



**Roll Call Number**

**Agenda Item Number**

55A

**Date** July 15, 2013

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, as heretofore amended, by amending 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 adding and enacting new Sections 46-74 and 46-75, and by repealing Sections 46-68, 46-69, 46-70, 46-72, 46-246 and 46-249, relating to adoption of the international fire code and amendments and additions thereto",


presented.

(Council Communication No. 13-378)

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

FORM APPROVED:

(First of three required readings)

  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				

**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

## 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, as heretofore amended, by amending 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 adding and enacting new Sections 46-74 and 46-75, and by repealing Sections 46-68, 46-69, 46-70, 46-72, 46-246 and 46-249, relating to adoption of the international fire code and amendments and additions thereto.

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, as heretofore amended, is hereby amended by amending 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 adding and enacting new Sections 46-74 and 46-75, and by repealing Sections 46-68, 46-69, 46-70, 46-72, 46-246 and 46-249, relating to adoption of the international fire code and amendments and additions thereto, as follows:

**ARTICLE I. IN GENERAL**

**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 105.7.8 of the fire code 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 11-20 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).
    - a. To store or handle more than 25 pounds of cellulose nitrate plastic (see section 306 of the fire code).
    - b. To manufacture or assemble pyroxylin articles or parts of (see chapter 42-65 of the fire code).
  - (6) Combustible fiber. To store or handle combustible fibers in quantities in excess of 100 cubic feet (see chapter 29 52 of the fire code).
  - (7) Compressed gases. To store, handle or use at normal temperatures and pressures in excess of quantities indicated:
    - a. Flammable gases in excess of 2,000-200 cubic feet (see chapter 3558 of the fire code).
    - b. ~~Nonflammable~~ Inert and simple asphyxiant gases in excess of 6,000 cubic feet (see chapter 30-53 of the fire code).
    - c. Oxidizing gases in excess of 3,000504 cubic feet (see chapter 40-63 of the fire code).
    - d. ~~Corrosive or toxic in excess of 1,000 cubic feet~~ gases in any amount (see chapter 27-50 of the fire code).
    - e. Highly toxic, radioactive or reactive (unstable) ~~in excess of 500 cubic feet~~ materials in any amount (see chapter 37-60 and 43-66 of the fire code).
  - (8) ~~Reserved. Cryogens, except where federal or state regulations apply and except for fuel systems of the vehicle (see chapter 32 of the fire code).~~
    - ~~a. Produce cryogenic fluids.~~
    - ~~b. Store or use nonflammable, nontoxic cryogens in excess of 500 gallons.~~
    - ~~c. Store or use flammable, nontoxic cryogens in excess of 200 gallons.~~
    - ~~d. Store or use oxidizing or toxic cryogens in excess~~

~~of 200 gallons.~~

- ~~e. Store or use corrosive or highly toxic cryogenics in excess of 100 gallons.~~
- (9) Dry cleaning plants. To engage in the business of dry cleaning, as prescribed by class or type of system (see chapter ~~12-21~~ 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 ~~13-22~~ of the fire code.
- (11) Activities or uses involving explosives or blasting agents. (see chapter ~~33-56~~ 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 ~~33-56~~ of the fire code):
  - a. Small arms ammunition, to store or sell.
  - b. Small arms primers and smokeless propellants, to store or sell.
  - c. Black rifle powder, to store or sell.
- (13) Inspection, maintenance and certification of fire appliances.
- (14) Operation for conducting 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 ~~15-24~~ of the fire code).
- (16) Flammable or combustible liquids (see section 105.6.16 of fire code).
  - ~~a. For storage, handling or use of flammable or combustible liquids, by class. (see section 46-246 of this chapter).~~
  - ~~b. Retail dealers in flammable or combustible liquids (see subsection 46-246(2) of this chapter).~~
  - ~~c. Manufacturing using flammable or combustible liquids.~~
- (17) Fruit ripening. To ripen fruit by the process described in chapter ~~16-25~~ of the fire code using ethylene gas.
- (18) Garages. To use any structure as a place of business for repairing motor vehicles (see chapter ~~22-23~~ 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. Hazardous chemicals. To store or handle the following hazardous chemicals in excess of the quantities indicated (see Chapter 50 of the fire code).~~

