

FIRE CODE

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10-8-1: ADOPTION OF INTERNATIONAL FIRE CODE:

The International Fire Code (IFC) 2018 Edition, recommended by the participating communities of the Central Iowa Code Consortium, 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 2018 Editions thereof and the whole thereof, save and except those portions as are hereinafter deleted, modified or amended by section 10-8-4, one copy of the local amendments which have been and are now filed in the office of the City Clerk and one complete set of the International Fire Code, 2018 edition, to include local amendments filed in the fire administrative offices, and the same are hereby adopted and incorporated as fully 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.

10-8-2: 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.

10-8-3: STORAGE OF FLAMMABLES; DISTRICTS ESTABLISHED:

Establishment of limits and districts referred to and placed upon certain sections of the International Fire Code 2018 Edition are as follows.

A. The limits referred to in section 5504.3.1.1 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 and M-2 Heavy Industrial District.

B. The limits that are placed on Chapter 57 in which outside aboveground storage of flammable or combustible liquids is restricted are hereby established as follows; the entire City of Clive, Iowa except as allowed as a principal, accessory or conditional use in the M-1 Light Industrial District; M-2 Heavy Industrial District. Exceptions:

1. An aggregate amount of 1,000 gallons or less may be stored above ground on a premises 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.

2. After July 1, 2005 any new above ground installations of Class I liquids shall have an aggregate total of not more than 1,100 gallons; Class II liquids shall have an aggregate total of not more than 5,000 gallons; and storage of more than 1,100 gallons shall be restricted to an approved vaulted tank above ground where allowed as a principal, accessory or conditional use in the M-1 and M-2 zoning districts; 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.

3. After July 1, 2005 any new outside installation of a generator shall be limited to a maximum of one thousand five hundred (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 M2 districts.

C. The limits that are placed on Chapter 57 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.

D. The limits that are placed on section 6104.4 (see section 10-8-4, "Amendments to International Fire Code", of this chapter) in which storage of liquefied petroleum gases is to be restricted are hereby established as follows: the entire City of Clive, Iowa.

E. The limits that are placed on section 5601.1 in which storage of explosives and blasting agents is to be restricted are hereby established as follows: the entire City of Clive, Iowa.

F. The limits that are placed on section 5301.1 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.

10-8-4: AMENDMENTS TO INTERNATIONAL FIRE CODE.

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

Chapter 1 Section 101.1 Insert in section 101.1 “the City of Clive”.

Section 103.1.1 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.

Section 109.4 Amend section 109.4 Violation penalties. 109.4 to read as follows – Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, shall be guilty of **[SPECIFY OFFENSE]** punishable by a fine not exceeding **500.00** dollars or by imprisonment not exceeding **30 days**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Amend section 111.4 Failure to comply. 111.4 to read as follows – Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than **[refer to 10-8-11 for amount]** dollars or more than **[refer to 10-8-11]** dollars.

Reinspection Fees

| | |
|------------------------------|-----------|
| First reinspection | No charge |
| Second reinspection | \$100.00 |
| Third reinspection | \$200.00 |
| Fourth reinspection | \$400.00 |
| Fifth or more reinspection's | \$800.00 |

Section 113.7 Add Section 113.7 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 be limited to, personnel compensation, apparatus use, equipment use and specialized contract labor associated with the mitigation of the specialized emergency.

Add Section 113.8 Negligent false alarms. A negligent false alarms shall be determined by the Fire Chief or designee as an alarm due to cleaning, construction, maintenance, repair or any other act determined to be negligent in nature. Negligence shall be further defined as any activity where the life safety system shall be placed on test prior to the activity being performed or any careless act causing an activation of an alarm system. The fee schedule is defined below.

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| The first false alarms during a calendar year | \$500.00 |
| The second false alarm during a calendar year | \$500.00 |
| The third false alarm during a calendar year | \$1,000.00 |
| The fourth false alarm and each false alarm thereafter during a calendar year | \$1,500.00 |

