

ORDINANCE NO. 14,176

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, and amended by Ordinance No. 14,044, passed January 28, 2002, amending Chapter 38 thereof, Emergency Services, by amending Section 38-26 thereof to provide that fees for ambulance services shall be set in a Schedule of Fees to be adopted by the City Council by resolution; by amending Section 38-81 thereof to provide an exception to the definition of false fire alarms; enacting new sections 38-84.01 and 38-123.01 to provide for the assessment of administrative penalties for false fire alarms and false police alarms and providing that penalties for such false alarms shall be set in a Schedule of Administrative Penalties to be adopted by the City Council by resolution; and amending Sections 38-85 and 38-124 to amend the amount of civil penalties that may be assessed in municipal infraction cases for false fire and police alarms.

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, and amended by Ordinance No. 14,044, passed January 28, 2002, is hereby amended by amending Chapter 38 thereof, Emergency Services, by amending Section 38-26 thereof to provide that fees for ambulance services shall be set in a Schedule of Fees to be adopted by the City Council by resolution; by amending Section 38-81 thereof to provide an exception to the definition of false fire alarms; enacting new sections 38-84.01 and 38-123.01 to provide for the assessment of administrative penalties for false fire alarms and false police alarms and providing that penalties for such false alarms shall be set in a Schedule of Administrative Penalties to be adopted by the City Council by resolution; and amending Sections 38-85 and 38-124 to amend the amount of civil penalties that may be assessed in municipal infraction cases for false fire and police alarms.

**Sec. 38-26. City service fees.**

(a) The city shall charge fees for the use of emergency ambulance services provided by the city through its fire department. Fees for the following emergency ambulance

services shall be in the amounts provided in the schedule of fees adopted by the city council by resolution:

(1) Basic life support care, including basic CPR, patient assessment, airway management, splinting, preliminary treatment, and uncomplicated childbirth.

(2) Advanced life support care, including all services in basic life support care in addition to electrocardiograms, performance of cardiac defibrillation, and the administration of intravenous solutions and/or drugs.

(3) Required medical attention provided at the scene which utilizes medical supplies when the patient refuses to be transported to a medical facility.

(b) There shall be an additional charge for each extra ambulance attendant needed in conjunction with subsection (a)(1) or (2) of this section. There shall be an additional charge for transportation to medical facilities in conjunction with subsection (a)(1) or (2) of this section when such facility does not replace the medical supplies used on the patient. There shall be an additional charge for administration of oxygen in conjunction with subsection (a)(1), (2) or (3) of this section. No fee shall be charged under this section for services which do not result in the

transportation of a person or emergency ambulance services rendered by the fire department rescue services when responding to a fire.

(c) In addition to the fees charged in subsections (a) and (b) of this section, the city shall charge the user of emergency ambulance services provided by the city through its fire department a mileage fee for transportation from the scene to the medical facility.

(d) The city manager shall maintain accurate records of services and accounts and provide for the collection of the fees established in this section.

**Sec. 38-81. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*False alarm* means the activation of fire alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. A false alarm under this division does not include alarm system failures caused by water, gas, electrical, telephone or other transmission lines or devices not under control of an alarm user or his or her agent; the willful act of any person other than the alarm user or his or her agent, servant or employee; and does not include failures due to conditions clearly beyond the control of the alarm user or his or her agents, servants or employees. False fire alarm includes alarms which activate a signal to which the fire department responds with equipment and personnel without regard to whether the alarm is connected to any receiving alarm station. False alarm includes the willful use of an alarm system for purposes other than warning or notification of a fire. A false alarm does not include any activation of an alarm which is caused by storms, tornadoes or other violent weather conditions.

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**Sec. 38-84.01. Administrative penalties for false fire alarms.**

a. The Fire Department is authorized to impose administrative penalties upon fire alarm users who have one or more false alarms per calendar year. The administrative penalty for each false fire alarm shall be as provided in the schedule of administrative penalties adopted by the city council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the fire chief or the chief's authorized representative to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the city clerk's office.

(b) 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 38-85, 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 1-15 is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. The fire department shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

**Sec. 38-85. Municipal infractions.**

(a) Any fire alarm user who has a false fire alarm shall be deemed to have committed a municipal infraction. The first false fire alarm within the calendar year shall be deemed the first offense punishable by a civil penalty not to exceed \$500.00. The second and each subsequent false alarm within a calendar year shall be a repeat

offense, punishable by a civil penalty not to exceed \$750.00.

(b) No alarm which occurs within 14 days of the date of notification of the installation of a new alarm or alarm system shall be considered a false alarm.

**Sec. 38-123.01. Administrative penalties for false police alarms.**

(a) The Police Department is authorized to impose administrative penalties upon police alarm users who have one or more false alarms per calendar year. The administrative penalty for each false police alarm shall be as provided in the schedule of administrative penalties adopted by the city council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the police chief or the chief's authorized representative to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the city clerk's office.

(b) 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 38-124, unless the violator refuses to correct the violation and pay the scheduled administrative penalty, or the police chief or the chief's authorized representative determines that immediate enforcement action by misdemeanor or municipal infraction prosecution pursuant to section 1-15 is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of this article. The police department shall maintain a record of all violations, administrative penalties charged or other enforcement actions taken.

**Sec. 38-124. Municipal infractions.**

(a) Any police alarm user who has a false police alarm shall be deemed to have committed a municipal infraction. The first false police alarm within the calendar year shall be deemed the first offense punishable by a civil penalty not to exceed \$500.00. The second and each subsequent false police alarm shall be a repeat offense, punishable by a civil penalty not to exceed \$750.00.

(b) No alarm which occurs within 14 days of the date of notification of the installation of a new alarm or alarm system as required by section 38-117 shall be considered a false alarm.

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

FORM APPROVED:

Terrence L. Timmins, Deputy 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. 02-2940), passed by the City Council of said City at a meeting held December 16, 2002 signed by the Mayor on December 16, 2002 and published as provided by law in the Polk County Press Citizen on December 27, 2002 Authorized by Publication Order No. 3502.

Donna V. Boetel-Baker, City Clerk