Combustible liquids - see 105.6.16

Corrosive liquids - 55 gallons

Corrosive solids - 1000 pounds

Flammable liquids - see 105.6.16

Flammable solids - 100 pounds

Highly toxic liquids and solids - any amounts

Toxic liquids - 10 gallons

Toxic solids - 100 pounds

Organic Peroxides

Liquids - Class I and II - any amount

Liquids - Class III - 1 gallon

Liquids - Class IV - 2 gallons

Liquids - Class V - no permit required

Solids - Class I and II - any amount

Solids - Class III - 10 pounds

Solids - Class IV - 20 pounds

Solids - Class V - no permit required

Oxidizing materials

Oxidizing gases - any amount

Oxidizing liquids class 4 - any amount

Oxidizing liquids class 3 - 1 gallon

Oxidizing liquids class 2 - 10 gallons

Oxidizing liquids class 1 - 55 gallons

Oxidizing solids class 4 - any amount

Oxidizing solids class 3 - 10 pounds  
Oxidizing solids class 2 - 100 pounds  
Oxidizing solids class 1 - 500 pounds

Unstable (reactive) materials

Liquids class 3 & 4 - any amount  
Liquids class 2 - 5 gallons  
Liquids class 1- 10 gallons  
Solids class 3 & 4 - any amount  
Solids class 2 - 50 pounds  
Solids class 1 - 100 pounds

Water reactive materials

Liquids class 3 - any amount  
Liquids class 2 - 5 gallons  
Liquids class 1 - 55 gallons  
Solids class 3 - any amount  
Solids class 2 - 50 pounds  
Solids class 1 - 500 pounds

- (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~~28 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~~59 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 chapter 29 of the fire code).
- (25) Ovens, industrial baking or drying. To operate an industrial baking or drying oven regulated by this chapter (see chapter ~~21~~30 of the fire code).
- (26) ~~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). Reserved.~~
- (27) Refrigerant equipment. To operate a refrigeration unit or system having a refrigerant circuit containing more than 220 pounds (100 kg) of group A1 or 30 pounds (14 kg) of any other group refrigerant.

- (28) Tents. To erect or maintain a tent or air-supported structure (see chapter 24-31 of the fire code and article X of this chapter).
- (29) Tire rebuilding. To operate a tire rebuilding or tire recapping plant (see chapter 25-34 of the fire code).
- (30) High piled combustible storage. To use a building or a portion thereof as a high piled storage area in excess of 500 square feet, including storage of combustible materials on pallets, in racks or on shelves where the top of the storage is greater than 12 feet in height, and also including certain commodities, such as rubber tires, Group A plastics, flammable liquids, idle pallets and similar commodities where the top of the storage is greater than 6 feet in height (see sections 105.6.22 and 202 of the fire code).
- (d) A permit shall be required for construction, installation or modification of the following types of fire protection systems and equipment, and the fee for issuance of such permit shall be the amount established in the schedule of fees adopted by the city council by resolution:÷
- (1) Automatic fire-extinguishing systems.
  - (2) ~~Compressed gases~~. Reserved.
  - (3) Fire alarm and detection systems and related equipment.
  - (4) Fire pumps and related equipment.
  - (5) ~~Flammable and combustible liquids~~. Reserved.
  - (6) ~~Spraying or dipping~~. Reserved.
- (e) A permit shall be required for removal of an underground storage tank which contains or has contained any substance for which a permit is required under this section (see section 105.7.8(3) of the fire code), and the fee for such permit shall be the amount established in the schedule of fees adopted by the city council by resolution.
- (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) A permit shall be required for open fires or open burns pursuant to section 46-61. Outdoor fireplaces or grills burning untreated wood or charcoal used solely for the non-commercial preparation of food shall not be required to obtain a permit,
- (h) 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.

**Sec. 46-3. Violations.**

- (a) Any person who fails to perform an act required by the provisions of this chapter, or who commits an act prohibited by the provisions of this chapter, shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15, or shall be guilty of a municipal infraction punishable by a civil penalty as provided by section 1-15.
- (b) The fire department may also proceed under public nuisance provisions set forth in this code, and/or pursue any other remedy available at law, to address any failure to perform an act required by the provisions of this chapter or any action prohibited by the provisions of this chapter.

