

# CITY ORDINANCES

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 amendments or 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 101.1, 107, 510.3, 608.13.4 Item #5, 806.1.1 Exception #2, 5701.4, 5806.2.

(2) Appendix A.

(3) Delete Section 5706.2.4.4 (see Section 46-246 of this code).

Sec. 46-63. Amendments and additions.

(a) Article I of this chapter and the remaining sections in this chapter are and represent amendments and additions to the requirements contained in the International Fire Code. Where the requirements conflict with those of the International Fire Code, the requirements of this chapter shall prevail.

(b) The following sections of the International Fire Code are deleted and are amended as follows:

(1) Section 109 (see section 46-64 of this chapter).

(2) Section 105, except sections 105.1, 105.6.8, 105.6.16, 105.6.22 and 105.7.9 thereof which are not amended or deleted and remain incorporated in this chapter (see section 46-1 of this chapter).

(3) Section 112.4, except section 112.4.1 thereof which is not amended or deleted and remain incorporated in this chapter (see sections 46-3, 46-4, and 46-5 of this chapter.)

(4) Section 3501.2 (see section 46-121 of this chapter).

(5) Section 5608.2 (see article VI of this chapter).

(6) Sections 5001.5, 5001.6.2, 5001.6.3, 5001.6, (see article IV of this chapter).

(7) Section 6104, except 6104.1 and Table 6104.3 which is not amended or deleted and remains incorporated in this chapter (see article VIII of this chapter).

(8) Section 308.1.4 (see section 46-66).

(9) Section 311.1, 311.1.1, and 311.2 (see section 46-70 of this chapter).

(10) Section 1101.4 (see section 46-68 of this chapter).

(11) Section 5601.4 Exception (see section 46-218 of this chapter).

(12) Section 503.2.1 (see section 46-442 of this chapter).

(13) Section 505.1 (see section 46-443 of this chapter).

(14) Section 507.5.1.1. (see section 46-445 of this chapter).

(15) Section 507.5.5 (see section 46-445 of this chapter).

(16) Section 508.1 (see section 46-456 of this chapter).

(17) Section 1203.7 (see section 46-457 of this chapter).

(18) Section 1203.8 (see section 46-457 of this chapter).

(19) Section 903.2.1.1 (see section 46-469 of this chapter).

(20) Section 903.2.1.2 (see section 46-469 of this chapter).

(21) Section 903.2.1.3 (see section 46-469 of this chapter).

(22) Section 903.2.1.4 (see section 46-469 of this chapter).

(23) Section 903.2.2 (see section 46-469 of this chapter).

(24) Section 903.2.2.1 (see section 46-469 of this chapter).

(25) Section 903.2.3 (see section 46-469 of this chapter).

(26) Section 903.2.4 (see section 46-469 of this chapter).

(27) Section 903.2.7 (see section 46-469 of this chapter).

(28) Section 903.2.9 (see section 46-469 of this chapter).

(29) Section 903.2.9.1 (see section 46-469 of this chapter).

(30) Section 903.3.1.2 (see section 46-469 of this chapter).

(31) Section 903.2.11.1.3 (see section 46-469 of this chapter).

(32) Section 903.4.2 (see section 46-469 of this chapter).

(33) Section 901.4.7.11 (see section 46-469 of this chapter).

(34) Section 907.6.6 (see section 46-471 of this

chapter).

(35) Section 910.2.1 (see section 46-472 of this chapter).

(36) Section 914.3.1.2 (see section 46-473 of this chapter).

(37) Section 1008.3.3 (see section 46-484 of this chapter).

(38) Section 1028.5.1 (see section 46-485 of this chapter).

(39) Section 3301.2 (see section 46-520 of this chapter).

(40) Section 3311.1 (see section 46-522 of this chapter).

(41) Section 3313.1 (see section 46-523 of this chapter).

(42) Section D105.3 (see section 46-580 of this chapter).

(c) The addition of the following sections/appendices:

(1) Appendices B, C, D, I, K and M, with an added exception to section M102.1 (see section 46-474 of this chapter).

(2) Section 111.5 (see section 46-69 of this chapter).

(3) Section 311.7 (see section 46-70 of this chapter).

(4) Section 5701.6 (see section 46-246 of this chapter).

(5) Section 503.1.4 (see section 46-441 of this chapter).

(6) Section 511 (see section 46-444 of this chapter).

(7) Section 507.5.7 (see section 46-445 of this chapter).

(8) Section 507.5.8 (see section 46-445 of this chapter).

