

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

**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).