gallons  
Solids class 3 & 4 - any amount  
Solids class 2 - 50 pounds  
Solids class 1 - 100 pounds

Water reactive materials

Liquids class 3 - any amount  
Liquids class 2 - 5 gallons  
Liquids class 1 - 55 gallons  
Solids class 3 - any amount  
Solids class 2 - 50 pounds  
Solids class 1 - 500 pounds

- (20) Liquefied petroleum gas. To operate or maintain an LP gas system or store LP gas (see section 46-278 of this chapter).
- (21) Lumberyards. To store lumber in excess of 100,000 board feet (see chapter 1928 of the fire code).
- (22) Magnesium. To melt, cast, heat treat or grind more than ten pounds of magnesium per working day (see chapter 3659 of the fire code).
- (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.
- (24) Organic coatings. To manufacture more than one gallon of organic coatings in a working day (see chapter 29 of the fire code).
- (25) Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by this chapter (see chapter 21-30 of the fire code).
- (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).~~ Reserved.
- (27) Refrigerant equipment. To operate a refrigeration unit or system having a refrigerant circuit containing more than 220 pounds (100 kg) of group A1 or 30 pounds (14 kg) of any other group refrigerant.

- (28) Tents. To erect or maintain a tent or air-supported structure (see chapter 24-31 of the fire code and article X of this chapter).
- (29) Tire rebuilding. To operate a tire rebuilding or tire recapping plant (see chapter 25-34 of the fire code).
- (30) High piled combustible storage. To use a building or a portion thereof as a high piled storage area in excess of 500 square feet, including storage of combustible materials on pallets, in racks or on shelves where the top of the storage is greater than 12 feet in height, and also including certain commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities where the top of the storage is greater than 6 feet in height (see sections 105.6.22 and 202 of the fire code).
- (d) A permit shall be required for construction, installation or modification of the following types of fire protection systems and equipment, and the fee for issuance of such permit shall be the amount established in the schedule of fees adopted by the city council by resolution:-
- (1) Automatic fire-extinguishing systems.
  - (2) ~~Compressed gases~~. Reserved.
  - (3) Fire alarm and detection systems and related equipment.
  - (4) Fire pumps and related equipment.
  - (5) ~~Flammable and combustible liquids~~. Reserved.
  - (6) ~~Spraying or dipping~~. Reserved.
- (e) A permit shall be required for removal of an underground storage tank which contains or has contained any substance for which a permit is required under this section (see section 105.7.8(3) of the fire code), and the fee for such permit shall be the amount established in the schedule of fees adopted by the city council by resolution.
- (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) A permit shall be required for open fires or open burns pursuant to section 46-61. Outdoor fireplaces or grills burning untreated wood or charcoal used solely for the non-commercial preparation of food shall not be required to obtain a permit,
- (h) 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. No additional permits shall be issued to any person who owes the city the double fee established in this subsection.

**Sec. 46-3. Violations.**

- (a) Any person who fails to perform an act required by the provisions of this chapter, or who commits an act prohibited by the provisions of this chapter, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15.
- (b) The fire department may also proceed under public nuisance provisions set forth in this code, and/or pursue any other remedy available at law, to address any failure to perform an act required by the provisions of this chapter or any action prohibited by the provisions of this chapter.

**Sec. 46-3.07. Notice of violation--administrative penalties--corrective action order.**

- (a) The fire department is authorized to issue a notice of violation imposing administrative penalties upon any person who fails to perform an act required by chapter 46 of this code or who commits an act prohibited by said chapter.
- (b) Such notice shall include a statement of the administrative penalties imposed. Such notice may include a corrective action order requiring compliance with the violated code section within thirty (30) days.
- (c) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.
- (d) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice upon the violator may be by regular mail or by delivery in person.
- (e) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within thirty (30) days of its issuance. Corrective action as required pursuant to notice of violation shall be completed by the violator as directed in the notice within thirty (30) days of its issuance.
- (f) The administrative penalties set out in the schedule of administrative penalties shall be charged in lieu of the fines and penalties provided for in section 46-3 and 46-3.05, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the fire chief or the chief's authorized representative determines that immediate enforcement action by misdemeanor or municipal infraction prosecution pursuant to section 46-3 and 46-3.05, or by public nuisance procedure or any other remedy available at law, is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of Chapter 46~~this chapter~~. The fire department shall maintain a record of all

violations, administrative penalties charged or other enforcement actions taken.

### ARTICLE III. CODE

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

- (a) This chapter shall consist of the International Fire Code, 2009—2012 edition, published by the International Code Council, Inc., and known commonly and referenced in this chapter as the "international fire code" and as the "fire code", which volume is incorporated in this ~~section~~ chapter 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 113, 307.1, 307.2, 307.4, 307.4.1, 307.4.2, 307.4.3, 510.3, ~~1106.5.4, 2404.15.5, and 2404.15.6~~ 2006.5.4, 3104.15.5 and 3104.15.6.
- (2) Appendix A.
- ~~(3) Appendix J.~~

