

★ **Roll Call Number**

Agenda Item Number

31

Date: December 6, 2010

An Ordinance entitled, "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, and Ordinance No. 14,177 passed December 16, 2002, and Ordinance No. 14,213 passed March 10, 2003, and Ordinance No. 14,473 passed August 8, 2005, and Ordinance No. 14,567 passed June 5, 2006, and Ordinance No. 14,689 passed August 20, 2007, and Ordinance No. 14,693 passed August 20, 2007, and Ordinance No. 14,703 passed September 24, 2007, and Ordinance No. 14,900 passed October 12, 2009, by amending Sections 46-1, 46-61, 46-62, 46-63, 46-64, 46-69, 46-71, 46-246, 46-278 and 46-316, and adding and enacting new Sections 46-72 and 46-73, relating to adoption of the international fire code and amendments and additions to the international fire code",

which was considered and voted upon under Roll Call No. 10- 1961 of November 22, 2010; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	Date: November 22, 2010
	Agenda Item No. 40B Roll Call No. 10-7961 Communication No. 10-689 Submitted by: John F. TeKippe, Chief of the Fire Department

**AGENDA HEADING:**

Amending Chapter 46 of the Municipal Code regarding Fire Prevention and Protection.

**SYNOPSIS:**

Approval of this Ordinance amends Sections 46-1, 46-61, 46-62, 46-63, 46-64, 46-69, 46-71, 46-246, 46-278, and 46-316, and enacts new Sections 46-72 and 46-73, all of Chapter 46, Fire Protection and Prevention of the Municipal Code of the City of Des Moines. The change to Section 46-61 is to replace the 2006 edition of the International Fire Code by adopting the more recent 2009 edition of the International Fire Code. The other changes to Chapter 46 are intended to provide the Fire Department with supplemental options for enforcement of the Fire Prevention Code.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**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 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 years to incorporate technological advances and best practices in fire protection, prevention, and inspection. In conjunction with the adoption of the 2009 edition of the International Fire Code, the amendments, additions, and deletions to the Municipal Code of Des Moines must also be updated to correlate with the new edition.

The following sections are routinely deleted from the International Fire Code and are replaced by sections in the Municipal Code:

Chapter 5, Section 105 “Permits” is deleted from the International Fire Code and replaced by Des Moines Municipal Code Section 46-1.

Chapter 5, Section 113 “Fees” is deleted from the International Fire Code and replaced by Des Moines Municipal Code Section 46-1.

Chapter 3, Section 307 "Open burning, recreational fires, and portable outdoor fireplaces" is deleted from the International Fire Code and the Iowa Administrative Code Section 567-23.2 (455B) is adopted.

The following sections of the 2009 Edition of the International Fire Code were not recommended for adoption by the Building and Fire Board of Appeals and are deleted:

Section 510 – emergency responder radio coverage for new and existing buildings  
Appendix J – additional information and technical requirements for emergency responder radio coverage  
Section 2404.15.5 - cooking tents and Section 2404.15.65 - outdoor cooking.

The following sections of the 2009 edition of the International Fire Code were amended in various sections of the Municipal Code:

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 and two-family dwellings and Section 46-67 allows the use of LPG fueled cooking devices in multi-family dwellings with certain restrictions and safeguards.

Installation and Related Requirements for Smoke Alarms. Section 907.2.10 and 4603.7 provide installation and related requirements for single and multi-station smoke alarms. This section is replaced with Section 46-71 of the Municipal Code of the City of Des Moines.

Locking Fire Department Connection Caps. Section 912.3.1 authorizes the use of locking fire department connection caps for automatic sprinklers and standpipe systems located on building exteriors. This section has been replaced with 46-72 to require locking fire department connection caps on all new construction and connections that do not have caps. The use of locking caps will lessen the likelihood that debris is placed in the system rendering it inoperable when needed.

Construction Requirements for Existing Buildings. This is a new chapter in the 2009 Edition of the International Fire Code. This chapter aggregates many of the retroactive existing building fire protection and life safety requirements into one location for ease of reference. Some of the requirements in this chapter have significant financial implications for all existing buildings. Consequently, the retroactive provisions of Section 4601.4, as replaced by Section 46-73 will be required upon the issuance of a building permit. The owner of the building must comply with the requirements in Chapter 46 of the 2009 Edition of the International Fire Code within three (3 years), unless an additional two (2 year) extension is granted by the fire code official.