**Sec. 46-3.07. Notice of violation--administrative penalties--corrective action order.**

- (a) The fire department is authorized to issue a notice of violation imposing administrative penalties upon any person who fails to perform an act required by chapter 46 of this code or who commits an act prohibited by said chapter.
- (b) Such notice shall include a statement of the administrative penalties imposed. Such notice may include a corrective action order requiring compliance with the violated code section within thirty (30) days.
- (c) The administrative penalty for such violations shall be as provided in the schedule of administrative penalties adopted by the city council by resolution.
- (d) Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued to and served upon the violator. Service of the notice upon the violator may be by regular mail or by delivery in person.
- (e) Penalties assessed pursuant to notice of violation shall be paid by the violator in full as directed in the notice within thirty (30) days of its issuance. Corrective action as required pursuant to notice of violation shall be completed by the violator as directed in the notice within thirty (30) days of its issuance.
- (f) 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 46-3 and 46-3.05, 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 46-3 and 46-3.05, or by public nuisance procedure or any other remedy available at law, is, in view of the particular circumstances of the case, necessary to achieve compliance with the requirements of Chapter 46 this chapter. The fire department shall maintain a record of all



violations, administrative penalties charged or other enforcement actions taken.

### ARTICLE III. CODE

#### Sec. 46-61. Adoption of international fire code.

- (a) This chapter shall consist of the International Fire Code, 2009—2012 edition, published by the International Code Council, Inc., and known commonly and referenced in this chapter as the "international fire code" and as the "fire code", which volume is incorporated in this ~~section~~ chapter 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, 510.3, 1106.5.4, 2404.15.5, and 2404.15.6  
2006.5.4, 3104.15.5 and 3104.15.6.
- (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, except sections 105.1, 105.6.10, 105.6.16, 105.6.22 and 105.7.8 thereof which are not amended or deleted and remain incorporated in this chapter (see section 46-1 of this chapter).
- (3) Section ~~2601.2~~3501.2 (see section 46-121 of this chapter).
- (4) Section ~~3308.2~~5608.2 (see article VII of this chapter).
- (5) Section ~~3401.4~~5701.4 (see section 46-246 of this chapter).
- (6) Sections ~~2701~~5001.5, ~~2703~~5003.9.1, ~~2703~~5003.9.1.1, ~~2701~~5001.6.3, ~~2701~~5001.6, ~~2701~~5001.5.1 and ~~2701~~5001.5.2 (see article IV of this chapter).
- (7) Section ~~3804-6~~104, except Table 6104.3 which is not amended or deleted and remains incorporated in this chapter (see section 46-281 of this chapter).
- (8) Section 308.1.4 (see section 46-66 and 46-67 of this chapter).
- (9) Section ~~503.2.3 (see section 46-68 of this chapter).~~
- ~~(10) Section 311, except sections 311.2.1, 311.2.2, 311.2.3, 311.5.1, 311.5.2, 311.5.3, 311.5.4, and 311.5.5 thereof which are not amended or deleted and remain incorporated in this chapter (see section 46-75 of this chapter).~~ Section 506.1 (see section 46-69 of this chapter).
- ~~(11) Section 506.1.1 (see section 46-70 of this chapter).~~
- ~~(12) 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 ~~4601.4-1~~101.4 (see section 46-73 of this chapter).
- ~~(15)~~ Section ~~2403.2-3~~103.2 (see section 46-318 of this chapter).
- (c) The addition of the following sections/appendices:
  - (1) Appendixes B, C, D and I.
  - (2) Section 110.5 (see section 46-74 of this chapter).
  - (3) Section 311.6 (see section 46-75 of this chapter).

