

ORDINANCE NO. 14,177

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. 14,093, passed June 3, 2002, amending Chapter 46 thereof, Fire Prevention and Protection, by amending Section 46-01 thereof to provide that fees for fire department permits for various facilities and operations shall be set in a Schedule of Fees to be adopted by the City Council by resolution; by amending Section 46-33 thereof to provide that fees for copies of fire and medical records and reports shall be set in a Schedule of Fees to be adopted by the City Council by resolution; by enacting new Sections 46-440 and 46-441 providing for fees for follow-up inspections in connection with the issuance or renewal of fire department permits and in connection with fire code violations.

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. 14,093, passed June 3, 2002, is hereby amended by amending Chapter 38 thereof, Emergency Services, by amending Chapter 46 thereof, Fire Prevention and Protection, by amending Section 46-01 thereof to provide that fees for fire department permits for various facilities and operations shall be set in a Schedule of Fees to be adopted by the City Council by resolution; by amending Section 46-33 thereof to provide that fees for copies of fire and medical records and reports shall be set in a Schedule of Fees to be adopted by the City Council by resolution; by enacting new Sections 46-440 and 46-441 providing for fees for follow-up inspections in connection with the issuance or renewal of fire department permits and in connection with fire code violations.

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 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 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).

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(6) Combustible fiber.
To store or handle
combustible fibers in
quantities in excess of
100 cubic feet (see
chapter 29 of the fire
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(7) Compressed gases. To
store, handle or use at
normal temperatures and
pressures in excess of
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(8) Cryogen^s, except where federal or state regulations apply and except for fuel systems of the vehicle (see chapter 32 of the fire code).

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- a. Store or use nonflammable, nontoxic cryogen^s in excess of 500 gallons.
- b. Store or use flammable, nontoxic cryogen^s in excess of 200 gallons.

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(9) Dry cleaning plants.
To engage in the
business of dry
cleaning, as prescribed
by class or type of
system (see chapter 12
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 of the fire code.

(11) Activities or uses involving explosives or blasting agents. (see chapter 33 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 of the fire code):

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

(14) Operation of
conducting of 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 of the fire code).

(16) Flammable or
combustible liquids.

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1. Fruit ripening. To ripen fruit by the process described in chapter 16 of the fire code using ethylene gas.
2. Garages. To use any structure as a place of business for repairing motor vehicles (see chapter 22 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.

(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 19 of the fire code).

(22) Magnesium. To melt, cast, heat treat or grind more than ten pounds of magnesium per working day (see chapter 36 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 of the fire code).

1. Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by this chapter (see chapter 21 of the fire code).
2. 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).
3. Refrigerant equipment. To operate a refrigeration unit or system containing any amount of group 2 or 3 refrigerant or those with group 1 refrigerant and a compressor rating of 100 horsepower or more (see chapter 6 of the fire code).

(28) Tents. To erect or maintain a tent or air-supported structure in excess of 200 square feet, or canopy in excess of 400 square feet (see chapter 24 of the fire code).

(29) Tire rebuilding. To operate a tire rebuilding or tire recapping plant (see chapter 25 of the fire code).

(d) Permit for construction, installation or modification of the following types of fire protection systems and equipment:

- (1) Automatic fire-extinguishing systems.
- (2) Compressed gases .
- (3) Fire alarm and detection systems and related equipment.
- (4) Fire pumps and related equipment.
- (5) Flammable and combustible liquids.
- (6) Spraying or dipping.

(e) A connection to fire department communications center for purposes of fire alarm monitoring. Any person failing to pay the fees for connection or monitoring is subject to a disconnection of the fire alarm system from monitoring service by the fire department.

(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) 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.

46-33. Copies of fire and medical records and reports.

(a) The fire chief is authorized to prepare and deliver upon request copies or printouts of fire and medical incident reports by the

fire department and to charge a fee to cover the cost of copying or printing such reports. The fee to be charged for such copies and printouts shall be the amount set forth in the schedule of fees adopted by the city council by resolution. However, copies or printouts of the reports required by state law and designated confidential shall not be made available to the public.

