

## CHAPTER 37

### FIRE PREVENTION CODE

**37.01 Adoption of International Fire Code**

**37.07 Liability for Damages**

**37.02 Duties of Fire Department**

**37.08 Violations and Penalties**

**37.03 Storage of Flammables; Districts Established**

**37.09 Repeal of Conflicting Standards**

**37.04 Amendments to International Fire Code**

**37.10 Outstanding Permits**

**37.05 Appeals**

**37.11 Indemnity**

**37.06 New Materials, Processes or Occupancies**

**Which May Require Permits**

**37.01 ADOPTION OF INTERNATIONAL FIRE CODE.** The International Fire Code (IFC) 2003 Edition is hereby adopted by the City Council for the purpose of prescribing regulations governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises in the City of Clive; providing for the issuance of permits for hazardous use or operations; that a certain document known as the International Fire Code, including Appendix chapters B, C and D as published by the International Fire Code Council, being particularly the 2003 Editions thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 37.04 of this Chapter, one (1) copy of the local amendments which have been and are now filed in the office of the City Clerk and one (1) complete set of the International Fire Code 2003 Edition to include local amendments filed in the Fire Administrative Offices, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Chapter shall take effect, the provision thereof shall be controlling within the limits of the City.

**37.02 DUTIES OF FIRE DEPARTMENT.** The International Fire Code as adopted and amended herein shall be enforced by the Fire Prevention Bureau of the City, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

**37.03 STORAGE OF FLAMMABLES; DISTRICTS ESTABLISHED.**

A. Establishment of limits and districts referred to and placed upon certain sections of the International Fire Code 2003 Edition are as follows:

1. The limits referred to in Section 3204.3.1.1 in which flammable cryogenic fluids storage in

stationary containers are prohibited are hereby established as follows: the entire City of Clive, Iowa except M-1 Light Industrial District and M-2 Heavy Industrial District.

2. The limits that are placed on Chapter 34 in which outside aboveground storage of flammable or combustible liquids is restricted are hereby established as follows: the entire City of Clive, Iowa except (M-1) Light Industrial District and (M-2) Heavy Industrial District.

Exception:

- a. An aggregate amount of one thousand (1,000) gallons or less may be stored above ground on a premise if used exclusively for heating fuel oil. A permit is required and the proposed installation must be approved by the Code Official prior to the issuance of a permit.

- b. After July 01, 2005, any new above ground installations of Class I liquids shall have an aggregate total of one thousand one hundred (1,100) gallons or less; or Class II liquids shall have an aggregate total of five thousand (5,000) gallons or less, more than one thousand one hundred (1,100) gallons shall be stored in an approved vaulted tank above ground in M-1 and M-2 zoning; or ten thousand (10,000) gallons or less of Class I and/or Class II liquids on construction sites, per legal lot or contiguous lots under common ownership. A permit is required and the proposed installation must be approved by the Code Official prior to the issuance of a permit.

- c. After July 1, 2005 any new outside installation of a generator, the fuel storage shall be limited to a maximum of 1,500 gallons of type II fuel in a NFPA/UL compliant sub-base tank; quantities greater than 1,500 gallons but less than 5,001 gallons of a type II fuel shall be stored in an approved vaulted tank.

Exception: Fuel storage requirements for generator use only, shall not be limited to only M-1 and M-2 Districts.

3. The limits that are placed on Chapter 34 in which new bulk plants and terminals for flammable or combustible liquids are prohibited are hereby established as follows: the entire City of Clive, Iowa.
4. The limits that are placed on Section 3804.2 (see following Section 37.04-Amendments to International Fire Code) in which storage of liquefied petroleum gases is to be restricted to are hereby established as follows: the entire City of Clive, Iowa.
5. The limits that are placed on Section 3301.1 in which storage of explosives and blasting agents is to be restricted to are hereby established as follows: the entire City of Clive, Iowa.
6. The limits that are placed on Section 3001.1 exception 2. in which the storage of compressed natural gas is prohibited, are hereby established as follows: the entire City of Clive, Iowa with the exception of M-1 and M-2 Districts.

## **37.04 AMENDMENTS TO INTERNATIONAL FIRE CODE.**

The International Fire Code is amended and changed in the following respects:

**Insert Section 101.1:** the City of Clive

**Add Section 103.1.1 Definitions.**

- A. Wherever the word “jurisdiction” is used in the International Fire Code, it is the City of Clive, Iowa.
- B. Where the party responsible for the enforcement of the International Fire Code is given a title of “Fire Marshal”, and the following definition: “Fire Marshal is the Code Official of the Fire Prevention Bureau” or a duly authorized representative.
- C. Whenever the words “Department of Fire Prevention” are used they shall be held to mean “Fire Prevention Bureau”.
- D. The word “shall” is mandatory, and the word “may” is permissive.

**Amend Section 105.6 Required Operational Permits.** The Code Official is authorized to issue operational permits for the operations as set forth in Sections 105.6.2, 105.6.10, 105.6.11, 105.6.14, 105.6.15, 105.6.17, 105.6.21, 105.6.27, 105.6.31, 105.6.37, 105.6.41, 105.6.44.

**Delete Section 105.6.31** Exception: recreational fires.

**Amend Section 105.7 Required construction permits.** The Code Official is authorized to issue operational permits for the operations as set forth in Sections 105.7.1, 105.7.3, 105.7.4, 105.7.5, 105.7.6, 105.7.8, 105.7.11, 105.7.12.

**Amend Section 108** refer to Section 37.05-Appeals of the Clive Fire Prevention Code.

**Add Section 112 Changes in Use or Occupancy.**

**Add Section 112.1 General.** No change shall be made in the character of occupancy or use of any building which would place the building in a different division of the same group of occupancy or in a different group of occupancies as defined in chapter 3 of the 2003 International Building Code or Sections 903.2.1 through 903.2.10 inclusive unless such building is made to comply with the requirements of this Section of the Code for new buildings.

Exception: The character of the occupancy of existing buildings may be changed subject to the approval of the Code Official and the building may be occupied for purposes in other Groups without conforming to the requirements of this Section of the Code for those Groups, provided the new or proposed use is equal to or less hazardous, based on life and fire risk, than the existing use.