Add Section 113.9 Excessive False Alarms Because a false alarm for security, intrusion, robbery and other nonfire causes usually requires from one to three (3) police officers to respond in individual vehicular units, depending on the type of alarm, and a false alarm for fire suppression or other firefighting incidents usually requires multiple firefighters from the fire department to respond in multiple and specialized firefighting equipment, depending on the type of alarm, the city shall assess a service charge fee to any alarm user that generates an unnecessary number of false alarm responses during a calendar year as listed below ("false alarm fee"). The alarm user shall pay the city the assessed false alarm fee within twenty (20) days of the date an invoice is given to the alarm user for any false alarm created by the alarm user's alarm system in accordance with the following schedule:

| | |
|--|---------|
| The first and second false alarms during a calendar year | \$ 0.00 |
| The third false alarm during a calendar year | 75.00 |
| The fourth false alarm during a calendar year | 100.00 |
| The fifth false alarm and each false alarm thereafter during a calendar year | 150.00 |

2. After the second false alarm, the alarm user shall receive a written notice from the chief. The notice shall require that by a specified date the alarm user shall have his/her alarm system inspected by an alarm company and alarm user shall review operational procedures with the alarm system operator and any other individuals having access to the use and operation of the alarm system. Notice or billing from the city to any alarm user shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, addressed to the alarm user at the address shown for the alarm user. The alarm user shall notify the applicable chief, in writing, after the inspection by the alarm company has been completed, and shall provide to the chief a copy of any report of service, repair or inspection of the alarm system given by the alarm company. An alarm company providing an inspection or repair of an alarm system shall notify the chief in advance of such service. The alarm company shall be assessed a fee of one hundred dollars (\$100.00) by the city when the police department and/or fire department respond to a false alarm and it is determined by the city that an on site employee of the alarm company directly caused the false alarm. In such a circumstance, the false alarm shall not count against the alarm user.

Section 115 Life Safety Plans. Add Section 115 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 two 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.

Add section 115.1. All Life Safety Plans submitted to the Clive Fire Department will require a technical assistance review from a 3rd party firm. Life Safety Plans submitted that currently bear the stamp of a licensed Fire Protection Engineer shall be exempt from this requirement.

Section 116 Inspection Tags. Add Section 116 Inspection Tags. Tags for inspection of fire suppression systems, fire extinguishers and fire alarm systems are required to be purchased from the West Des Moines Fire Prevention Bureau for use in the City of Clive as part of the West Metro licensing for fire protection contractors.

Chapter 2 Section 202 Definitions. Add to section 202

Business is a commercial enterprise or establishment that is not part of a home occupation, for the purpose of the fire code.

Commercial Buildings or Structures are buildings that are used for purposes other than detached dwellings, for the purpose of the fire code.

Amend Section 202 [M] Commercial Cooking Appliances:

[M] Commercial Cooking Appliances are appliances used in a commercial food service establishment for heating or cooking food and which produce grease laden vapors, steam, fumes, smoke or odors that are required to be removed through a local exhaust ventilation system. Such appliances include deep fat fryers; upright broilers; griddles; broilers; steam-jacketed kettles; hot-top ranges; under-fired broilers; (charbroilers); ovens; barbecues; rotisseries; residential stoves/ovens and similar appliances. For the purposes of this definition, a food service establishment shall include any commercial building or a portion thereof used for the preparation and serving of food including for employee purposes.

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 defined as a townhouse, for purpose of the fire code.

Dwelling is a detached building on a building site designed for and used exclusively for residential purposes by one and two families and containing one or two dwelling units, for the purpose of the fire code.

Dwelling Unit is one room or rooms connected together and containing independent cooking, sleeping and bathroom facilities, constituting a separate, independent housekeeping establishment for one family, for owner occupancy or rental or lease to the same family for a time period of more than 31 consecutive days and physically separated from any other dwelling unit by a wall or yard.

Fire Prevention Bureau is the Fire Department of the jurisdiction.

Home Occupation is any occupation or profession conducted solely by the resident occupants in their place of abode, involving primarily service and limited sale of commodities upon the premises, for the purposes of the fire code.

Licensed Daycare is a daycare that is licensed with the State of Iowa.

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

Self-Luminous is having the ability to self-generate light without the aid of batteries or electrical current.

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 open on at least two sides for the purpose of the fire code.

WestCom is the 9-1-1 dispatch center that serves the City of Clive.

