

Date May 18, 2020

RESCINDING CURRENT SCHEDULE OF ADMINISTRATIVE PENALTIES FOR VIOLATIONS OF CHAPTER 46, FIRE PREVENTION AND PROTECTION, AND APPROVING AND ADOPTING AN UPDATED SCHEDULE OF ADMINISTRATIVE PENALTIES

WHEREAS, Municipal Code Chapter 46 presents various requirements and prohibitions for City residents and businesses to comply with the Fire Prevention and Protection Code; and

WHEREAS, Section 46-5 of the Municipal Code provides for the giving of an administrative notice of violation and assessment of an administrative penalty for violations of Chapter 46, the amounts of which administrative penalties are to be set in a Schedule of Administrative Penalties adopted by the City Council by resolution; and

WHEREAS, on August 20, 2007 by Roll Call No. 07-1634, the City Council approved a Schedule of Administrative Penalties for certain violations of Chapter 46, Fire Prevention and Protection; and

WHEREAS, on February 10, 2020, by Roll Call No. 20-0262, the City Council adopted Ordinance No. 15,860, providing for a comprehensive updating of Chapter 46; and

WHEREAS, an updated Schedule of Administrative Penalties has been prepared for Council consideration and is recommended for adoption, which Schedule of Administrative Penalties 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CITY OF DES MOINES, IOWA that the current Schedule of Administrative Penalties for violations of Chapter 46 are hereby rescinded and the Schedule of Administrative Penalties appended hereto and by this reference hereto is hereby approved and adopted.

BE IT FURTHER RESOLVED that said Schedule of Administrative Penalties shall be maintained on file in the offices of the City Clerk and the Fire Department for public reference, and that the fees therein established shall become effective upon and as of May 19, 2020.

(Council Communication No. 20- 211) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor

City Clerk

SCHEDULE OF ADMINISTRATIVE PENALTIES

Chapter 46 Fire Prevention and Protection Ordinance

	Violation	First Violation within same calendar year	Second & Subsequent Violations within same calendar year	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	\$500.00	5/19/20
§46-7	Fire Appliance Inspection Permits Failure to have inspection tag and/or have inspection on fire appliance	\$250.00	\$500.00	5/19/20
46-66	Open flame cooking devices	\$250.00	\$500.00	5/19/20
46-68	Failure to comply with retroactive provisions	\$250.00	\$500.00	5/19/20
46-71	Bonfires Failure to obtain permit	\$250.00	\$500.00	5/19/20
46-72	Recreational Fires Failure to obtain permit or within 25 feet of a structure or combustible material.	\$250.00	\$500.00	5/19/20
46-73	Open-flame Decorative Devices/Fire Pits Failure to obtain permit or to comply with restrictions on use.	\$250.00	\$500.00	5/19/20
§46-93	Hazardous Substances Failure to notify fire department of creation of hazardous condition	\$250.00	\$500.00	5/19/20
§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	\$500.00	5/19/20
§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	\$500.00	5/19/20
§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	\$500.00	5/19/20
§46-212(a)	Fireworks Prohibition Unlawful manufacture of Fireworks	\$250.00	\$500.00	5/19/20
§46-212(b)	Unlawful sale of Display Fireworks	\$250.00	\$500.00	5/19/20

§46-212(c)	Unlawful possession, use or explosion of Display Fireworks or failure to possess and comply with permit	\$250.00	\$500.00	5/19/20
§46-212(d)	Unlawful use or explosion of Consumer Fireworks	\$250.00	\$500.00	5/19/20
§46-213(a)	Consumer Unlawful offer for sale, exposure for sale or sale at retail Fireworks	\$250.00	\$500.00	5/19/20
§46-213(b)	Sale of Consumer Fireworks to person under 18 years or by person under 18 years.	\$250.00	\$500.00	5/19/20
§46-213(c)	Failure to post required notice at place of payment at each location selling Consumer Fireworks	\$250.00	\$500.00	5/19/20
§46-215(a)(1)	Fireworks Permits Failure to obtain a permit to use or explode Display Fireworks	\$250.00	\$500.00	5/19/20
§46-215(a)(2)	Failure to obtain a permit to compound, store, or use pyrotechnic special effects material	\$250.00	\$500.00	5/19/20
§46-215(a)(3)	Failure to obtain a permit to conduct a display involving fire, open flames or flammable material other than Fireworks or pyrotechnic special effects material	\$250.00	\$500.00	5/19/20
§46-216	Fireworks Insurance Failure to obtain required insurance	\$250.00	\$500.00	5/19/20
§46-246	Storage of class I or II flammable or combustible liquids in aboveground tanks in fire zones 1 and 2.	250.00	\$500.00	5/19/20
§46-278(a)	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	\$250.00	\$500.00	5/19/20
§46-278(b)	Failure to obtain an annual permit for operation and maintenance of a liquefied petroleum gas installation	\$250.00	\$500.00	5/19/20
§46-278(c)	Failure to maintain record of installations and/or failure to provide records for inspection	\$250.00	\$500.00	5/19/20
§46-317	Tent Permit Requirements Failure to obtain permit per Section 46-317	\$250.00	\$500.00	5/19/20
§46-431	Fire Department Follow-up Inspection Failure to pay follow-up inspection fee	\$250.00	\$500.00	5/19/20
46-445	Fire Hydrants Failure to comply with clearance or installation requirements	\$250.00	\$500.00	5/19/20

Notice of violation with the applicable penalty for such violation noted thereon shall be issued to the violator. Penalties shall be paid in full within 30 days of the issuance of the notice at the Fire Department, 2715 Dean Avenue, Des Moines, Iowa 50317.

Fire Prevention and Protection Administrative Penalties adopted by Roll Call No. 20-_____ on _____, 2020.