

CITY ORDINANCES

construction 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 105.6.8 of the fire code).

(3) Compressed gas systems designed for storage or use of a compressed gas in excess of the quantities identified in 46-1 (7).

(4) Open-flame decorative devices/fire pits (see section 46-73 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 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 65 of the fire code).

(6) Combustible fiber. To store or handle combustible fibers in quantities in excess of 100 cubic feet (see chapter 37 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 200 cubic feet (see chapter 58 of the fire code).

b. Non-flammable gases in excess of 6,000 cubic feet (see chapter 53 of the fire code).

c. Oxidizing gases in excess of 504 cubic feet (see chapter 63 of the fire code).

d. Corrosive or toxic gases in any amount (see chapter 50 of the fire code).

e. Highly toxic, radioactive or reactive (unstable) materials in any amount (see chapter 60 and 66 of the fire code).

f. Carbon Dioxide for beverage systems in excess of 100 pounds of carbon dioxide (see section 105.5.9 of the fire code).

(8) Dry cleaning plants. To engage in the business of dry cleaning, as prescribed by class or type of system (see chapter 21 of the fire code).

(9) 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 22 of the fire code.

(10) Activities or uses involving explosives or blasting agents. (see chapter 56 of the fire code):

a. Keep, store or sell explosives.

b. Transport explosives.

c. Blasting using explosives.

(11) Activities or uses involving explosives, small arms ammunition, small arms primers, smokeless propellants, black rifle powder (see chapter 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.

(12) Inspection, maintenance and certification of fire appliances.

(13) Operation for conducting a fireworks or fire, open flames or flammable material display or compound, use or store of pyrotechnic special effects material (see section 46-215 of this chapter).

(14) Conducting a flammable finish operation by painting, spraying, dipping or storing flammable products for these operations (see chapter 24 of the fire code).

(15) Flammable or combustible liquids (see section 105.5.18 of fire code).

(16) Fruit ripening. To ripen fruit by the process described in chapter 25 of the fire code using ethylene gas.

(17) Garages. To use any structure as a place of business for repairing motor vehicles (see chapter 23 of the fire code).

(18) 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 105.5.18

Corrosive liquids – 55 gallons

Corrosive solids – 1000 pounds

Flammable liquids – see 105.5.18

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 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

(19) Liquefied petroleum gas. To operate or maintain an LP gas system or store LP gas (see section 46-278 of this chapter).

(20) Lumberyards. To store lumber in excess of 100,000 board feet (see chapter 28 of the fire code).

(21) Magnesium. To melt, cast, heat treat or grind more than ten pounds of magnesium per working day (see chapter 59 of the fire code).

(22) 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.

(23) Organic coatings. To manufacture more than one gallon of organic coatings in a working day (see chapter 29 of the fire code).

(24) Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by this chapter (see chapter 30 of the fire code).

(25) 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.

(26) Tents. To erect or maintain a tent, temporary stage canopy, or membrane structure (see section 105.6.24 and article IX of this chapter) having an area in excess of 400 square feet.

(27) Tire rebuilding. To operate a tire rebuilding or tire recapping plant (see chapter 34 of the fire code).

(28) 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 105.6.13 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 and related equipment.

(2) Standpipe system (not part of a combined sprinkler/standpipe system).

(3) Fire alarm and detection systems and related equipment.

(4) Fire pumps and related equipment.

(5) Reserved.

(6) Reserved.

(7) Demolition of a fire protection system (without replacement or modification).

(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 105.6.8(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 sections 46-71 and 46-72.

(h) A permit hall be required for open-flame decorative devices/fire pits pursuant to section 46-73.

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.

(i) 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. 46-2. Fire zones and boundaries.

For the purpose of this chapter, the entire city is declared to be and is established a fire district, and such fire district shall be known and designated as fire zones no. 1, no. 2 and no. 3 and shall include such territory or portions of the city as follows:

(1) Fire zone no. 1. Fire zone no. 1 shall be all that district east and west of the Des Moines River, within the following boundaries.