**Add Section 113 Schedule Of Fees.**

**Add Section 113.1 General.** A fee for operational permits and construction permits that are required

by this Ordinance shall be paid to the City of Clive at Fire Administration Offices.

**Add Section 113.2 Issuance.** A permit shall be obtained from the Fire Prevention Bureau prior to engaging in activities, operations, practices or functions set forth in Section 105.6 through 105.7 as amended. Refer to amended section 105.6 and 105.7.

**Add Section 113.3 Fees.** Each operational permit fee shall be \$25.00; this permit includes one hour of inspection time; an hourly rate of \$20.00 after first hour; first reinspection is at no charge.

Each construction permit fee shall be \$25.00; this permit includes one hour of inspection time; an hourly rate of \$20.00 after the first hour; after normal business hours (normal hours 8:00am to 4:30 pm M thru F) occupancy inspection fees shall be based on \$50.00 per hour per inspector.

Reinspection Fees:	First reinspection	No Charge
	Second reinspection	\$100.00
	Third reinspection	\$200.00
	Fourth reinspection	\$400.00
	Fifth or more reinspection	\$800.00

**Add Section 113.4 Mitigation Reimbursement Fees.** Reimbursement fees that are actual and necessary expenses incurred in carrying out the mitigation of specialized emergencies including, but not limited to, hazardous materials, specialized rescue, and crime scenes (including arson) shall be invoiced to the responsible person, firm or corporation. An available Fee Schedule shall be reviewed and posted annually by the Fire Chief's Office. Fees may include, but not limited to, personnel compensation, apparatus use, equipment use and specialized contract labor associated with the mitigation of the specialized emergency.

**Add Section 114 Life Safety Plans.** All life safety plans submitted for review to include, but not limited to, fire sprinkler system plans, fire alarm system plans and clean agent system plans shall be designed and stamped by a person with a minimum of a NICET III certification, fire protection engineer, qualified engineer with 2 years demonstrated experience in Life Safety System Design or equivalency as determined by the Code Official. Plan approval will be based upon the plans submitted by the equipment supplier utilizing the above requirements.

Note: Persons passing the competency based examination are only allowed to stamp plans for the company they are licensed to work for.

**Add Section 114.1 Penalties for Violation of Licenses.** Willful violation of rules and regulations pertaining to licensing shall result in a fine of \$250 for the 1<sup>st</sup> violation. A 2<sup>nd</sup> violation within 1 year of license issuance shall result in a fine of \$500. A third violation within 1 year of license issuance shall result in a fine of \$750 and revocation of the license for the remainder of the license issuance period.

**Add Section 115 Inspection Tags.** Tags for inspection of fire suppression systems, fire extinguishers and fire alarm systems are required to be purchased from the Clive Fire Prevention Bureau for use in the City of Clive. (*West Metro tags are acceptable*)

**Add Section 116 Additions to Buildings or Structures.**

**Add Section 116.1 General.** Additions to buildings or structures shall comply with all of the

requirements of this Section of the Code for new buildings or structures. The entire building or structure, existing and proposed additions, shall comply with all of the requirements of the fire sprinkler Section 903.2 of the Fire Code for new buildings and structures. Any building or structure which increases its square footage to, at or beyond the gross floor area for that occupancy must comply for the entire building or structure.

**Add Section 117 Occupancy Requirement.**

**Add Section 117.1 General.** When a building is used for more than one occupancy purpose or use, the entire building shall meet the requirements of the fire sprinkler Section 903.2 of the Fire Code based on the requirements for the most restrictive occupancy group as defined in Chapter 3 of the 2003 International Building Code.

**DEFINITIONS**

**Add to Section 202 Business** is a commercial enterprise or establishment that is not part of a home occupation, for the purposes of this Ordinance.

**Add to Section 202 Commercial Buildings or Structures** are buildings or structures that are used for purposes other than detached dwellings, for the purposes of this Ordinance.

**Add to Section 202 Condominium** is a building or structure of residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, having public space, unless as defined as a townhouse, for the purposes of this Ordinance.

**Add to Section 202 Dwelling** is a detached building on a building site designed for and used exclusively for residential purposes by one or two families and containing one or two dwelling units, for the purposes of this Ordinance.

**Add to Section 202 Fire Prevention Bureau** is the Fire Department of the jurisdiction.

**Add to Section 202 Home Occupation** is any occupation or profession conducted solely by the resident occupants in their place of abode, involving primarily service and not the sale of commodities upon the premises, for the purposes of this Ordinance.

**Add to Section 202 Licensed Day Care** is a daycare that is licensed with the State of Iowa.

**Add to Section 202 Licensed Fire Alarm Monitoring Service** is a business that supplies and/or contracts with a UL listed remote station monitoring service.

**Add to Section 202 Self-luminous** is having the ability to self generate light without the aid of batteries or electrical current.

**Add to Section 202 Townhouse** is a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides, for the purpose of this Ordinance.

**Add to Section 202 WestCom** is the dispatch center that is jointly shared by the Cities of Clive, Urbandale and Clive.

**GENERAL PRECAUTIONS AGAINST FIRE**

**Add Section 307.2.1.1 Responsible Agencies.** Within the City limits of Clive; in Polk County, approval from Polk County Water, Air and Waste Management Department and the Code Official;

in Dallas County, approval from State of Iowa DNR and the Code Official; future annexed land shall use the County Water, Air and Waste Management Department of record and/or DNR and the Code Official.

**Amend Section 308.3.1 to read as Barbecue Grills or Other Devices.** No barbecue grills or other devices which produce ashes or embers shall be operated or stored within twenty (20) feet of multi-story buildings such as Apartment buildings and Condominiums. A maximum of one 20# propane cylinder attached to the cooking device shall be allowed. Exception: One- and two-family dwellings and townhouses.

**Delete Section 308.3.1.1**

## **FIRE SERVICE FEATURE**

**Amend Section 503.2.1 Dimensions.** Fire apparatus access roads shall have a minimum unobstructed width of not less than 20 feet except for approved security gates in accordance with Section 503.6, and a minimum unobstructed vertical clearance of not less than 14 feet.