Appendix I. This is a list of noncompliant conditions for fire protection systems that has been used to assist building owners and inspectors to improve their awareness of fire protection system deficiencies. This is a new section to the IFC, and provides specific examples of non-compliant conditions that Des Moines Fire Department inspectors can reference in violation letters.

Des Moines Municipal Code Section 46-64. Appeals.

Section 46-64 provides a method for any person affected by a decision of the Fire Chief to appeal the decision to the Building and Fire Board of Appeals. The language of this section is congruent with City of Des Moines Building Department appeal process and provides time requirements for appealing a decision, specific details of the appeal process, and other pertinent information.

Des Moines Municipal Code Section 46-69. Lock Box.

The Des Moines Fire Department utilizes the Knox® Box system. It is a secure storage device that is installed on the outside of a home or business that only the Des Moines Fire Department has a key to open. When an emergency occurs, the Des Moines Fire Department uses the key to open the box and access keys to the home or business. This process reduces valuable time to enter the premise and evaluate/mitigate the emergency. Currently, all new construction and existing structures that go through the plan review process are required to install a lock box. This proposed ordinance change will allow the fire code official to require the installation of a lock box when circumstances dictate the need for one.

Des Moines Municipal Code Section 46-246. Permits Required.

Storage of Fuel Oil. Section 46-246 has been amended to match the storage of fuel oil from 550 gallons to 660 gallons to be consistent with the 2009 Edition of the International Fire Code.

Des Moines Municipal Code Section 46-278. Permit and Reports of Installations.

Permit for Storage of Liquefied Petroleum Gas. Section 46-278 has been amended to add that a permit is required an installation of liquefied petroleum gas in an aggregate amount of 150 gallons or more.

Des Moines Municipal Code Section 46-316. Distance.

The word “canopy” has been removed from the 2009 Edition of the International Fire Code.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: July 23, 2007

Roll Call Number: 07-1431

Action: Fire Protection and Prevention Code. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Date: July 23, 2007

Roll Call Number: 07-1432

Action: Adoption of the International Fire Code and amendments and additions to the International Fire Code. (Council Communication No. 07-424) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Board: Building and Fire Board of Appeals

Date: October 14, 2010

Action: These recommended changes to the Municipal Code of the City of Des Moines and adoption of the 2009 Edition of the International Fire Code were unanimously approved by the Building and Fire Code Board of Appeals.

**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 second 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).

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ORDINANCE NO. \_\_\_\_\_

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, and Ordinance No. 14,177 passed December 16, 2002, and Ordinance No. 14,213 passed March 10, 2003, and Ordinance No. 14,473 passed August 8, 2005, and Ordinance No. 14,567 passed June 5, 2006, and Ordinance No. 14,689 passed August 20, 2007, and Ordinance No. 14,693 passed August 20, 2007, and Ordinance No. 14,703 passed September 24, 2007, and Ordinance No. 14,900 passed October 12, 2009, by amending Sections 46-1, 46-61, 46-62, 46-63, 46-64, 46-69, 46-71, 46-246, 46-278 and 46-316, and adding and enacting new Sections 46-72 and 46-73, relating to adoption of the international fire code and amendments and additions to the international fire code.

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, and Ordinance No. 14,177 passed December 16, 2002, and Ordinance No. 14,213 passed March 10, 2003, and Ordinance No. 14,473 passed August 8, 2005, and Ordinance No. 14,567 passed June 5, 2006, and Ordinance No. 14,689 passed August 20, 2007, and Ordinance No. 14,693 passed August 20, 2007, and Ordinance No. 14,703 passed September 24, 2007, and Ordinance No. 14,900 passed October 12, 2009, is hereby amended by amending Sections 46-1, 46-61, 46-62, 46-63, 46-64, 46-69, 46-71, 46-246, 46-278 and 46-316, and adding and enacting new Sections 46-72 and 46-73, relating to adoption of the international fire code and amendments and additions to the international fire code, as follows:

**Sec. 46-1. Permits required.**

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(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:

(14) ~~Operation of~~ for ~~conducting of~~ a fireworks display (see section 46-214 of this chapter).

(28) Tents. To erect or maintain a tent or air-supported structure in excess of ~~200~~400 square feet, ~~or canopy in excess of 400 square feet~~ (see chapter 24 of the fire code).  
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**Sec. 46-61. Adoption of international fire code.**

(a) This chapter shall consist of the International Fire Code, ~~2006~~2009 edition, published by the International Code Council, Inc. and known commonly as the international fire code, which volume is incorporated in this section by this reference 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 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 113, 307.1, 307.2, 307.4, 307.4.1, 307.4.2, 307.4.3, 510, and 1106.5.4, 2404.15.5, and 2404.15.6.
- (2) Appendix A.
- (3) Appendix J.