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

- (a) Other than notices of immediate enforcement action by misdemeanor or municipal infraction prosecution or other remedies at law, or public nuisance violations addressed through procedures set forth elsewhere in this code, 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. 46-68. Repealed by Ord. No. 15,--- ~~Fire apparatus access road surface.~~**

~~Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be of a continuous hard surface such as concrete, asphalt, rock, or other continuous hard surface material so as to provide all-weather maintenance and driving capabilities. Grass pavers or similar type products that are not readily distinguishable as a road surface shall not be used.~~

**Sec. 46-69. Repealed by Ord. No. 15,--- ~~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. 46-70. Repealed by Ord. No. 15,--- ~~Limited access gates and locks.~~**

~~All developments, communities, structures, facilities, or property similar in nature that have controlled access points requiring a key, key card, coded key pad, or similar device to limit access shall have a lock box with keys, key cards, codes, or similar device to gain access or shall have a lock box key activated opening device. All lock boxes or lock box key activated devices shall be operable with the existing lock box key used by the Des Moines Fire Department. Exception: Controlled access points that have security present 24 hours a day.~~

**Sec. 46-72. Repealed by Ord. No. 15,--- 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.**

- (a) 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) calendar years from the date of issuance of the building permit to comply with the requirements of chapter 46-11 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 46-11 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.
- (b) Upon determination by the fire code official that alterations are needed to an existing building to provide a minimum degree of fire and life safety to persons occupying said building and/or to provide for fire prevention and response within said building, the fire code official may require the property owner to comply with some or all of the requirements of chapter 11 of the international fire code in effect at the time of such determination, and may require the property owner

to comply with the specified requirements within the time period set forth in written notice given by the fire code official to the property owner, not to exceed three (3) calendar years from the date of said notice.

**Sec. 46-74. Securing fire-damaged premises within 48 hours after fire event.**

Section 110 of the international fire code is amended by adding a new section 110.5 to read as follows:

**Section 110.5 Securing fire-damaged premises within 48 hours after fire event.**

(a) The following definitions apply to this section:

"Fire event" means a response by the Des Moines Fire Department to extinguish a fire within a building, dwelling or other structure that commences with the dispatching of fire department resources and concludes with the fire officer in charge terminating the incident.

"Fire-damaged structure" means a building, dwelling or other structure within the corporate limits of the city that has been partially burned during a fire event.

"Nuisance" means injurious or dangerous to public safety, and constituting an emergency requiring immediate abatement pursuant to article VI, chapter 42 of the city code and/or other applicable city code section(s).

"Property owner" means the record titleholder(s) and/or contract purchaser(s) of the real property upon which a fire-damaged structure is located.

(b) A fire-damaged structure in an unsecured condition may be determined by a designated fire department official, in his or her sole discretion, to constitute a nuisance.

(c) The designated fire department official may but is not required to give notice to the property owner(s) of such a determination of nuisance requiring immediate abatement, and a hearing regarding the existence of the nuisance pursuant to section 42-358.02(c) of this code may be held if practical under the circumstances, but shall not be required to be held if impractical under the circumstances, prior to abatement of the nuisance by the property owner or the city.

(d) A fire-damaged structure determined to constitute a nuisance shall be secured by the property owner(s), at the property owner's sole expense, in accordance with this section and within forty-eight (48) hours of the fire event, unless additional time is requested by the property owner(s) and granted in writing by the designated fire department official, in his or her sole discretion.

- (e) Prior to securing a fire-damaged structure determined to constitute a nuisance, the property owner(s) shall remove or cause to be removed all living beings from such structure.
- (f) The property owner(s) shall secure all windows, doors, and other structural openings of the fire-damaged structure determined to constitute a nuisance to prevent access by unauthorized persons.
- (g) A fire-damaged structure determined to constitute a nuisance which cannot be properly secured from access to the interior by the use of window locks, door locks, padlocks, or other appropriate locking mechanisms, shall be secured by the property owner(s) as follows:
  - (1) Completely enclosing over all structural openings (windows, doors, roof openings) on the exterior of such fire-damaged structure with plywood; or
  - (2) Completely enclosing such fire-damaged structure with a temporary snow fence of not less than forty-eight (48") inches in height; or
  - (3) By any different and/or additional measures set forth in any written notice given by the designated fire department official to the property owner(s).
- (h) If the property owner(s) fails to secure a fire-damaged structure determined to constitute a nuisance in accordance with the requirements of this section, the fire chief or his or her designee, which designee may include the community development department director or his or her designee, may cause such fire-damaged structure to be secured and assess the costs thereof against the real property upon which such fire-damaged structure is located for collection in the same manner as a property tax, following hearing in accordance with article VI, chapter 42 of the city code and/or other applicable city code sections.
- (i) Property owner(s) shall be joint and severally liable for performing the actions required by this section and for any property assessments arising from failure to perform such actions.