**Amend Section 505.1 Premises Identification to read as follows:** Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall be black or white and contrast with their background. Address numbers shall be in Arabic numerals or alphabet letters a minimum of 4 inches in height with a minimum stroke width of 1/2 inch.

Exceptions:

1. Color of numbers may deviate from black or white for just cause when approved by the Code Official.
2. All commercial buildings shall have address numbers in Arabic numerals or alphabet letters a minimum of 5 inches in height with a minimum stroke width of 1/2 inch. Monument signs shall have the address installed a minimum of 36 inches from the ground. Addresses located 100 to 199 feet from the street shall have be a minimum of 6 inches in height with a minimum stroke width of 1/2 inch. Addresses located 200 to 299 feet from the street shall have be a minimum of 8 inches in height with a minimum stroke width of 1 inch. For each additional 100 feet from the street, the number shall increase by an additional 2 inches in height with the stroke increased proportionally. Measurements to determine the minimum number or letter size shall be measured from the approved address location to the center line of the street for which the premise is addressed. Minimum height and minimum stroke may be increased by the Code Official.
3. Exterior suite numbers shall be a minimum of 4 inches in height with a minimum stroke width of 1/2 inch.
4. Interior suite numbers shall be a minimum of 2 inches in height and ADA compliant.
5. Exterior address location for commercial buildings shall be determined by the Code Official.

**Add Section 506.3 Location.** The location of the key box “Knox Box” is to be determined by the

Code Official. Height of the key box shall be 6 foot from the ground to the top of the key box unless approved by the Code Official.

**Add Section 508.5.1.1 Fire Sprinkler System Support.** A fire hydrant shall be located no more than 100 feet from a fire sprinkler connection on hard surface, easily accessible by fire apparatus and meeting the approval of the Code Official.

**Amend Section 508.5.5 Clear Space Around Hydrants.** A 5- foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

**Add Section 508.5.7 Fire Hydrant Markers and Identification Color.** When required by the Code Official, hydrant locations shall be identified by the installation of an approved reflective marker. Both public and private hydrants shall be painted to Clive Public Works specifications.

**Add Section 508.5.8. Fire Hydrant Installation.** Fire hydrants to be installed with grade mark on fire hydrant at finish grade and steamer connection to face parking lot or access road for fire apparatus hook-up.

**Add Section 508.5.9 Fire Hydrant Maintenance Schedule.** Private fire hydrants shall be inspected, tested and lubricated on a five year basis or sooner by the Clive Public Works per rules established by the Clive Public Works.

**Add Section 511. Fire Lanes.**

**511.1. General.** Fire Department fire lanes shall be provided and maintained in accordance with Section 511.

**511.2. Designation.** The Code Official may designate fire lanes on private and public property as deemed necessary for the protection of life and property.

**511.3. Obstruction.** No person shall stop, stand, park a vehicle, place or keep any obstruction or thing in a designated fire lane that would prevent such fire lane from being immediately accessible to the Fire Department or in any other manner to deter or hinder the Fire Department from gaining immediate access to the fire lane. A written request to the Code Official for temporary obstruction of a fire lane shall be submitted for approval.

**511.4. Signs and Markings.** Wherever a fire lane has been designated, the Code Official shall cause appropriate signs and markings to be placed identifying such fire lanes. Fire lanes may be painted traffic red in addition to fire lane signage. Fire lane signs shall be permanently mounted and the front of the sign set at 90 degrees to the street facing the direction of travel. Fire lane signs shall be placed 2 - 4 feet from the edge of the street. The top of fire lane signs shall be approximately 6 feet from the ground. Intermediate fire lane signs shall be set every 100 feet in a continuous fire lane. The BEGINS sign shall mark the beginning of a fire lane and shall be mounted below the first fire lane sign. The ENDS sign shall mark the ending of a fire lane and shall be mounted below the last fire lane sign. Signs shall be 18 inches tall x 12 inches wide, with red letters on a white reflective background to read "Fire Lane-No Parking Except for Emergency Vehicles, Fine \$50", conforming to State law.

## **BUILDING SERVICES AND SYSTEMS**

**Delete Sections 603.8, 603.8.1, 603.8.2, 603.8.3, 603.8.4 and 603.8.5**

## **FIRE PROTECTION SYSTEMS**

**Amend Section 903.2 Where Required to read as follows:** An approved automatic fire extinguishing system is required if the gross square footage of a building is equal to or greater than the following:

**For the purposes of this Section,** “fire separations” shall not be permitted to reduce the total gross square footage of a building or area for the purpose of calculating the fire sprinkler square footage requirements.

**For the purposes of this Section,** “story” shall be defined as any level of a structure, whether above or below grade capable of occupancy.

**Exemption for buildings or structures.** To be exempt from meeting the requirements to have fire sprinklers systems installed, the buildings or structures per legal lot or contiguous lots under common ownership, must be separated by twenty feet (20’) and have 1 hour rated exterior walls on both buildings or structures so as not to have the combined total of their gross square footage applied to this Section of the Code. Note: The square footage used for calculating total “gross square footage” of a building or structure shall be measured using the outside dimensions of the total building or structure to include attached or detached buildings or structures meeting the above requirement.

**Open Corridors/Hallways** shall be required to have fire sprinklers installed in them when the building they are constructed in is required by this code to have a fire sprinkler system.

An approved complete automatic fire extinguishing system shall be installed on all levels (including wood attics and wood cocklofts, but not wood attics and wood cocklofts in one- and two-family dwellings) in all buildings and structures erected from and after the effective date of the ordinance codified by this chapter, in which the gross square floor area exceeds the amounts specified in the following tables.

“**An approved automatic fire extinguishing system**” includes, but is not limited to, a complete automatic fire sprinkler system. The following Sections requiring complete automatic fire sprinkler systems shall install the fire sprinkler system following NFPA 13 standards unless otherwise noted. Alternative automatic extinguishing systems may be used if in the opinion of the Code Official the same life safety and property conservation measures are equivalent to the NFPA standard listed in this Code.