(9) Section 903.1.2 (see section 46-469 of this chapter).

(10) Section 903.2.2.1 (see section 46-469 of this chapter).

(11) Section 903.2.9 item #6 (see section 46-469 of this chapter).

(12) Section 905.3.9 (see section 46-470 of this chapter).

(13) Section 907.1.4 (see section 46-471 of this chapter).

(14) Section 1009.2 item #11 (see section 46-485 of this chapter).

(15) Section 1010.1.6.1 (see section 46-485 of this chapter).

(16) Section 1010.1.9.1 (see section 46-486 of this chapter).

(17) Section 1014.4 item #6 (see section 46-488 of this chapter).

(18) Section 1015.9 (see section 46-489 of this chapter).

(19) Section 1031.5.3 (see section 46-490 of this chapter).

(20) Section 1107.1 (see section 46-498 of this chapter).

(21) Section 1107.2 (see section 46-498 of this chapter).

(22) Section 1107.3 (see section 46-498 of this chapter).

(23) Section 3202.1 (see section 46-510 of this chapter).

(24) Section 3206.2.1 (see section 46-510 of this chapter).

(25) Section 3206.4.2 (see section 46-510 of this chapter).

(26) Section 3301.2 (see section 46-520 of this chapter).

(27) Section 3310.1.1 (see section 46-521 of this chapter).

(28) Section D104.5 (see section 46-581 of this chapter).

(29) Section D104.5.1 (see section 46-582 of this chapter).

(30) Section D107.1 Exception #2 (see section 46-583 of this chapter).

(31) Section D104.4 (see section 46-584 of this chapter).

(32) Section D106.4 (see section 46-585 of this chapter).

(33) Section D107.3 (see section 46-586 of this chapter).

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Sec. 46-65. Inspections for multi-family dwellings.

Group R3 and R-4 (formerly referred to as 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-1 and R-2 (formerly referred to as R division 1) occupancies, except hotels and dormitories. The Neighborhood Inspection Division 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.

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Sec. 46-67. Single and multiple station smoke alarms.

Listed single and multiple-station smoke alarms complying with UL 268 shall be installed in accordance with provisions of this code and the household fire warning equipment provision of NFPA 72. Smoke alarms in dwelling units shall be addressable

with sounder bases and monitored by the building fire alarm system as a supervisory signal only. Mini horns in dwelling units are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases. Section 46-67 only applies to the R-1, R-2, R-4 and I-1 occupancies as defined in the International Fire Code. Single and multi-station smoke alarms shall be installed in locations detailed in sections 907.2.11.

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Sec. 46-68.1. Group I-2, Condition 2.

The following text shall be added to the end of Section 1103.5.3:

The automatic sprinkler system shall be installed as established by Section 46-68 of the city code.

Sec. 46-69. Securing fire-damaged premises after fire event.

Section 114 of the international fire code is amended by adding a new section 114.8 to read as follows: Section 114.8 Securing fire-damaged premises after fire event.

(1) The following definitions apply to this section: "Fire event" means a response by the Des Moines Fire Department to extinguish a fire within a building, dwelling or other structure that commences with the dispatching of fire department resources and concludes with the fire officer in charge terminating the incident.

"Fire-damaged structure" means a building, dwelling or other structure within the corporate limits of the city that has been partially burned during a fire event.

"Nuisance" means injurious or dangerous to public safety and constituting an emergency requiring immediate abatement pursuant to article VI, chapter 42 of the city code and/or other applicable city code section(s).

"Property owner" means the record titleholder(s) and/or contract purchaser(s) of the real property upon which a fire-damaged structure is located.

(2) A fire-damaged structure in an unsecured condition may be determined by a designated fire department official, in his or her sole discretion, to constitute a nuisance.

(3) The designated fire department official may but is not required to give notice to the property owner(s) of such a determination of nuisance requiring immediate abatement, and a hearing regarding the existence of the nuisance pursuant to section 42-358.02(c) of this code may be held if practical under the circumstances, but shall not be required to be held if impractical under the circumstances, prior to abatement of the nuisance by the property owner or the city.

(4) A fire-damaged structure determined to constitute a nuisance shall be secured by the property owner(s), at the property owner's sole expense, in accordance with this section and within the time allowed by the designated fire department official, in his or her sole discretion, unless the designated fire official determines that securing of the fire-damaged structure during the fire event is required.

(5) Prior to securing a fire-damaged structure determined to constitute a nuisance, the property owner(s) shall remove or cause to be removed all living beings from such structure.