#### **Section 46-75. Vacant Premises.**

- (a) Section 311.1 of the international fire code is amended to read as follows:

**311.1 General.** Permanently or temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1.1 through 311.5.5.

(b) Section 311.1.1 of the international fire code is amended to read as follows:

**311.1.1 Abandoned premises.** Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly become unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties may be considered abandoned, declared unsafe and abated by demolition or rehabilitation in accordance with chapters 26, 42 and/or 60 of the city code, as applicable.

(c) Section 311.1.2 of the international fire code is amended to read as follows:

**311.1.2 Tenant spaces.** Storage and lease plans required by this code shall be revised and updated by the persons owning or in charge of control of tenant spaces to reflect temporary or partial vacancies.

(d) Section 311.2 of the international fire code is amended to read as follows:

**311.2 Safeguarding vacant premises.** Permanently and temporarily unoccupied buildings, structures, premises or portions thereof (collectively "premises") shall be secured and protected by persons owning or in charge or control of such premises in accordance with Sections 311.2.1 through 311.2.3.

(e) Section 311.3 of the international fire code is amended to read as follows:

**311.3 Removal of combustibles.** Persons owning, or in charge or control of, a vacant building, structure, premises or portion thereof (collectively "premises"), shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry by unauthorized persons. The premises shall be maintained clear of waste or hazardous materials.

**Exceptions:**

1. Buildings or portions of buildings undergoing additions, alterations, repairs or change of occupancy in accordance with the International Building Code, where waste is controlled and removed as required by Section 304.

2. Seasonally occupied buildings.

(f) Section 311.4 of the international fire code is amended to read as follows:

**311.4 Removal of hazardous materials.** Persons owning or having charge or control of a vacant building, structure, premises or portion thereof containing hazardous materials regulated by Chapter 50 shall comply with the facility closure requirements of Section 5001.6.

(g) Section 311.5 of the international fire code is amended to read as follows:

**311.5 Placards.** Any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this code relating to structural or interior hazards may be marked as required by Sections 311.5.1 through 311.5.5.

(h) Section 311 of the international fire code is amended by adding a new section 311.6 as follows:

**Section 311.6 Compliance.** The fire code official may notify the person(s) owning, or in charge or control of, a vacant building, structure, premises or portion thereof (collectively "premises") of failure to comply with any of the requirements of Sections 311.2 to 311.4, and may require compliance by such person(s) within the time set forth in the notice. If compliance does not occur within the time set forth in the notice, the fire chief or his or her designee may seek available remedies, including but not limited to abatement and assessment of costs pursuant to chapters 26, 42 and/or 60 of the city code, as applicable.

**Secs. ~~46-7446-76-46-90.~~ Reserved.**

**ARTICLE VIII. FLAMMABLE AND COMBUSTIBLE LIQUIDS**

**Sec. 46-246. Repealed by Ord. No. 15,--- ~~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 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. 46-247. Special liquid tank requirements.**

~~(a) The storage of class I or II flammable or combustible liquids in aboveground tanks is prohibited in fire zones 1 and 2, as defined in section 46-2 of this chapter; an exception may be made at a construction site if requested in writing and approved by the fire chief.~~

~~(b) When anchoring or ballasting of an underground tank is required, it shall be done by placing a concrete mat below the tank, containing at least one cubic yard of concrete for each 1,000 gallons' capacity of the tank. The tank shall be anchored to the mat by steel cables, straps, or rods of sufficient size and number to adequately secure the tank to the mat when submerged. Cables, rods, or straps shall be properly anchored in the mat and well painted. This type of anchorage and minimum amount of concrete is only intended to provide minimum anchorage when the tank is filled with the product.~~

~~(c) Vent pipe sizes for underground storage tanks shall be not less than 1 1/2 inches for tanks 500 to 3,000 gallons, two inches for tanks 3,000 to 10,000 gallons and 2 1/2 inches for~~

~~tanks 10,000 to 25,000 gallons.~~

- ~~(d) When submersible or remote pumps are installed or used on underground storage tanks, they shall have installed on the discharge side an approved leak detection device which will provide an indication if the piping and dispensers are not essentially liquidtight.~~