**Delete Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.3.1, 903.2.4, 903.2.4.1, 903.2.4.2, 903.2.4.3, 903.2.5, 903.2.6, 903.2.6.1, 903.2.7, 903.2.8, 903.2.8.1, 903.2.8.2, 903.2.9, 903.2.9.1**

**Add Section 903.2.1. Group A to read as follows:**

(suppression type)

**Group A:**                    **A-1.** Building or structures or portions thereof,  
NFPA 13                    having an assembly use, usually with fixed seating,  
   intended for the production and viewing of the

performing arts or motion pictures including,  
but not limited to: See IFC Occupancy Classification  
definition A-1.

1. Occupant load of 299 or less. 4,500 s.f.
2. Occupant load of 300 or more. 0 s.f.

NFPA 13

**A-2.** Building or structures or portions thereof,  
having an assembly use intended for food and /or  
drink consumption including but not limited to:  
See IFC definition A-2.

1. Occupant load of 49 or less. 0 s.f.
2. Occupant load of 50 or more. 1,500 s.f.

NFPA 13

**A-3.** Building or structures or portions thereof,  
having an assembly use intended for worship,  
recreation or amusement and other assembly uses  
not classified elsewhere in Group A, including,  
but not limited to: See IFC Occupancy Classification  
definition A-3.

1. Occupant load of 299 or less. 4,500 s.f.
2. Occupant load of 300 or more. 4,500 s.f.

NFPA 13

**A-4.** Building or structures or portions thereof,  
having an assembly use intended for viewing of  
indoor sporting events and activities with spectator  
seating, including but not limited to:  
See IFC Occupancy Classification definition A-4

1. Occupant load of 299 or less. 6,000 s.f.
2. Occupant load of 300 or more. 4,500 s.f.

NFPA 13

**A-5.** Building or structures or portions thereof,  
an assembly use intended for participation in or

viewing outdoor activities including, but not limited to: See IFC Occupancy Classification Definition A-5 and IFC Section 903.2.1.5 for areas to be provided with protection. 1,000 s.f.

**Add Section 903.2.2 Group B to read as follows:**

**Group B:** **B.** Building or structures or portions thereof, used for office, professional or service type transactions, including storage of records and accounts. Business occupancies shall include, but not be limited to: See IFC Occupancy Classification definition B. 4,500 s.f.

NFPA 13

**Add Section 903.2.3 Group E to read as follows:**

**Group E:** **E.** Building or structures or portions thereof, used by six or more persons at any one time for educational purposes. 0 s.f.

NFPA 13

**NFPA 13** A Licensed Day Care is any buildings or structures, or portions thereof, used for educational, supervision or personal care services for more than five children older than 2 ½ years of age shall be classified as an E occupancy. 0 s.f.

**Add Section 903.2.4 Group F to read as follows:**

**Group F:** **F-1.** Moderate-hazard factory and industrial occupancies including factory and industrial uses not classified as Group F, Division 2 Occupancies shall include, but not be limited to: See IFC Occupancy Classification definition F-1. 4,500 s.f.

NFPA 13

**NFPA 13** **F-1.1.** Woodworking operations which generates finely divided combustible waste or uses finely divided combustible materials. 2,500 s.f.

NFPA 13                    **F-2.** Low-hazard factory and industrial occupancies uses that involve the fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall include, but not be limited to: See IFC Occupancy Classification definition F-1.                    4,500 s.f.

**Add Section 903.2.5 Group H. to read as follows:**

**Group H:**  
NFPA 13                    **H-1.** Building or structures or portions thereof, that pose a detonation hazard in excess of those listed in Table 307.7(1) (See 2003 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-1.                    0 s.f.

NFPA 13                    **H-2.** Building or structures or portions thereof, which contain materials that pose a deflagration hazard or a hazard from accelerated burning in excess of those listed in Tables 307.7(1) (See 2003 IBC) shall include, but not limited to:  
See IFC Occupancy Classification definition H-2.                    0 s.f.

NFPA 13                    **H-3.** Building or structures or portions thereof, which contain materials that readily support combustion or pose physical hazard in excess of those listed in Tables 307.7(1) (See 2003 IBC) shall include, but not limited to:  
See IFC Occupancy Classification definition H-3.                    0 s.f.



A facility such as the above with five or fewer persons shall be classified as Group R-3. A facility such as the above with at least six and not more than 16 persons shall be classified as Group R-4. 0 s.f.

NFPA 13

**I-2.** Building or structures or portions thereof, used for medical, surgical, psychiatric, nursing or custodial care on a 24-hour basis of more than five persons who are not capable of self-preservation. A facility such as the above with five or fewer persons shall be classified as Group R-3.

Child Care facility is any buildings or structures, or a portion thereof, which provides care on a 24-hour basis to more than five children 2 ½ years of age or less shall be classified as Group I-2. 0 s.f.

NFPA 13

**I-3.** Building or structures or portions thereof, which are inhabited by more than five persons who are under restraint or security.

See IFC Occupancy Classification definition I-3 for type of condition. 0 s.f.

NFPA 13

**I-4.** Building or structures or portions thereof, which are occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group R-3. Place of worship during religious functions are not included. 0 s.f.



both systems to include attic space as NFPA 13.

NFPA 13R to include attic space as NFPA 13.	Convents Dormitories Fraternities and sororities Monasteries	0 s.f.
--	---	--------

NFPA 13D	<b>R-3. Dwellings</b>	8,000 s.f.
----------	-----------------------	------------

NFPA 13D	<b>R-3. Townhouse</b>	Refer to IFC 2003
----------	-----------------------	----------------------

Townhouses that are not open on at least two sides are required to install fire sprinkler systems as set forth in the IFC 2003 Edition.