a. East of Des Moines River. Beginning on the east bank of the Des Moines River at the projected centerline of East Vine Street, thence along the centerline of East Vine Street to the centerline of East Seventh Street, thence north along the centerline of East Seventh Street to the centerline of East Locust Street, thence east to the centerline of East Sixth Street, thence north along the centerline of East Sixth Street to the centerline of Des Moines Street, thence west along the centerline of Des Moines Street and the westerly projection thereof to the east bank of the Des Moines River, thence south along the east bank of the Des Moines River to the point of beginning.b. West of Des Moines River. Beginning on the west bank of the Des Moines River at the centerline of Center Street, thence west along the centerline of Center Street to the centerline of Sixth Avenue, thence south along the centerline of Sixth Avenue to the centerline of Park Street, thence west along the centerline of Park Street and along the centerline of Keosauqua Way to the to the centerline of Ninth Street, thence south along the centerline of Ninth Street to the centerline of Pleasant Street, thence west along the centerline of Pleasant Street to the centerline of Tenth Street, thence south along the centerline of Tenth Street to the centerline of High Street, thence west along the centerline of High Street to the centerline of the north-south alley between Eleventh and Twelfth Streets, thence south along the centerline of such alley to the centerline of the east-west alley between Mulberry and Cherry Streets, thence east along the centerline of such alley to the centerline of Tenth Street, thence south along the centerline of Tenth Street to the centerline of Vine Street, thence east along the centerline of Vine Street and the easterly projection thereof to the west bank of the Des Moines River, thence north along the west bank of the Des Moines River to the point of beginning.

(2) Fire zone no. 2. Fire zone no. 2 shall be all that district lying outside of fire zone no. 1 but within the boundaries defined as follows:

a. West Des Moines River. Beginning on the west bank of the Des Moines River at the centerline of MacVicar Freeway, thence west to the centerline of Fifteenth Street, thence south along the centerline of Fifteenth Street and along the centerline of Sixteenth Street to the intersection of the centerline of Sixteenth Street and main line track of the Chicago, Rock Island & Pacific Railroad Company, thence southeasterly along the tracks to the centerline of Vine Street, thence east along the centerline of Vine Street extended to the west bank of the Des Moines River, thence north along the west bank of the Des Mones river to the point of beginning.

b. East of Des Moines River. Beginning on the east bank of the Des Moines River at the centerline of Des Moines Street, east to the centerline of East Sixth Street, thence north to the centerline of MacVicar Freeway, thence west to the east bank of the Des Moines River, thence south along the east bank of the Des Moines River to the point of beginning.

(3) Fire zone no. 3. Fire zone No. 3 shall be all that district lying outside of fire zone no. 1 and no. 2 but within the boundaries defined as follows:

a. Commencing at the centerline of Ingersoll Avenue intersecting with the centerline of Fifteenth Street, thence west along the centerline of Ingersoll Avenue to the centerline of Martin Luther King Jr. Parkway, thence south along Martin Luther King Jr. Parkway to the north bank of the Raccoon River, thence east along the Raccoon River to confluence

of the Des Moines and Raccoon Rivers, thence north along the west bank of the Des Moines River to the centerline of W. Martin Luther King Jr Parkway, thence east along the centerline of W. Martin Luther King Jr. Parkway and along the centerline of W. Martin Luther King Jr. Parkway and along the centerline of E. Martin Luther King Jr. Parkway to the centerline of Southeast 6th Street, thence north along the centerline of Southeast 6th Street to Des Moines Street to the point of beginning.

(4) Fire zone no. 4. Fire zone No. 4 shall include all that part of the city not included in fire zones no. 1 and 2 and 3.

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Sec. 46-5. 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 of violation 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 certified mail or by delivery in person. Such notice shall include:

(1) a statement that the violator has a right to appeal regarding the violation; and

(2) a statement that the violator may file a written or telephone appeal with the fire marshal or his authorized representative. The appeal must be made within 30 days of issuance of the notice and identify the Notice of Violation appealed from and state the basis for the appeal, and the violator's name, mailing address, email address, and daytime telephone number. The fire marshal or his authorized representative will consider the appeal on the basis of the appeal and record and will notify the violator by mail, telephone or email of the decision as promptly as is reasonably possible. The appeal shall stay payment of the administrative penalty and performance of the corrective action until the appeal is decided. If issuance of the notice of violation is upheld, the violator shall have 30 days from issuance of the appeal decision to pay the administrative penalty and to perform the corrective action.

(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 46-4, 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 46-4, 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 this chapter. The fire department shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

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Sec. 46-7. Fire protection system inspection permits.

All fire protection system(s), as defined in the International Fire Code and required by the fire chief, shall be inspected and shall have an approved tag affixed to them showing the date of inspection and the identity of the person inspecting them. No fire protection system shall be inspected by any person unless he or she has first obtained a permit from the fire prevention bureau. Such permit shall be issued to any person successfully passing a standard qualifying examination for the fire protection system and any other requirements adopted by the bureau.

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

(a) This chapter shall consist of the International Fire Code, 2021 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 chapter by this reference