#### 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, except sections 105.1, 105.6.10, 105.6.16, 105.6.22 and 105.7.8 thereof which are not amended or deleted and remain incorporated in this chapter (see section 46-1 of this chapter).
- (3) Section ~~2601.2~~3501.2 (see section 46-121 of this chapter).
- (4) Section ~~3308.2~~5608.2 (see article VII of this chapter).
- (5) Section ~~3401.4~~5701.4 (see section 46-246 of this chapter).
- (6) Sections ~~2701~~5001.5, ~~2703~~5003.9.1, ~~2703~~5003.9.1.1, ~~2701~~5001.6.3, ~~2701~~5001.6, ~~2701~~5001.5.1 and ~~2701~~5001.5.2 (see article IV of this chapter).
- (7) Section ~~3804~~6104, except Table 6104.3 which is not amended or deleted and remains incorporated in this chapter (see section 46-281 of this chapter).
- (8) Section 308.1.4 (see section 46-66 and 46-67 of this chapter).
- (9) Section 503.2.3 (see section 46-68 of this chapter).
- ~~(10) Section 311, except sections 311.2.1, 311.2.2, 311.2.3, 311.5.1, 311.5.2, 311.5.3, 311.5.4, and 311.5.5 thereof which are not amended or deleted and remain incorporated in this chapter (see section 46-75 of this chapter).~~ Section 506.1 (see section 46-69 of this chapter).
- ~~(11) Section 506.1.1 (see section 46-70 of this chapter).~~
- ~~(12) Section 907.2.10 and 4603.7 (see section 46-71 of this chapter).~~
- ~~(13) Section 912.3.1 (see section 46-72 of this chapter).~~
- ~~(14)10) Section ~~4601.4~~1101.4 (see section 46-73 of this chapter).~~
- ~~(15)11) Section ~~2403.2~~3103.2 (see section 46-318 of this chapter).~~
- (c) The addition of the following sections/appendices:
  - (1) Appendices B, C, D and I.
  - (2) Section 110.5 (see section 46-74 of this chapter).
  - (3) Section 311.6 (see section 46-75 of this chapter).

**Sec. 46-64. Appeals.**

- (a) Other than notices of immediate enforcement action by misdemeanor or municipal infraction prosecution or other remedies at law, or public nuisance violations addressed through procedures set forth elsewhere in this code, Any person affected by a decision of the building official or fire chief or their designee may request and shall be granted a hearing before the building and fire code board of appeals on the decision, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds within 15 days after receiving notice of the decision. Upon receipt of the petition, the permit and development center

shall set a time and place for the hearing and shall give the petitioner written notice thereof at least three days before the hearing, unless such notice requirement is waived in writing by the petitioner. The hearing shall be commenced not later than thirty days after the day on which the petition was filed, unless for good cause shown the building official grants a postponement in writing.

- (b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official or fire chief or designee should be modified or withdrawn. The building official or fire chief or designee shall have the opportunity to be heard to show why their decision should be affirmed.
- (c) After the hearing as provided in this section, the building and fire code board of appeals shall affirm, modify or withdraw the decision of the building official or fire chief or designee. The decision of the building and fire code board of appeals is the final administrative decision.
- (d) The proceedings at any hearing before the board, including the findings and decision of the building official or fire chief or designee, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

**Sec. 46-68. Repealed by Ord. No. 15,--- ~~Fire apparatus access road surface.~~**

~~Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be of a continuous hard surface such as concrete, asphalt, rock, or other continuous hard surface material so as to provide all-weather maintenance and driving capabilities. Grass pavers or similar type products that are not readily distinguishable as a road surface shall not be used.~~

**Sec. 46-69. Repealed by Ord. No. 15,--- ~~Lock box.~~**

~~An approved lock box that operates with the existing lock box key used by the Des Moines Fire Department shall be installed on all new construction and existing structures that go through the plan review process or as required by the fire code official. Exceptions: 1) Group R-3 and unsecured group R-2 occupancies; 2) facilities with on-site security 24 hours a day and having access to all areas of the building.~~

**Sec. 46-70. Repealed by Ord. No. 15,--- ~~Limited access gates and locks.~~**



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~~All developments, communities, structures, facilities, or property similar in nature that have controlled access points requiring a key, key card, coded key pad, or similar device to limit access shall have a lock box with keys, key cards, codes, or similar device to gain access or shall have a lock box key activated opening device. All lock boxes or lock box key activated devices shall be operable with the existing lock box key used by the Des Moines Fire Department. Exception: Controlled access points that have security present 24 hours a day.~~

**Sec. 46-72. Repealed by Ord. No. 15,--- Locking fire department connection caps.**

~~Locking fire department connection caps shall be installed on all new construction and on all existing fire department connections that do not have caps in place.~~

**Sec. 46-73. Owner Notification for retroactive provisions.**

- (a) Upon the issuance of a building permit under chapter 26 of the City Code and determination by the fire code official that alterations are needed to the existing building to provide a minimum degree of fire and life safety to persons occupying said building, the property owner has three (3) calendar years from the date of issuance of the building permit to comply with the requirements of chapter 46-11 of the international fire code in effect at the time of permit issuance that apply to the building in question. If, at the end of the initial three (3) year period, the fire code official determines that the property owner has made substantial progress in bringing the property into compliance, the fire code official may grant a single two (2) year extension to the owner to complete such work. If, however, the fire code official determines that substantial progress has not been made by the property owner by the end of the initial three (3) year period or, when applicable, the property owner fails to complete the work during the two (2) year extension period, then the property will be subject to compliance with the retroactive requirements of chapter 46-11 in effect at the end of the initial three (3) year period or, when applicable, the two (2) year extension period that apply to the building in question.
- (b) Upon determination by the fire code official that alterations are needed to an existing building to provide a minimum degree of fire and life safety to persons occupying said building and/or to provide for fire prevention and response within said building, the fire code official may require the property owner to comply with some or all of the requirements of chapter 11 of the international fire code in effect at the time of such determination, and may require the property owner