NFPA 13D or NFPA 13R	<b>R-4. Residential care/Assisted Living Facilities</b> for more than five but not more than 16 occupants, excluding staff.	0 s.f.
----------------------------	---	--------

**Add Section 903.2.9 Group S to read as follows:**

<b>Group S:</b> NFPA 13	<b>S-1. Moderate hazard storage occupancies</b> including building or portions of buildings used for storage of combustible materials not classified as Group S, Division 2 or Group H Occupancies but not be limited to: See IFC Occupancy Classification definition Group S-1.	6,000 s.f.
----------------------------	--	------------

NFPA 13	Repair garages/Service stations	3,500 s.f.
---------	---------------------------------	------------

NFPA 13 Bulk Storage of tires 20,000 cu.f.

NFPA 13 **S-2.** Low-hazard storage occupancies including buildings or portions of buildings used for storage of noncombustible materials but not be limited to: See IFC Occupancy Classification definition Group S-2. 15,000 s.f.

**Add Section 903.2.10 Group U to read as:**

**Group U:** Private garages, carports, sheds and agricultural buildings. n/a

**Amend Section 903.2.10.3** delete exceptions 1, 2 and 3.

**Add Section 903.2.10.4 R-3 Emergency Egress Option.** A complete NFPA 13 D sprinkler system may be installed in lieu of the emergency egress in basements, Division R 3 occupancies.

**Add Section 903.2.16 Existing Occupancies.**

**Add Section 903.2.16.1 General.** A complete fire extinguishing system shall be installed in no more than 5 years after an annexation into the City as per NFPA 101 for existing occupancies.

**Add Section 903.3.7.1 Clear Space Around Fire Department Connections.** A 5- foot clear space on each side of the connection to include in front of the connection shall be maintained except as otherwise required or approved by the Code Official.

**Add Section 903.3.7.2 Fire Department Connection Identification.** A minimum of 110 candela weather proof strobe light suitable for cold weather use with a minimum of 75 candelas at -30 degrees shall be tied into the building fire alarm system and mounted directly above the fire department connection between 7 feet and 10 feet in height from the ground or as approved by the Code Official.

**Add Section 903.3.7.3 Fire Sprinkler Riser Room.** Fire sprinkler riser room shall be separated from electrical room and have no electrical panels inside the rooms other than the outlets required for the use of the fire sprinkler system or fire alarm panel. Access to fire sprinkler riser room shall not be accessed from the electrical room but the electrical room maybe accessed from fire riser room.

**ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS**

**Add Section 904.11.6.6 Ventilation Operation.** The ventilation system shall shut down the make up air to the hood and continue to exhaust upon activation of the hood fire extinguishing system. Supply air openings other than part of the hood system shall be a minimum of 6 feet from any part of a Type

1 Hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system.

Exception: Section 904.11.6.6 may be revoked if the fire extinguishing agent will not perform to specifications due to exhausting.

## **STANDPIPE SYSTEMS**

**Add Section 905.3.7 Additional Standpipe Systems:** Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

## **PORTABLE FIRE EXTINGUISHERS**

**Amend Table 906.3 (1) Fire Extinguishers for Class A Fire Hazards to read as follows:** Portable fire extinguishers for fire protection in low and moderate hazard occupancies shall be 5# ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a low or moderate hazard occupancy, a 10# ABC fire extinguisher shall be installed. Spacing is based on a 75' travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 10# ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a high hazard occupancy, a 20# ABC fire extinguisher shall be installed. Spacing is based on a 50' travel distance to the fire extinguisher.

**Amend Table 906.3 (2) Fire Extinguishers for Flammable and Combustible Liquids with Depths of Less Than or Equal to .25 in. to read as follows:** Portable fire extinguishers for fire protection in low hazard occupancies shall be 5# ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a low hazard occupancy, a 10# ABC fire extinguisher shall be installed. Spacing is based on a 50 foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in moderate hazard occupancies shall be 10# ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a moderate hazard occupancy, a 20# ABC fire extinguisher shall be installed. Spacing is based on a 50 foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 20# ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in a high hazard occupancy, a 20# ABC fire extinguisher shall be installed. Spacing is based on a 50 foot travel distance to the fire extinguisher with a fire sprinkler system, 30 foot travel distance with no fire sprinkler system. Other hazardous occupancies will refer to NFPA 10.

## **FIRE ALARM AND DETECTION SYSTEMS**

**Add Section 907.1.2.1 Fire Alarm Panel Height:** Installation of fire alarm panels shall not exceed 6' in height measured from the floor to the top of the panel.

Exception: Panel height may be altered by the code official.

**Add Section 907.1.2.2 Number of Fire Alarm Control Panels in Buildings:** Only one fire alarm control panel shall be allowed per building.

**Amend Section 907.2. Where Required General to read as follows:** An approved addressable fire alarm system meeting provisions of this code and NFPA 72 shall be installed when the gross square footage of a building is equal to or greater than the area as specified in Sections 903.2.1 through

903.2.10 inclusive, subject to the authority having jurisdiction or by Section 907 which ever shall be more restrictive.

Exception:

1. Buildings with 8 or less initiating devices may use zoned systems provided only one device is used per zone. Each device shall have a plain English LCD (liquid crystal display). This alpha/numeric descriptor location is required to be reported to the WestCom dispatch center upon activation of the fire alarm system.
2. R-3 dwellings are not required to meet Section 907.2 of this Code.
3. Townhouses are required to be monitored only if a single fire sprinkler system is used for multiple units.

**Add Section 907.2 (a) Manual Fire Alarm Pull Boxes:** Manual fire alarm pull boxes “pull stations” shall be required where deemed necessary by the Code Official.

**Add Section 907.2 (b) Monitoring:** All fire alarm systems shall be monitored by a UL listed monitoring station.

**Add Section 907.2 (c) Location:** Each address point id shall have an alpha/numeric descriptor location for the fire alarm system. This alpha/numeric descriptor location is required to be reported to the Clive Fire Department dispatch center upon activation of the fire alarm system.

**Add Section 907.2 (d) Where Required:** Where corridors and/or hallways are designed as the path of egress and are protected by fire sprinkler systems they shall also be protected by smoke detection. Smoke detection shall be of the photo electric type or as approved by the Code Official.

**Amend Section 907.2.3 General to read as follows:** Educational occupancies shall have a monitored fire alarm system. Upon notification, existing educational occupancies having existing fire alarm systems shall comply within 2 years to meet the monitoring of the fire alarm system.