**~~Sec. 46-249. Repealed by Ord. No. 15,---. Attendant for certain self-service stations.~~**

~~Where retail self-service stations are not open to the general public and serve only a specific group, an attendant is not required. Such private retail locations may include card- or key-controlled dispensers and must also be equipped with an automatic extinguishing system both belowground to protect dispenser connections and overhead to protect the dispensing area. There shall also be provided an approved means to notify the fire department in an emergency.~~

**Sec. 46-281. Location of containers.**

- (a) ~~Underground containers for liquefied petroleum gas shall not be permitted within the corporate limits. No liquefied petroleum gas installation shall be permitted in fire zone nos. 1 and 2 of the fire district as defined in section 46-2 of this chapter, unless specifically approved by the fire chief on a temporary basis only or the containers are not larger than 20 pounds, located outside a building, and are used for cooking purposes only.~~
- (b) The aggregate capacity of any one installation shall not exceed 1,000 gallons of water capacity, except that in particular installations this limit may be altered at the discretion of the chief of the fire prevention bureau after due consideration of all factors involved. Bulk plants, gas utility plants, container charging operations, and larger amounts of storage shall be governed by approved national standards and state regulations.
- (c) Containers and first stage regulating equipment shall be located outside of buildings, other than buildings especially provided for this purpose, except that small department of transportation containers and regulating equipment may be used indoors under the following conditions:
- (1) If temporarily used for demonstration purposes and the container has a maximum water capacity of ~~12~~20 pounds.
  - (2) If used with a completely self-contained gas hand torch or similar equipment and the container has a maximum water capacity of 2 1/2 pounds.

- ~~(3) Storage of containers not installed for use at the final utilization point shall be governed by the regulations of the state and nationally approved standards, including storage:~~
- ~~a. On the premises of the user.~~
- ~~b. For resale.~~
- (d) Each individual container shall be located with respect to the nearest important building or line of adjoining property in accordance with the following table Table 6104.3 of the fire code.÷

<del>Water Capacity per Container (gallons)</del>	<del>Minimum Distance (feet)</del>	<del>Distance Between Containers</del>
<del>Less than 125</del>	<del>None</del>	<del>None</del>
<del>125--250</del>	<del>10</del>	<del>None</del>
<del>251--500</del>	<del>10</del>	<del>3 ft.</del>
<del>501--2,000</del>	<del>25</del>	<del>3 ft.</del>
<del>2,001--30,000</del>	<del>50</del>	<del>5 ft.</del>
<del>30,001--70,000</del> <del>70,001--90,000</del> <del>90,000-120,000</del>	<del>75</del> <del>100</del> <del>125</del>	<del>1/4 sum of diameters of adjacent containers</del>

~~If the aggregate water capacity of a multicontainer installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. The minimum distance between aboveground containers does not apply to such installations.~~

- (e) Containers installed for use shall not be stacked one above the other. Containers of 1,000 gallons or less shall be set on concrete pads of sufficient size to prevent tipping. Concrete blocks or bricks shall not be used.
- ~~(f) Weeds, dry grass, and combustible materials shall be removed within ten feet of any container.~~

(g) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be ten feet.

**ARTICLE X. TENTS**

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

The distance requirements in Chapter ~~24~~31 of the International Fire Code may be lowered if approved in advance and in writing by the fire chief or designee.

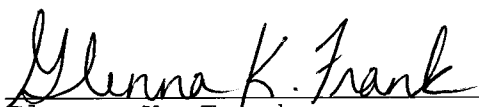
**Sec. 46-318. Exception to Section ~~24033103~~3103.2.**

Section ~~24033103~~3103.2 of the International Fire Code ~~shall be~~is amended to include the following exception, with all other provisions of said Section remaining the same:

- (3) The aggregate area of 10-feet by 10-feet (10'x10') tents, with or without open sides, in any configuration, not to exceed 1000 square feet (93 m<sup>2</sup>) total.

Section 2. This ordinance shall be in full force and effect as of November 1, 2013, following passage and publication as provided by law.

FORM APPROVED:

  
 \_\_\_\_\_  
 Glenna K. Frank  
 Assistant City Attorney