(6) The property owner(s) shall secure all windows, doors, and other structural openings of the fire-damaged structure determined to constitute a nuisance to prevent access by unauthorized persons.

(7) A fire-damaged structure determined to constitute a nuisance which cannot be properly secured from access to the interior by the use of window locks, door locks, padlocks, or other appropriate locking mechanisms, shall be secured by the property owner(s) as follows:

a. Completely enclosing over all structural openings (windows, doors, roof openings) on the exterior of such fire-damaged structure with plywood; or

b. Completely enclosing such fire-damaged structure with a temporary snow fence of not less than forty-eight (48") inches in height; or

c. By any different and/or additional measures set forth in any written notice given by the designated fire department official to the property owner(s).

(8) If the property owner(s) fails to secure a fire-damaged structure determined to constitute a nuisance in accordance with the requirements of this section, or if the designated fire official determines that securing of the fire-damaged structure during the fire event is required, the fire chief or his or her designee, which designee may include the community development department director or his or her designee, may cause such fire-damaged structure to be secured and assess the costs thereof against the real property upon which such fire-damaged structure is located for collection in the same manner as a property tax, following hearing in accordance with article VI, chapter 42 of the city code and/or other applicable city code sections.

(9) Property owner(s) shall be joint and severally liable for performing the actions required by this section and for any property assessments arising

from failure to perform such actions.

Sec. 46-70. Vacant Premises.

(a) Section 311.1 of the International Fire Code is amended to read as follows:

311.1 General.

Permanently or temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.6.

(b) Section 311.1.1 of the International Fire Code is amended to read as follows:

311.1.1 Abandoned premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties may be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with chapters 26, 42 and/or 60 of the city code, as applicable.

(c) Section 311.2 of the International Fire Code is amended to read as follows:

311.2 Safeguarding vacant premises. Permanently and temporarily unoccupied buildings, structures, premises or portions thereof (collectively "premises") shall be secured and protected by persons owning or in charge or control of such premises in accordance with Sections 311.2.1 through 311.2.3.

(d) Section 311 of the International Fire Code is amended by adding a new section 311.7 as follows: Section 311.7 Compliance. The fire code official may notify the person(s) owning, or in charge or control of, a vacant building, structure, premises or portion thereof (collectively "premises") of failure to comply with any of the requirements of Sections 311.2 to 311.4 and may require compliance by such person(s) within the time set forth in the notice. If compliance does not occur within the time set forth in the notice, the fire chief or his or her designee may seek available remedies, including but not limited to abatement and assessment of costs pursuant to chapters 26, 42 and/or 60 of the city code, as applicable.

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Sec. 46-73. Open-flame Decorative Devices/Fire Pits.

Insert New Section 308.5 of the International Fire Code with the following language:

Section 308.5 Permit Required. A permit shall be obtained prior to installing or using an open flame decorative device/fire pit.

Exception: one- and two-family dwellings.

Insert New Section 308.5.1 with the following language:

Section 308.5.1 Open-flame Decorative Devices/Fire Pits. Open-flame decorative devices/fire pits shall comply with the restrictions identified in Section 308.3.1 of the fire code.

Insert New Section 308.5.2 with the following language:

Section 308.5.2. Gas Fired Open-flame Decorative Devices/Fire Pits. An approved emergency shut-off valve designed to close in the event of a fire or other emergency shall be provided. The valve shall be capable of being activated by a switch within 75-feet of the fueled device. The switch shall be labeled "EMERGENCY FUEL SHUT-OFF" and shall be provided with ready access.

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Sec. 46-215. Permits required.

(a) For the purpose of this article, a permit shall be obtained to:

(1) Use or explode Display Fireworks, except for Display Fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board.

(2) Compound, store or use pyrotechnic special effects material.

(3) Conduct a display involving fire, open flames or flammable material other than Fireworks or pyrotechnic special effects material.

(b) Application for a permit required by this article shall be made through the city's permitting process to the fire prevention bureau at least 14 days in advance of the display, use storage, or compound-ing.

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Sec. 46-246. Special liquid tank requirements.

The storage of class I or II flammable or combustible liquids in aboveground tanks is prohibited in fire zones 1 and 2 and 3, as defined in section 46-2 of this chapter; an exception may be made at a construction site if requested in writing and approved by the fire chief.

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

(a) A permit shall be obtained for each installation of liquefied petroleum gas employing one or more container(s) in the individual or aggregate amount of equal to or more than 150 gallons or 636 pounds aggregate. Prior to making such an installation, an