Chapter 3 GENERAL PRECAUTIONS AGAINST FIRE

Add **Section 307.2.1.1 Responsible Agencies for Open Burning**. 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 307.4.1: Bonfires are prohibited within the City of Clive

Amend Section 307.4.2: Open burning is prohibited within the City of Clive

Add Section 307.6: Outdoor fires are permitted when they meet the following requirements

1. Contained in a fireplace or grill, defined by the following requirements

Fireplace: A structure, with an open recess at the base or a chimney or stack, with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

- a. Fuel shall consist of wood or charcoal only
- b. Fire wood shall be larger than (2) two inches in diameter, and no longer than (3) feet in length. This requirement shall not apply to wood used/needed to start the fire (kindling)
- c. Device shall be no closer than (10) ten ft. from any structure
- d. Wood or charcoal within the device, shall not sit more than (3) feet above the base of the device
- e. Smoke shall not exit the user's property at or below the user's roof line
- f. Shall not be used to dispose of yard waste, leaves, or twigs

Grill: A cooking utensil with a grate for food preparation and provisions for under-fire air, for holding an outdoor fire off the ground.

- a. Fuel shall consist of wood or charcoal only
- b. Fire wood shall be larger than (2) two inches in diameter, and no longer than (3) feet in length. This requirement shall not apply to wood used/needed to start the fire (kindling)
- c. Device shall be no closer than (10) ten ft. from any structure
- d. Wood or charcoal within the device, shall not sit more than (3) feet above the base of the device
- e. Smoke shall not exit the user's property at or below the user's roof line
- f. Shall not be used to dispose of yard waste, leaves, or twigs

Amend **section 308.1.4** Open Flame Cooking Devices.

Replace with: 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 townhomes. Cooking devices and/or the propane cylinders shall not be stored inside the living unit of apartment buildings and/or condominiums.

Chapter 9 FIRE PROTECTION SYSTEMS

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

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, 903.2.4, 903.2.4.1, 903.2.5, 903.2.5.1, 903.2.5.2, 903.2.5.3, 903.2.6, 903.2.7, 903.2.9, 903.2.9.1, 903.2.9.2, 903.2.10, 903.2.10.1 903.2.11.

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

(Suppression Type)

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| Add section 903.2.1 Group A to read as follows: | | |
| Group A: | | |
| NFPA 13 | A-1. Building or structures or portions thereof, 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 | |
| NFPA 13 | 1. Occupant load of 299 or less | 6,000 sq/ft |
| NFPA 13 | 2. Occupant load of 300 or more | 0 |
| | 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 Occupancy Classification definition A-2 | |
| NFPA 13 | 1. Occupant load of 49 or less | 1,500 sq/ft |

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| NFPA 13 | 2. Occupant load of 50 or more | 0 sq/ft |
| | 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 | |
| NFPA 13 | 1. Occupant load of 299 or less | 6,000 sq/ft |
| NFPA 13 | 2. Occupant load of 300 or more | 6,000 sq/ft |
| | 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 | |
| NFPA 13 | 1. Occupant load of 299 or less | 6,000 sq/ft |
| NFPA 13 | 2. Occupant load of 300 or more | 4,500 sq/ft |
| 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 sq/ft |
| Add section 903.2.2 Group B to read as follows: Group B: | | |
| NFPA 13 | 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. | 6,000 sq/ft |
| Add section 903.2.3 Group E to read as follows: Group E: | | |
| NFPA 13 | Building or structures or portions thereof, used by six or more persons at any one time for educational purposes. | 0 sq/ft |
| NFPA 13 | A licensed daycare is any buildings or structures, or portions thereof, used for educational, supervision or personal care services for more than five children older than 2½ years of age shall be classified as an E occupancy. | 0 sq/ft |
| Add section 903.2.4 Group F to read as follows: Group F: | | |
| NFPA 13 | 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. | 2,500 sq/ft |
| NFPA 13 | F-1.1. Woodworking operations which generate finely divided combustible waste or uses finely divided combustible materials. | 2,500 sq/ft |
| NFPA 13 | F-2. Low-hazard factory and industrial occupancy 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. | 15,000 sq/ft |
| 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 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-1. | 0 sq/ft |
| 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 table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-3. | 0 sq/ft |
| NFPA 13 | H-4. Building or structures or portions thereof, which contain materials that are health hazards in excess of those listed in table 5003.1.1 (See 2015 IBC) shall include, but not limited to: See IFC Occupancy Classification definition H-4. | 0 sq/ft |
| NFPA 13 | H-5. Semiconductors fabrication facilities and comparable research and development areas in which production materials are used, and s.f. the aggregate quantity of material is in excess of those listed in tables 5003.1.1(See 2015 IBC) Such facilities and areas shall be designed and constructed in accordance with section 415.10 of IBC. Design of the sprinkler system shall not be less than table 903.2.5.2. | 0 sq/ft |
| NFPA 13 | FPA Pyroxylin plastics. Buildings or structures where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities s.f. exceeding 100 pounds. | 0 sq/ft |
| Add section 903.2.6 Group I to read as follows: Group I: | | |
| NFPA 13D or | I-1. Building or structures or portions thereof, housing more than 16 persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised | 0 sq/ft |

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| NFPA 13R | residential environment but which provides personal care services. The occupants are capable of responding to an emergency situation without physical assistance from staff. 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. | |
| 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. Childcare facility is any buildings or structures, or a portion thereof, which provides care on a 24-hour basis to more than five children 2 ¹ / ₂ years of age or less shall be classified as group I-2. | 0 sq/ft |
| 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 sq/ft |
| 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. Places of worship during religious functions are not included. | 0 sq/ft |
| NFPA 13 | Adult care facilities provide accommodations for less than 24 hours for more than five unrelated adults and provides supervision and personal care services. Childcare facilities provide supervision and personal care on less than a 24 hour basis for more than five children 2 ¹ / ₂ years of age or less. | 0 sq/ft |
| Add section 903.2.7 Group M to read as follows: Group M: | | |
| NFPA 13 | Building or structures or portions thereof, for the display and sale of merchandise, and involving stocks of goods, wares or merchandise, incidental to such purposes and accessible to the public shall include, but not be limited to: See IFC Occupancy Classification definition group M. (High-piled storage to refer to chapter 32 IFC) | 6,000 sq/ft |
| Add section 903.2.8 Group R to read as follows: Group R: | | |
| NFPA 13R in 4 stories or less, NFPA 13 in more than 4 stories, both systems to include attic space as NFPA 13 | R-1. Hotels, motels, boarding houses (transient). (Occupy less than 30 days) | 0 sq/ft |
| NFPA 13R in 4 stories or less, NFPA 13 in more than 4 stories, both systems to include attic space as NFPA 13 | R-2. Apartment houses, condominiums, boarding houses (nontransient), convents, dormitories, fraternities and sororities, monasteries. | 0 sq/ft |
| NFPA 13R to include attic space as NFPA 13 | Convents, dormitories, fraternities and sororities, monasteries. | 0 sq/ft |
| NFPA 13D | R-3. Dwellings. | 8,000 |
| NFPA 13D | R-3. Townhouse. | Refer to IFC 2015 |
| Townhouses that are not open on at least two sides are required to install fire sprinkler systems as set forth in the IFC, 2018 edition. | | |
| NFPA 13D or NFPA 13R | R-4. Residential care/assisted living facilities for more than five but not more than 16 occupants, excluding staff. | 0 sq/ft |
| Add section 903.2.9 Group S to read as follows: Group S: | | |
| NFPA 13 | S-1. Moderate hazard storage occupancies 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 sq/ft |

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| NFPA 13 | NFPA Repair garages/service stations | 3,500 sq/ft |
| 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 sq/ft |
| Add section 903.2.10.2 Group U to read as follows: Group U: | | |
| NFPA 13 | Private garages, carports, sheds and agricultural buildings. | n/a |

Add **section 903.2.16** Existing Occupancies

Amend **section 903.3.1.2.1** Group R Balconies and Decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is required to have a fire sprinkler system installed. Sidewall sprinklers that are used to protect the area shall be permitted to be located so that their deflectors are within one inch to six inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

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 candela at minus 30° shall be tied into the building fire alarm system and mounted directly above the Fire Department connection between seven feet and ten feet in height from the ground or as approved by the Code Official.

Add **section 903.3.7.3** Fire Sprinkler Riser Room. A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices or apparatus inside the room other than the outlets or support equipment (lighting) air compressor and heater required for the use by the fire sprinkler system and/or the fire alarm panel. Access to the fire sprinkler riser room shall not be accessed from the electrical room, but the electrical room may be accessed from the fire sprinkler riser room.

Add **section 903.3.7.4** Fire Sprinkler Riser Signage. Signage as determined by the Code Official shall be placed on the main sprinkler riser denoting a shunt trip has been installed.

Add **section 903.3.7.5** Fire Sprinklers for Canopies. A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than four feet out from the door and is 12 feet or less in height from the ground regardless if the canopy is combustible or noncombustible. All canopies, regardless of height or construction type, that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the entire canopy.

Exception. If a building is not required by Code to have a fire sprinkler system, section 903.3.7.5 does not apply.

ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEMS

Add **section 904.12.2.1 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 six feet from any part of a Type I hood. Supply air openings closer than 6 feet must shut down upon activation of the extinguishing system.

Exception. § 904.12.2.1 may be revoked if the fire extinguishing agent will not perform to specifications due to exhausting.

STANDPIPE SYSTEMS

Add **section 905.3.9 Additional Standpipe Systems**: Additional standpipe systems may be added to new buildings or structures as deemed necessary by the Code Official.

PORTABLE FIRE EXTINGUISHERS

Delete **section 906.1 Where Required**. The exception only.

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 5lb. ABC in buildings that are covered throughout with a fire sprinkler system. If there is no fire sprinkler system in low or moderate hazard occupancy, a 10lb. ABC fire extinguisher shall be installed. Spacing is based on a 75-foot travel distance to the fire extinguisher. Portable fire extinguishers for fire protection in high hazard occupancies shall be 10lb. 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 20lb. ABC fire extinguisher shall be installed. Spacing is based on a 50-foot 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 0.25 in.** to read as follows:

Portable fire extinguishers for fire protection in low hazard occupancies shall be 5lb. 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 10lb. 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 10lb. 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 20lb. 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 20lb. 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 20lb. 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 907.1.4. Fire Alarm Control Panels

Each building shall have no more than one (1) Fire Alarm Control Panel (FACP).

Panel Height. Installation of the fire alarm panels shall not exceed six feet in height measured from the floor to the top of the panel.

Exception 1. Panel height may be altered by the Code Official.

Exception 2. Suppression system releasing panels are not required to meet limitation in the number of panels.

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 903.2.11 inclusive, subject to the authority having jurisdiction or by section 907.2, which ever shall be more restrictive. Exceptions:

1. Buildings with eight (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 City Fire Department dispatch center upon activation of the fire alarm system.

Add **section 907.2 (d) Where Required**. Where corridors and/or hallways are protected by fire sprinkler systems they shall also be protected by smoke detection. Smoke detection shall be of the photoelectric 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 two 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 five years to have that fire alarm system monitored.

Amend **section 907.2.11 Single and Multi-Station Smoke Alarms** to read as follows: Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this Code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

Note: section 907.2.11 only applies to R-1, R-2, R-4 and I-1 occupancies

Add **section 907.6.4.1 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 907.6.6 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 one- and two-family dwellings.

Add **section 910.1 Exception 1**. The Code Official may require smoke removal equipment be installed if it is deemed necessary by the Code Official for the protection of life and property.

Add **section 912.1.1 Fire Department Connection Height**. The Fire Department connection shall be located not less than 18 inches from the bottom of the cap(s) and not more than three feet from the top of the cap(s) above the level of the adjacent grade or access level. The Code Official for just cause may grant deviation to this height.

Amend **section 912.4** Access around Fire Department Connections to read as follows: Immediate access to Fire Department connect shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other objects for a minimum of a five-foot clear space on each side of the connection to include in front of and above the connection.

Section 1008 MEANS OF EGRESS ILLUMINATION

Amend section 1008.3.1 General

In the event of the power supply failure in rooms and spaces that requires two or more means of egress or are 400 square feet or greater, an emergency electrical system shall automatically illuminate all of the following areas as approved by the Code Official:

1. Aisles
2. Corridors
3. Exit access stairways and ramps

Amend section 1008.3.2 Buildings

In the event of the power supply failure in rooms and spaces that require two or more means of egress or are 400 square feet or greater, an emergency electrical system shall automatically illuminate all of the following areas:

1. Interior exit access stairways and ramps
2. Interior and exterior stairways and ramps
3. Exit passageways
4. Vestibules and areas of the level of exit discharge used for the exit discharge in accordance with Section 1028.1.
5. Exterior landings as required by section 1010.1.6 for exit doorways that lead directly to the exit discharge.

Section 1009 ACCESSIBLE MEANS OF EGRESS

Add to section 1009.2 Continuity and Components item #11

11. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

Section 1010 DOORS, GATES AND TURNSTILES

Add the following language to section 1010.1.9.1 Hardware

Amend section 1010.1.9.8 (#3) Sensor release of electrically locked egress doors..

Replace with: The doors shall be arranged to unlock from a manually operated lighted emergency exit button located 40 inches to 48 inches vertically above the floor and within five feet of the secured doors. When operated, the manual unlocking device (emergency exit button) shall result in direct interruption of power to the lock; independent of the access control system electronics and the doors shall remain unlocked for a minimum of 30 seconds. 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 1008.1.9.8 criteria 3. 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 1010.1.9.8 (#3a) 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 three-fourths inch with contrasting color to the door and affixed to door between 48 to 60 inches.

Section 1013 EXIT SIGNS

Add section 1013.1.1 Additional Exit Signs. Exit signs may be required at the discretion of the Code Official to clarify an exit or exit access.

Amend section 1013.2 Floor-level Exit Signs in Group R-1. Low-level exits signs meeting illumination requirements of section 1013.3 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 six inches (152mm) or more than eight 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 four inches (102mm) of the door frame. Fixtures shall be constructed to withstand abuse from foot traffic and luggage (metal frame work is preferred but not required).

Chapter 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Amend **section 3301.2 Purpose**. Replace with: 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 these operations.

Add **section 3310.1.1 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. Access roads to buildings or structures shall be constructed to provide vehicular access to within 50 feet of the building or structure with the middle of the building or structure no further than 150 feet from the access road. If the middle of the building or structure is more than 150 feet 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 aggregate or a base layer of asphalt capable of meeting load limits as outlined in Appendix D § D 102 of this Code for fire apparatus imposed loads unless otherwise approved by the Code Official.

Chapter 50 HAZARDOUS MATERIALS – GENERAL PROVISIONS

Add **section 5003.13 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 the 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 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 include 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 § 307 of the Federal Water Pollution Control Act of 1976 as amended to January 1, 1977, or any hazardous material designated under § 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 or her 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 nonhazardous.

(c) Notifications. When a hazardous condition is created, the responsible person shall notify WestCom 911 Dispatch Center and the Fire Department immediately upon discovery of the condition but in no instance later than 30 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 the 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 cleanup costs are not paid within 30 days after invoice, the city shall proceed to obtain payment by all legal means.

Chapter 56 EXPLOSIVES AND FIREWORKS

Amend **SECTION 5601.1** Scope to read as follows:

ADD (a) The City of Clive deems the use of first-class and second-class consumer fireworks as a threat to public safety or a nuisance to landowners or persons with certain health conditions and therefore prohibits the use of first-class and second-class consumer fireworks in the city. It shall be unlawful without a permit for any person to offer for sale, expose for sale, sell at retail or use or explode any explosives, explosive materials, first-class and second-class consumer fireworks within the corporate limits of the city of Clive.

ADD (b) The sale of consumer fireworks shall be regulated by the State Fire Marshal (SFM) who shall establish dates of permitted sales, the minimum requirements for obtaining a consumer fireworks seller license and registration by wholesalers, and shall issue such licenses and as otherwise provided by state law and the SFM rules.

ADD (c) Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard;
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small ammunition when packaged in accordance with DOTn packaging requirements.
4. The possession, storage and use of not more than one 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.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies in their official capacities.
6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg.) of explosive materials.
7. The possession, storage and use of blank industrial power load cartridges when packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOT 49 C.F.R. parts 100 through 178.
9. Items preempted by federal regulations.

ADD 10. Items considered as “Novelties” under state law.

Amend **section 5601.2.4 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, provided that the Code Official or the City Council may at their discretion require a greater amount. The bond and insurance shall insure to the use and benefit of the city and/or any person who suffers damage either to person or property by reason of the display of fireworks.

Amend **section 5601.4 Qualifications** to read as follows: 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 5601.7 Seizure**. Replace with: 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 5605.1 Manufacture, Assembly and Testing of Explosives, Explosive Materials and Fireworks** to read as follows:

General: It shall be unlawful to manufacture, assemble and test 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.

Chapter 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Add **section 5704.2.9.7.11 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 non-combustible roof and roof framework shall cover all open top secondary tanks exposed to weather.

Chapter 61 LIQUIFIED PETROLEUM GASES

Amend **section 6104.2** 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 M-1 Light Industrial Districts or M-2 Heavy Industrial District, the aggregate capacity of any one installation shall not exceed a water capacity of 5,000 gallons.

REFERENCED STANDARDS

| | |
|-----------|--------------|
| NFPA 10 | 2010 Edition |
| NFPA 13 | 2010 Edition |
| NFPA 13D | 2010 Edition |
| NFPA 13R | 2010 Edition |
| NFPA 20 | 2010 Edition |
| NFPA 30 | 2012 Edition |
| NFPA 30A | 2012 Edition |
| NFPA 58 | 2014 Edition |
| NFPA 70 | 2011 Edition |
| NFPA 72 | 2010 Edition |
| NFPA 96 | 2010 Edition |
| NFPA 101 | 2012 Edition |
| NFPA 1123 | 2012 Edition |
| NFPA 1124 | 2006 Edition |

APPENDIX D. FIRE APPARATUS ACCESS ROADS.

Amend **section D101.1** Scope to read as follows: Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. Public streets are regulated using the State Wide urban design and specifications for public improvements as amended by the city of Clive. Private streets are regulated using the statewide urban design and specifications for public improvements as amended by the City of Clive.

Section D103 Minimum Specifications

Amend **D103.2** Grade. Fire apparatus access roads shall not exceed statewide urban design and specifications for public improvements as amended by the city.

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

Amend **D103.4** Dead Ends. Replace with: Dead-end fire apparatus access roads shall not exceed statewide urban design and specifications for public improvements or as approved by City Engineer.

Amend **D103.5** Fire Apparatus Access Road Gates. Replace with: 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; and
7. Locking device specifications shall be submitted for approval by the Code

Official.

Amend **D103.6** Signs. Replace with: 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 § D103.6.1 or D103.6.2.

Amend **D103.6.1** Roads 20 to 26 Feet in Width to read as follows: 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 to read as follows: 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 **D104.3** 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.

10-8-5 APPEALS:

Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the international fire code do not apply or that the true intent and meaning of said code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Building Code Appeals Board within thirty (30) days from the date of the decision appealed.

10-8-6: 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 the Code. The Code Official shall post the list in a

conspicuous place at the administrative offices of the Fire Department and distribute copies thereof to interested persons.

10-8-7: 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 the 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.

10-8-8: OUTSTANDING PERMITS:

If a building permit is outstanding on the effective date of this chapter and the fire code adopted hereby, the provisions of this chapter, and the fire 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.

10-8-9: INDEMNITY:

The applicant for any permit under the fire code, by making application, assumes and agrees to pay all loss or damage to property whatsoever, and injury to or death of 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 there under, 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 fire 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 code whether or not expressly recited therein.

10-8-10: 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.

10-8-11: VIOLATIONS; PENALTIES:

SECTION 3. Title 10, Chapter 8, Section 11 of the Violations; Penalties of the City of Clive, Iowa, 2008 Code is repealed and replaced in part by:

10-8-11: VIOLATIONS; PENALTIES:

Unless otherwise provided by law, 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 or report the violation to the Clive Police Department for citation. Violations of this chapter are also declared to be municipal infractions and may be punished as provided in title 1, chapter 4 of this code. Officials of the fire prevention bureau shall have the discretion to enforce this chapter either as a municipal infraction or a simple misdemeanor.

SECTION 4. Title 10, Chapter 8, of the Fire Code of the City of Clive, Iowa, 2008 Code is being amended to add a new Section 12 as follows:

ADD 10-8-12 FIREWORKS

- A. Definitions. The sale, use or exploding of consumer fireworks within the City is subject to the definitions enumerated in Iowa Code Section 727.2 and Iowa Code Section 100.19, which definitions are incorporated herein by reference.
- B. Sales – General Requirements

1. Prior to any person engaging in the sale of first-class or second-class consumer fireworks a Fireworks Sales Permit must be issued by the City Clerk, or their designee, of the City of Clive. The following shall be provided to the City Clerk for consideration in the issuance of a Fireworks Sales Permit:

a. Fireworks Sales Permit Application: A completed application must be submitted to the Clive City Clerk at least 30 days prior to the first date that sales are anticipated to commence. Exception: An exception shall be granted for the first sales period of 2017, running from June 1 to July 8, which shall allow applications to be turned in at least 14 days prior to the first sale period. This one time exception shall be granted due to the newly implemented state law.

(1) A separate application must be submitted for the June 1 to July 8 sales period and for the December 10 to January 3 sales period, as set forth below.

(2) The application form shall be prescribed by the Fire Chief.

b. License: State License issued by the Iowa State Fire Marshal. At the time the Fireworks Sales Permit Application is submitted to the City Clerk, it is recognized that the license from the Iowa State Fire Marshal may not have been issued. If the license has not been issued, the applicant must provide proof that an application for the state license has been submitted to the Iowa State Fire Marshal. Proof of valid license issued from the Iowa State Fire Marshal must be provided to the City Clerk upon receipt by the applicant. Failure to provide proof of a valid license will preclude the issuance of a Fireworks Sales Permit.

c. Fireworks Sales Permit Fee: A permit fee as set by the Council shall be due when the Fireworks Sales Permit Application is submitted to City Clerk.

d. Liability Insurance: Proof of liability insurance separate from the building property insurance in amounts required under state law and administrative rules.

e. Site Plan: A site plan of the location where sales are requested must accompany the Fireworks Sales Permit Application. Two paper copies and one electronic copy shall be provided.

f. Building or Structure Floor Plan: A building or structure floor plan of the location where sales are requested must accompany the Fireworks Sales Permit Application. Two paper copies and one electronic copy shall be provided.

g. Approval of Property Owner: A copy of a lease agreement or letter of approval from the property owner of the location where sales are requested must accompany the Fireworks Sales Permit Application.

h. Fire Inspection: Any property, building, or premise whether it be permanent or temporary, intended for the sale of first-class or second-class consumer fireworks shall have an inspection completed by the Fire Chief or their designee prior to engaging in the sale of first-class or second-class consumer fireworks for each sales period set forth in Iowa Code Section 727.2. The Fire Chief, or their designee, shall cause an inspection to occur meeting the requirements of the current fire code adopted by the City of Clive, state law and regulations, and NFPA 1124. A Fireworks Sales Permit shall only be issued upon completion of a satisfactory inspection.

2. Dates of Sale. First-class and second-class consumer fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this Code, or to sell consumer fireworks outside of the dates specified.
 - a. Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.
 - b. Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.
3. Safety Requirements: The following safety requirements shall be adopted for all locations where consumer fireworks are sold:
 - a. All retailers and community groups shall remain compliant with all applicable laws and rules throughout the duration of their selling period.
 - b. Consumer fireworks sales shall only be allowed in areas properly zoned for such use.
 - c. No person shall sell consumer fireworks to a person under the age of 18.
 - d. Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.

C. Declaration of Emergency and Suspension of the Discharge of Fireworks.

1. Whenever drought, high winds, or other natural phenomena create, or are likely to create, hazardous conditions and increased chance of fire danger and the Fire Chief determines that adverse conditions exist for the use and exploding of consumer fireworks, the Fire Chief, or their designee, may issue a temporary ban on the use of consumer fireworks within the City of Clive.

The Fire Chief, or their designee, shall have the authority to declare an emergency and temporarily halt the use of all fireworks.

2. The Fire Chief, or their designee, shall inform the area radio and television stations and the local press of the emergency declaration and when the emergency will be in effect and ask that public service announcements be made. The City Manager, or their designee, shall post information concerning the emergency declaration and summarizing the regulations on the City website.
- D. Manufacture of Fireworks. It shall be unlawful for a person to manufacture consumer fireworks within the city limits without a permit as may be required by local, state, or federal laws and regulations.
- E. Revocation of Fireworks Sales Permit. The Fire Chief may, for cause, revoke the permit of any Fireworks Sales Permit Holder. An appeal of the decision may be taken to the City Manager by filing a written notice with the city clerk. The appeal must be filed within ten days from the date of the decision. The City Manager shall schedule a hearing on the appeal within seven days from the receipt of the notice. The appeal shall stay the decision of the Fire Chief unless the City Manager directs otherwise. A hearing on the appeal shall be scheduled before the City Manager or the City Manager's designee within fourteen days. At the public hearing, the applicant shall have the opportunity to present evidence or arguments the applicant may have as to why the action of Fire Chief appealed from should not be approved by the City Manager. The City Manager shall render a written decision on the appeal within seven days after the hearing. The decision of the City Manager shall be final. The parties may extend the time limits set forth herein by mutual agreement.
- F. Violations. Unless otherwise provided by law or this Code, violations of any provisions of this Section are hereby declared simple misdemeanors. Anyone violating the provisions of this ordinance shall upon conviction be fined a minimum amount of not less than \$500 and punished as further provided in Section 1-4A-2 and pursuant to Iowa Code Section 727.2. Violations of this Chapter shall be reported to the State Fire Marshal.
- G. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such consumer fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of State; or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

SECTION 5. REPEALER. All parts of the "CODE OF ORDINANCES OF THE CITY OF CLIVE, IOWA, 2008" in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any section, subsection, provision, sentence, clause, phrase or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and notice of its passage is given as provided by law.