**Sec. 46-63. Amendments and additions.**

(a) Article I of this chapter and the remaining sections in this chapter and in division 2 of article III of chapter 38 of the

city code are and represent amendments and additions to the requirements contained in the international fire code. Where their requirements conflict with those of the international fire code, the requirements of sections 38-81 and 38-82 of the city Code and articles IV through X of this chapter shall prevail.

(b) The deleted sections and the corresponding amendments and additions to those sections are as follows:

- (1) Section 108 (see section 46-64 of this chapter).
- (2) Section 105 (see section 46-1 of this chapter).
- (3) Section 2601.2 (see section 46-121 of this chapter).
- (4) Section 3308.2 (see article VII of this chapter).
- (5) Section 3401.4 (see section 46-246 of this chapter).
- (6) Sections 2701.5, 2703.9.1, 2703.9.1.1, 2701.6.3, 2701.6, 2701.5.1 and 2701.5.2 (see article IV of this chapter).
- (7) Section 3804 (see section 46-281 of this chapter).
- (8) Section ~~308.3.1~~308.1.4 (see section 46-66 and 46-67 of this chapter).

~~(9) Section 308.3.1.1 (see section 46-67 of this chapter).~~

~~(109)~~ Section 503.2.3 (see section 46-68 of this chapter).

~~(1110)~~ Section 506.1 (see section 46-69 of this chapter).

~~(1211)~~ Section 506.1.1 (see section 46-70 of this chapter).

~~(1312)~~ Section 907.2.10 and 4603.7 (see section 46-71 of this chapter).

(13) Section 912.3.1 (see section 46-72 of this chapter).

(14) Section 4601.4 (see section 46-73 of this chapter).

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

- (1) Appendix I.

#### **Sec. 46-64. Appeals.**

~~(a) Any order or notice issued or served as provided in the fire prevention code shall immediately be complied with by the owner or occupant of such premises or building. Such owner or occupant may, within four (4) business days, appeal to the fire chief who shall, within five days, review such order and file his or her decision thereon, and, unless it is found a fire hazard does not exist and by his or her authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in such order or decision of the fire chief. Decisions of the fire chief may be appealed to the licensing and appeal board in section 26-120 of the city code.~~

~~(b) Any person affected by a decision of the fire chief may request and shall be granted a hearing on the decision before the licensing and appeals board, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief~~



~~statement of the grounds within fifteen (15) days after receiving notice of the decision. The appeal shall be subject to the procedural rules set forth in section 26-122 and 26-123.~~

- (a) Any person affected by a decision of the building official or fire chief or their designee may request and shall be granted a hearing before the building and fire code board of appeals on the decision, provided that the person shall file in the permit and development center a written petition requesting a hearing and setting forth a brief statement of the grounds within 15 days after receiving notice of the decision. Upon receipt of the petition, the permit and development center shall set a time and place for the hearing and shall give the petitioner written notice thereof at least three days before the hearing, unless such notice requirement is waived in writing by the petitioner. The hearing shall be commenced not later than thirty days after the day on which the petition was filed, unless for good cause shown the building official grants a postponement in writing.
- (b) At the hearing the petitioner shall be given an opportunity to be heard to show why the decision of the building official or fire chief or designee should be modified or withdrawn. The building official or fire chief or designee shall have the opportunity to be heard to show why their decision should be affirmed.
- (c) After the hearing as provided in this section, the building and fire code board of appeals shall affirm, modify or withdraw the decision of the building official or fire chief or designee. The decision of the building and fire code board of appeals is the final administrative decision.
- (d) The proceedings at any hearing before the board, including the findings and decision of the building official or fire chief or designee, if applicable, shall be summarized, reduced to writing, and entered as a matter of public record in the permit and development center. This record shall include a copy of every notice or order issued in connection with the matter.

**Sec. 46-69. Lock box.**

An approved lock box that operates with the existing lock box key used by the Des Moines Fire Department shall be installed on all new construction and existing structures that go through the plan review process or as required by the fire code official. Exceptions: 1) Group R-3 and unsecured group R-2 occupancies; 2) facilities with on-site security 24 hours a day and having access to all areas of the building.