**Delete Section 907.2.8 and 907.2.9.**

**Add Section 907.2.8 Group R General.** Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non transient) convents, dormitories, fraternities, sororities and monasteries; and Group R-4 shall have a monitored addressable fire alarm system. Upon adoption of this Fire Code, Group R-1; Group R-2 apartment houses, condominiums and boarding houses (non transient) convents, dormitories, fraternities, sororities and monasteries that have existing automatic fire alarm systems shall comply within 3 years to have that fire alarm system monitored.

**Add Section 907.9.3 Zone and Address Location Labeling.** Fire Alarm panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building, if no display screen is present.

**Amend Section 907.15 Monitoring General to read as follows:** When required by this chapter, or the Code Official, an approved UL listed remote station in accordance with NFPA 72 shall monitor fire alarm systems to provide for the immediate and automatic notification of the Fire Department.

Exception: Supervisory service is not required in 1 and 2 family dwellings.

**Amend Section 909 Smoke Control Systems:** For Covered Malls and High Rise Buildings the 1997

UBC Section 909 shall be utilized. For all other buildings the 2003 IFC Section 909 Smoke Control Systems shall be utilized.

## **MEANS OF EGRESS**

**Amend Section 1006.3 (1) Illumination Emergency Power to read as follows:** Exit access corridors, passageways, aisles and in rooms and spaces greater than 400 sq. ft. which require one or more means of egress or as approved by the Code Official.

**Amend Section 1006.3 (2) Illumination Emergency Power to read as follows:** Exit access corridors and exit stairways located in buildings required to have one or more exits.

**Amend Section 1006.3 (3) Illumination Emergency Power to read as follows:** Exterior egress components at other than the level of exit discharge until exit discharge is accomplished for building required to have one or more exits.

**Amend Section 1006.3 (4) Illumination Emergency Power to read as follows:** Interior exit discharge elements, as permitted in Section 1023.1 in buildings required to have one or more exits.

**Amend Section 1006.3 (5) Illumination Emergency Power to read as follows:** The portion of the exterior exit discharge immediately adjacent to exit discharge doorways in buildings required to have one or more exits.

**Add Section 1006.3 (6) Illumination Emergency Power Restrooms.** Exiting illumination shall be provided by battery pack or on-site generator to restrooms with more than one fixture and/or handicap accessible, or as approved by the code official.

**Amend Section 1008.1.3.4 Access-controlled Egress Doors criteria 3 to read as follows:** The doors shall be arranged to unlock from a lighted emergency exit button located 40 inches to 48 inches vertically above the floor and within 5 feet of the secured doors. Ready access shall be provided to the emergency button and shall be clearly identified by a sign. All doors controlled by an emergency exit button shall have signage as required in Section 1008.1.3.4 criteria 3a. Only one locking system is allowed per door. Doors must retain positive latching of door at all times if installed in a required rated corridor system.

**Add Section 1008.1.3.4 Access-controlled Egress Doors criteria 3a to read as follows:** Emergency exit sign to read as follows: EMERGENCY DOOR OPERATION, PUSH BUTTON (Need arrow pointing from sign to lighted button) minimum height letters ¾" with contrasting color to the door and affixed to door between 48 to 60 inches.

**Add Section 1008.1.10 Door Closers.** Where rated doors are required for the protection of a fire and/or smoke corridors or compartments the following shall apply:

1. Doors shall be installed with automatic door closers.
2. Door closers shall be UL listed for fire doors and of hydraulic type.
3. Spring type hinged door closers are not allowed.

**Add Section 1011.1.1 Additional Exit Signs:** Exit signs may be required at the discretion of the code

official to clarify an exit or exit access.

**Add Section 1011.1.2 Floor-level Exit Signs:** Low-level exits signs meeting illumination requirements of Section 1003.2.10.4 shall be provided in all interior exit corridors serving guest rooms of hotels/motels in Group R, Division 1 occupancies.

The bottom of the sign shall not be less than 6 inches (152mm) or more than 8 inches (203mm) above the floor level. For exit doors, the signs shall be on the door or adjacent to the door with the closest edge of the sign within 4 inches (102mm) of the door frame.

**Amend Section 1011.5.2 Exit Sign Illumination to read as follows:** Exit signs shall use an LED lighting system and be illuminated internally. Exit signs to have battery backup unless an on-site generator set is used. Luminance on the face of an exit sign shall have an intensity of not less than 5.0 foot-candles (53.82 lux).

**Add Section 1011.5.4 Combination Lights:** Combination exit sign/emergency light devices shall not be allowed.

**Add Section 1011.5.5 Self- luminous Exit Signs.** Self- luminous exit signs installed after July 1, 2004 are not allowed through out the entire City of Clive.

Exception: Approved self- luminous exit signs maybe allowed in tents by the Code Official.

## **FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**

**Amend Section 1401.2 Purpose.** This chapter prescribes minimum safeguards for construction, alteration, and demolition operations to provide reasonable safety to life safety and property from fire and emergencies during such operations.

**Add Section 1410.1.1 Construction Site Access.** Construction sites shall have approved access roads as noted on the approved site plan to all areas of building or structure being constructed prior to actual construction taking place other than installation of underground utilities and non-combustible foundations. Access roads to buildings or structures shall be constructed no further away than 50' from the building or structure with the middle of the building or structure no further than 150' from the access road. If the middle of the building or structure is more than 150' from the access road, temporary access roads shall be constructed around the building or structure where topography allows. It is highly recommended, to install parking lots if planned for, prior to the beginning of construction, for storage of construction material and easier access to the site. Access road surface material shall be of concrete aggregate or a base layer of asphalt capable of meeting load limits as outlined in Appendix D Section D102 of this Code for fire apparatus imposed loads unless otherwise approved by the Code Official.

## **HAZARDOUS MATERIALS - GENERAL PROVISIONS**

**Add Section 2703.13 Hazardous Substances, Notification and Cleanup.**

(a) Scope. This Section shall apply to the release of hazardous substances and the notification,

cleanup and recovery of costs associated with the mitigation of hazardous conditions.

