

★ Roll Call Number

Agenda Item Number

52C

Date August 20, 2007

APPROVING THE ADMINISTRATIVE PENALTIES APPLICABLE TO CHAPTER 46, FIRE PREVENTION AND PROTECTION

WHEREAS, Chapter 46, of the Municipal Code of the City of Des Moines provides for first and second violations of service/permit fees as required by said Chapter, to be in the amounts set in the Administrative Penalties adopted by the City Council by resolution; and

WHEREAS, a Schedule of Administrative Penalties concerning the first and second violations for service/permit fees as required by Chapter 46 has been prepared for Council consideration and is recommended for adoption, which schedule is appended hereto and is now on file in the office of the City Clerk;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Schedule of Administrative Penalties appended hereto is hereby approved and adopted.

AND BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to incorporate said Schedule of Administrative Penalties, and to maintain said Schedule of Administrative Penalties on file in the offices of the City Clerk for public reference, said penalties to become effective upon publication of designated sections of Chapter 46, of the Des Moines Municipal Code.

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, KIERNAN, HENSLEY, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

ADMINISTRATIVE PENALTIES
Chapter 46

Fire Department

	Description of Service/Permit	First Violation within 12 months	Second & Subsequent Violations within 12 months	Effective Date
§46-1	Permits in General Failure to obtain permit or pay permit fee for use of building or premise or engage in any activities for which a permit is required	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-5	Fire Appliance Inspection Permits Failure to have inspection tag and/or have inspection on fire appliance	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-93	Hazardous Substances Failure to notify fire department of creation of hazardous condition	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-94	Failure to initiate and complete clean up of hazardous condition by responsible party within the time designated by the fire department	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-121(a)	Welding & Cutting, Calcium Carbide & Acetylene Failure to obtain permit and/or pay permit fee to store or keep calcium carbide in excess of 100 pounds	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-121(b)	Failure to obtain permit and/or pay permit fee to operate an acetylene generator having a carbide capacity of 5 pounds or greater	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-212	Fireworks Prohibition Unlawful manufacture of fireworks	\$250.00 plus	\$500.00 plus	

	<p>Unlawful possession or storage of fireworks</p> <p>Unlawful offer for sale, exposure for sale or sale at retail fireworks</p> <p>Unlawful use or explosion of fireworks</p>	<p>inspection and/or permit fee (if applicable)</p> <p>\$250.00 plus inspection and/or permit fee (if applicable)</p> <p>\$250.00 plus inspection and/or permit fee (if applicable)</p> <p>\$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>inspection and/or permit fee (if applicable)</p> <p>\$500.00 plus inspection and/or permit fee (if applicable)</p> <p>\$500.00 plus inspection and/or permit fee (if applicable)</p> <p>\$500.00 plus inspection and/or permit fee (if applicable)</p>	
<p>§46-214(1)</p> <p>§46-214(2)</p>	<p>Fireworks Permits</p> <p>Failure to obtain a permit to conduct a fireworks display</p> <p>Failure to obtain a permit to compound, store, or use pyrotechnic special effects material</p>	<p>\$250.00 plus inspection and/or permit fee (if applicable)</p> <p>\$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>\$500.00 plus inspection and/or permit fee (if applicable)</p> <p>\$500.00 plus inspection and/or permit fee (if applicable)</p>	
<p>§46-216</p>	<p>Fireworks Insurance</p> <p>Failure to obtain required insurance</p>	<p>\$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>\$500.00 plus inspection and/or permit fee (if applicable)</p>	
<p>§46-246(1)</p> <p>§46-246(2)</p> <p>§46-246(3)</p>	<p>Permits for Flammable and Combustible Liquids</p> <p>Failure to obtain a permit for the storage, handling or use of class I liquids in excess of 5 gallons inside a building or in excess of 10 gallons outside of a building</p> <p>Failure to obtain a permit for retailing of class I, II or IIIA liquids at a service station or other locations</p> <p>Failure to obtain a permit for storage, handling or use of class</p>	<p>\$250.00 plus inspection and/or permit fee (if applicable)</p> <p>\$250.00 plus inspection and/or permit fee (if applicable)</p> <p>\$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>\$500.00 plus inspection and/or permit fee (if applicable)</p> <p>\$500.00 plus inspection and/or permit fee (if applicable)</p> <p>\$500.00 plus inspection and/or permit fee (if applicable)</p>	

<p>§46-246(4)</p>	<p>II or IIIA liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building</p>	<p>inspection and/or permit fee (if applicable) \$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>inspection and/or permit fee (if applicable) \$500.00 plus inspection and/or permit fee (if applicable)</p>
<p>§46-246(5)</p>	<p>Failure to obtain a permit for the manufacture, processing, blending, or refining of class I, II, IIIA liquids or where liquids are used in the manufacturing, processing or finishing of articles</p>	<p>Failure to obtain a permit for storage of flammable or combustible liquids in stationary tanks or placement tanks temporarily out of service when the total storage capacity is 1000 gallons or more.</p>	<p>inspection and/or permit fee (if applicable) \$250.00 plus inspection and/or permit fee (if applicable)</p>
<p>§46-246(6)</p>	<p>Failure to obtain a permit for installation or major repair of tanks either above ground or below ground containing class I and II liquids, and class IIIA liquids in excess of one 275 gallon tank outside a building or two 275 gallon tanks inside a building</p>	<p>Failure to obtain a permit for major repair, replacement or addition of piping, either above ground or below ground, used with class I, II or IIIA liquids on existing tanks</p>	<p>inspection and/or permit fee (if applicable) \$250.00 plus inspection and/or permit fee (if applicable)</p>
<p>§46-246(7)</p>	<p>Failure to obtain a permit for major repair, replacement or addition of piping, either above ground or below ground, used with class I, II or IIIA liquids on existing tanks</p>	<p>Special Liquid Tank Requirements Failure to follow special liquid tank requirements per Section 46-247</p>	<p>inspection and/or permit fee (if applicable) \$500.00 plus inspection and/or permit fee (if applicable)</p>
<p>§46-278(a)</p>	<p>Permits and Reports of Installation, Liquefied Petroleum Gas Failure to obtain a permit for installation of liquefied petroleum gas employing a container of 150 gallons or more</p>	<p>inspection and/or permit fee (if applicable) \$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>inspection and/or permit fee (if applicable) \$500.00 plus inspection and/or permit fee (if applicable)</p>
<p>§46-278(b)</p>	<p>Failure to obtain an annual permit for operation and maintenance of a liquefied petroleum gas installation</p>	<p>inspection and/or permit fee (if applicable) \$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>inspection and/or permit fee (if applicable) \$500.00 plus inspection and/or permit fee (if applicable)</p>
<p>§46-278(c)</p>	<p>Failure to maintain record of installations and/or failure to provide records for inspection</p>	<p>inspection and/or permit fee (if applicable) \$250.00 plus inspection and/or permit fee (if applicable)</p>	<p>inspection and/or permit fee (if applicable) \$500.00 plus inspection and/or permit fee (if applicable)</p>

§46-282	<p>Location of Liquefied Petroleum Gas Containers Use of unauthorized containers per Section 46-281</p>	applicable)	applicable)	
§46-317	<p>Tent Permit Requirements Failure to obtain permit per Section 46-317</p>	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	
§46-441	<p>Fire Department Follow-up Inspection Failure to pay follow-up inspection fee</p>	\$250.00 plus inspection and/or permit fee (if applicable)	\$500.00 plus inspection and/or permit fee (if applicable)	