(b) The fire chief is further authorized to prepare and deliver upon request copies or printouts of investigation reports and to charge a fee to cover the cost of copying or printing such reports. The fee to be charged for such copies and printouts shall be the amount set forth in the schedule of fees adopted by the city council by resolution.

(c) The fire chief is further authorized to release to the police department photographic negatives, which may be reproduced to requesting persons. Any fees associated with the reproduction of the photographs shall be paid to the police department by the requesting person.

(d) The fire chief is further authorized to prepare and deliver upon request copies or printouts of fire department records or reports and to charge a fee to cover the cost of copying or printing such reports. The fee to be charged for such copies and printouts shall be the amount set forth in the schedule of fees adopted by the city council by resolution.

(e) The fire chief is authorized to deliver upon request photographic copies of fire investigative scenes and to charge a fee for such service. The fee to be charged for such copies shall be the amount set forth in the schedule of fees adopted by the city council by resolution.

(f) All such copies and printouts shall be furnished to the federal, state or municipal

governments or their agencies without charge.

(g) The fire chief shall permit persons to view fire reports and investigations under supervision for a reasonable period of time, and there shall be no charge for such viewing. Persons viewing such records or reports shall be permitted to make notes on their own paper from such records and reports, but no person shall be permitted to make notes, marks or erasures on any such reports or records. However, reports required by state law and designated confidential shall not be made available to the public.

(h) The fire chief shall have authority, subject to the approval of the city manager, to prescribe rules and regulations relating to the furnishing, making and handling of all such copies, printouts and reproductions and the terms and conditions upon which they shall be made available.

ARTICLE XI. FALSE FIRE ALARMS.

See Chapter 38, Article III, Alarms, Division 2. False Fire Alarms.

Secs. 46-318--46-339. Reserved.

ARTICLE XI. FIRE DEPARTMENT INSPECTIONS.

Sec. 46-440. Fire department permit inspections; cost of initial inspection included in permit fee; fee for follow-up inspections.

Whenever the provisions of this chapter require the issuance of a permit and payment of a permit fee in connection with the operation or maintenance of any facility, the permit fee for such activity shall be deemed to include payment of all costs incurred by the fire department for the initial routine inspection which it conducts in connection with the issuance of said permit. Permit fees shall not be deemed to include payment

of costs incurred by the fire department for follow-up inspections deemed necessary by the department to obtain or confirm compliance with the requirements of this chapter for the issuance of such permits. The fees for follow-up inspections shall be in the amounts and calculated as provided in the schedule of fees adopted by the city council by resolution. The fee for a follow-up inspection conducted to obtain or confirm compliance with a specification, regulation, permit condition or fire department order, after a permittee is informed of a violation thereof, shall be expressed in such schedule as hourly rates which are to be based on the average salary, benefit, and overhead costs to the city of the inspectors providing follow-up inspection services. Follow-up inspection services shall be charged on the basis of the number of hours of inspector time spent providing follow-up inspection services, multiplied by the applicable hourly rates in the schedule.

Sec. 46-441. Fee for follow-up inspection to be charged to persons violating provisions of this chapter.

Any person who is notified of or charged with a violation of any provision of this chapter or of a fire department order shall pay a fee for follow-up inspections deemed necessary by the department to obtain or confirm compliance with such provision or order. The fees for follow-up inspections shall be in the amounts and calculated as provided in the schedule of fees adopted by the city council by resolution. The fee for a follow-up inspection conducted to obtain or confirm compliance with a specification, regulation, permit condition or fire department order, after the responsible person is informed of a violation thereof, shall be expressed in such schedule as hourly rates which are to be based on the average salary, benefit, and overhead costs to the city of the inspectors providing follow-up inspection services. Follow-up inspection services shall be charged on the basis of the number of hours of inspector time spent providing follow-up inspection services, multiplied by the applicable hourly rates in the schedule.

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. 02-2942), 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. 3503.

Donna V. Boetel-Baker, City Clerk