(b) Definitions. For the purpose of this Section, these words have the following meaning:

1. “Cleanup” means the removal of the hazardous substances to a place where the waste will not cause any danger to persons or the environment, in accordance with the State statutes, rules and regulations therefore, or the treatment of the material as defined herein to eliminate the hazardous condition, including the restoration of the area to a general good appearance without noticeable odor as far as practicable. “Cleanup” includes all actions necessary to contain, collect, identify, analyze, treat, disperse, remove or dispose of a hazardous substance and to restore the sites from which such hazardous substance was cleaned up.

2. “Hazardous condition” means any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance.

(i) Within the City or onto City property located outside the City which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety; or

(ii) Onto land, into the waters within the State of Iowa or into the atmosphere, but outside the City, which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate potential danger to the public health or safety of persons or property within the City.

Hazardous conditions includes any accident involving hazardous materials required to be reported under Section 321.266. (4) of the Code of Iowa.

3. “Hazardous substance” means any substance or mixture of substance that presents a danger to the public health or safety or environment and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. “Hazardous substance” includes any hazardous waste identified or listed by the administrator of the United States environmental protection agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under Section 307 of the Federal Water Pollution Control Act of 1976 as amended to January 1, 1977, or any hazardous material designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977 or any hazardous materials designated by the secretary of transportation under the Hazardous Materials Transportation Act, or any hazardous substance listed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

4. “Person” is a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or any other similar legal

entity or the agent of any of the aforesaid.

5. “Responsible person” means the person, whether the owner, agent, lessor or tenant, in charge of the hazardous substance being stored, processed or handled, or the owner or bailee transporting hazardous wastes or substances whether on public ways or grounds or on private property where the spill would cause danger to the public or to any persons or to the environment.

6. “Treatment” means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non hazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce it in volume.

Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it non hazardous.

(c) Notifications. When a hazardous condition is created, the responsible person shall notify WestCom and the Clive Fire Department immediately upon discovery of the condition but in no instance later than thirty minutes after the discovery of the hazardous condition.

(d) Cleanup Required. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous substance, so that the hazardous substance, or a constituent of the hazardous substance, may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the Fire Chief or the Chief’s designee may remove or provide for removal and the disposal of the hazardous substance at any time, unless the Fire Chief or the Chief’s designee determines such removal will be properly and promptly accomplished by the responsible person. If the responsible party does not initiate and complete cleanup within the time designated by the Fire Department, the City may proceed to remedy the hazardous condition by performing the necessary cleanup services.

(e) Loss, Burden or Costs. A responsible person shall be liable to the City for all mitigation costs incurred by the City or other contract agencies, including but not limited to, chemical damage, contamination of equipment, and the use of consumable materials. If charges for such cleanup costs are not paid within thirty days after invoice, the City shall proceed to obtain payment by all legal means.

## **EXPLOSIVES AND FIREWORKS**

**Amend Section 3301.1 Scope to read as follows:** It shall be unlawful without a permit for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any explosives, explosive materials and fireworks within the corporate limits of the City of Clive.

Exception: 1.The Armed Forces of the United States, Coast Guard or National Guard.

Exception: 2.Explosives in forms prescribed by the official United States Pharmacopoeia.

Exception: 3.The possession, storage and use of small ammunition when packaged in accordance with DOTn packaging requirements.

Exception: 4. The possession, storage, and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds ( 9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.

Exception: 5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies in their official capacities.

Exception: 6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23kg) of explosive materials.

Exception: 7. The possession, storage and use of blank industrial power load cartridges when packaged in accordance with DOTn packaging regulations.

Exception: 8. Transportation in accordance with DOTn 49 CFR Parts 100-178. Exception: 9. Items preempted by federal regulations.

**Amend Section 3301.2.4 Financial Responsibility to read as follows.** The applicant shall, at the time he or she makes his or her application for a permit, attach thereto a bond or certificate of insurance naming the applicant and the City as insured, in the sum of not less than \$1,000,000.00, provided that the Code Official or the City Council may at their discretion require a greater amount. Said bond and insurance shall inure to the use and benefit of the City and/or any person who suffers damage either to person or property by reason of said display of fireworks.

**Amend Section 3301.4 Qualification.** Persons in charge of magazines, blasting, fireworks display, or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age, and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks.

Exception: Persons in charge of fireworks display, or pyrotechnic special effect operations shall possess a valid PGI Display Fireworks Operator Certification or equivalent certification approved by the Code Official.

**Amend Section 3301.7 Seizure to read as follows.** The Code Official is authorized to seize, take, remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials and all stocks of illegal fireworks (not State approved), offered or exposed for sale, possess, stored and held to be in violation of this Section.

**Amend Section 3305.1 Manufacture, Assembly and Testing of Explosives, Explosive Materials and Fireworks to read as follows:** It shall be unlawful to manufacture, assembly and testing of explosives, explosive materials and fireworks within the corporate limits of the City of Clive.

Exceptions:

1. The hand loading of small arms ammunition prepared for personal use and not offered for sale.
2. The mixing and loading of blasting agents at blasting sites in accordance with NFPA 495.
3. The use of binary explosives or phosphoric materials in blasting or pyrotechnic special effects applications in accordance with NFPA 495 or NFPA 1126.

## **FLAMMABLE AND COMBUSTIBLE LIQUIDS**

**Add Section 3404.2.9.6.11 Alternative Containment and Protection.** All tanks that have a secondary tank of steel, concrete or approved materials shall be capable of holding 110% of the product stored. A noncombustible roof and roof framework shall cover all open top secondary tanks exposed to weather.

## **LIQUEFIED PETROLEUM GASES**

**Amend Section 3804.2 Maximum Capacity Within Established Limits to read as follows:** Within the limits established by law in the adopting ordinance restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 1,000 gallons. Within the limits established by law in the adopting ordinance restricting the storage of liquefied petroleum gas for the protection of (L-1) Light Industrial District and (G-1) General Industrial Districts the aggregate capacity of any one installation shall not exceed a water capacity of 5,000 gallons.

## **REFERENCED STANDARDS**

**Delete NFPA 20 1999 Edition**

**Add NFPA 10 2002 Edition**

**NFPA 13 2002 Edition**  
**NFPA 13D 2002 Edition**  
**NFPA 13R 2002 Edition**  
**NFPA 20 2003 Edition**  
**NFPA 30 2003 Edition**  
**NFPA 30A 2003 Edition**  
**NFPA 70 2002 Edition**  
**NFPA 72 2002 Edition**  
**NFPA 101 2003 Edition**  
**NFPA 2001 2000 Edition**

## **APPENDIX D**

### **FIRE APPARATUS ACCESS ROADS**

#### **Section D103 Minimum Specifications**

**Amend D103.2 Grade.** Fire apparatus access roads shall not exceed State Wide Urban Design and Specifications for public Improvements or as approved by City Engineer.

**Amend D103.3 Turning Radius.** The minimum turning radii shall be determined by the Code Official.

**Amend D103.4 Dead Ends.** Dead-end fire apparatus access roads shall not exceed State Wide Urban

Design and Specifications for public Improvements or as approved by City Engineer.

**Amend D103.5 Fire Apparatus Access Road Gates.** Gates securing fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall accommodate a 14' clear drive lane width.
2. Gates shall be of the swinging or sliding type.
3. Construction of the gate shall be of materials that allow for manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the code official.
6. Manual opening gates shall not be locked with a padlock or chain unless they are capable of being opened by means of forcible entry tools.
7. Locking device specifications shall be submitted for approval by the code official.

**Amend D103.6 Signs.** Where required by the Code Official, fire apparatus access roads shall conform to Section 511.4. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D 103.6.1 or D 103.6.2.

**Amend D103.6.1 Roads 20 to 26 feet in Width.** Fire apparatus access roads 20 to 26 feet wide shall be posted on both sides as a fire lane when required by the Code Official.

**Amend D103.6.2 Roads more than 26 feet in Width.** Fire apparatus access roads more than 26 feet wide shall be posted on one side of the road as a fire lane when required by the Code Official.

**Amend Section D104 Commercial and Industrial Developments.**

**Amend D104.1 Access.** All buildings shall have at a minimum two fire apparatus accesses as approved by the Code Official. Based on the building occupancy hazard, the Code Official may require more than two fire apparatus accesses. The Code Official may reduce this requirement for just cause as long as safety to the buildings/occupants is not jeopardized.

**Amend D104.2 Remoteness.** Where two access roads are required, they shall be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. The Code Official may reduce the separation distance between accesses for just cause as long as safety to the buildings/occupants is not jeopardized.

**37.05 APPEALS.** Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provision of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal

from the decision of the Chief to the Fire Code Board of Appeals within 30 days from the date of the decision appealed.

**37.06 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.** The Building Official and the Code Official of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said Code. The Code Official shall post such list in a conspicuous place at the administrative offices of the Fire Department and distribute copies thereof to interested persons.

**37.07 LIABILITY FOR DAMAGES.**

- A. This Code is enacted only for the purpose of securing to individuals the enjoyment of rights and privileges to which they are entitled as members of the public, rather than for the purpose of protecting any individual from harm.
- B. The City, its officers, employees or agents make no representations or warranties of any kind whatsoever, expressed or implied, with respect to the completeness or thoroughness of the inspections and examinations performed under this Code, but said inspections are made solely to assist the owner of the building, structure, equipment and premises to meet certain minimum requirements of this Code and to compel, if necessary, the owner to meet the minimum requirements for the protection of the health, welfare and safety of persons and property. Nothing herein contained in this Code shall alleviate the owner of any building, structure, equipment and premises to make an independent inspection in order to fulfill the requirements of this Code nor shall this Code be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building, structure, equipment or premises regulated herein from any damages to any person or property caused by defects or Code violations. The City, its officers, employees or agents shall not be held as assuming any liability for damages to any person or property by reason of any inspections authorized by this Code or investigations, or any approvals issued herein, or for any act or failure to act in the enforcement of this Code.

**37.08 VIOLATIONS AND PENALTIES.**

Violations of this chapter are simple misdemeanors and are punishable by a fine not to exceed five hundred dollars (\$500.00) and/or a term of imprisonment not to exceed thirty (30) days. Pursuant to Iowa Code Section 100.41, the officials of the Fire Prevention Bureau shall have the authority to issue citations for violations of this chapter. Violations of this chapter are also declared to be municipal infractions and may be punished as provided in Chapter 4 of this Code of Ordinances. Officials of the Fire Prevention Bureau shall have the discretion to enforce this chapter either as a municipal infraction or a simple misdemeanor.

### **37.09 REPEAL OF CONFLICTING STANDARDS.**

In any case where the provisions of this Chapter, or the Fire Code adopted hereby, are found to be in conflict with any provision of Iowa Code or regulations of the State Fire Marshal, or any provision of any zoning, building, fire, electrical, plumbing, mechanical, safety or health ordinance or Code of the City, the provision which establishes the higher standard for the promotion and protection of the safety of persons and property shall prevail.

### **37.10 OUTSTANDING PERMITS.**

If a building permit is outstanding on the effective date of this chapter (January 20, 2005) and the Fire Prevention Code adopted hereby, the provisions of this chapter, and the Fire Prevention Code adopted hereby shall apply to the work authorized by such permit, except to the extent that the Fire Chief and Building Official shall determine that the application of such provisions to such work would be unreasonable. The burden shall be upon the holder of such permit to show the unreasonableness of such provisions.

### **37.11 INDEMNITY.**

The applicant for any permit under the Fire Prevention Code, by making application, assumes and agrees to pay all loss or damage to property whatsoever, and injury to or death or any person or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with or related to the issuance of such permit or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code or any other ordinance of the City; and such applicant by making such application, forever indemnifies the City; its officers and employees and agrees to save it and them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, costs and expenses, by reason of the foregoing even though acts or omissions of the City, its officers or employees may have caused or contributed thereto. The foregoing provisions shall be deemed to be a part of the permit issued under the Fire Prevention Code whether or not expressly recited therein or not.