**Sec. 46-71. Single and multiple station smoke alarms.**

Listed single and multiple-station smoke alarms complying with UL 217 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 46-71 only applies to the R-1, R-2, R-4 and I-1 districts as defined in the International Fire Code. Single and multi-station smoke alarms shall be installed in locations detailed in sections 907.2.11.1 and 907.2.11.2.

**Sec. 46-72. Locking fire department connection caps.**

Locking fire department connection caps shall be installed on all new construction and on all existing fire department connections that do not have caps in place.

**Sec. 46-73. Owner Notification for retroactive provisions.**

Upon the issuance of a building permit under chapter 26 of the City Code and determination by the fire code official that alterations are needed to the existing building to provide a minimum degree of fire and life safety to persons occupying said building, the property owner has three (3) years to comply with the requirements of chapter 46 of the international fire code in effect at the time of permit issuance that apply to the building in question. If, at the end of the initial three (3) year period, the fire code official determines that the property owner has made substantial progress in bringing the property into compliance, the fire code official may grant a single two (2) year extension to the owner to complete such work. If, however, the fire code official determines that substantial progress has not been made by the property owner by the end of the initial three (3) year period or, when applicable, the property owner fails to complete the work during the two (2) year extension period, then the property will be subject to compliance with the retroactive requirements of chapter 46 in effect at the end of the initial three (3) year period or, when applicable, the two (2) year extension period that apply to the building in question.

**Secs. 46-7274--46-90. Reserved.**

**Sec. 46-246. Permits required.**

For the purpose of this article, a permit shall be obtained for any of the following:

(1) Storage, handling, or use of class I liquids in excess of five gallons inside a building or in excess of ten gallons outside of a building, except that a permit is not required for the storage or use of:

a. Flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless storage, in the opinion of the fire chief, would cause an unsafe condition.

b. Paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for a period of not more than 30 days.

(2) Retailing of class I, II, or IIIA liquids at a service station or other locations.

(3) Storage, handling or use of class II or III-A liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except storage of ~~550~~660 gallons or less of fuel oil when connected with oil burning equipment.

(4) The manufacture, processing, blending, or refining of class I, II, or IIIA liquids or where liquids are used in the manufacturing, processing or finishing of articles.

(5) Storage of flammable or combustible liquids in stationary tanks or placement tanks temporarily out of service, when the total storage capacity is 1,000 gallons or more.

(6) Installation or major repair of tanks either aboveground or belowground containing class I and II liquids, and class III-A liquids in excess of one 275-gallon tank outside a building or two 275-gallon tanks inside a building.

(7) Major repair, replacement or addition of piping, either aboveground or belowground, used with class I, II or III-A liquids on existing tanks.

**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 150 gallons or more. Prior to making such an installation, an installer shall submit plans to the fire prevention bureau, and if compliance with the requirements of the fire prevention code is shown by such plans, a permit shall be issued.
- (b) An annual permit shall be obtained for the operation and maintenance of a liquefied petroleum gas installation for each year after the system has been installed and approved, as required in subsection (a) of this section.
- (c) Installers shall maintain a record of all installations for

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which a permit is not required by subsection (a) of this section, but not including installation of gas-burning appliances and replacing of portable cylinders, and shall have it available for inspection by the fire prevention bureau.

**Sec. 46-316. Distance.**

The distance requirements in section 2403.2 of the International Fire Code may be lowered to ten feet for a tent-~~or canopy~~ up to 1,600 square feet, if approved by the fire chief.

Section 2. Except as hereinafter provided, this ordinance shall be in full force and effect from and after the later of January 1, 2011, or its passage and publication as provided by law. This ordinance shall not apply to:

- a) Permit applications accepted by the City on or before December 31, 2010;
- b) Permit applications accepted by the City on or before June 30, 2011, which are determined by the Building Official and Fire Chief or their respective designees, to be for construction or renovation projects upon which substantial design work was completed prior to the adoption of this ordinance, and which are of such size and complexity, or that utilize state or federal funding sources with such long approval timelines, that it was unfeasible to complete the design and apply for a building permit prior to December 31, 2010;
- c) The issuance of a permit on the basis of an application accepted within the deadlines identified above; and
- d) To any work authorized by such a permit,

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all of which shall remain subject to the requirements of Chapter 46  
of the Municipal Code of the City of Des Moines, Iowa, as it  
existed immediately prior to the passage of this ordinance.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney