

CHAPTER 161

FIRE CODE

161.01 ADOPTION OF FIRE CODE. This chapter shall consist of the “International Fire Code, 2012 Edition,” as published by the International Code Council which volume is incorporated herein by this reference as fully as though set forth herein in its entirety, excepting only such portions as are hereinafter stated to be deleted therefrom; and such additional provisions as are hereinafter set forth. This chapter and all provisions incorporated herein by reference or otherwise, shall be known as the “*Fire Code*,” may be cited as such, and will be referred to herein as such and as “*this code*.”

161.02 DELETIONS. The following are hereby deleted from this code and are of no force or effect herein:

1. Subsection 105.3.1 and Subsection 105.3.2
2. Section 108

161.03 AMENDMENTS AND ADDITIONS. The remaining sections in this chapter are and represent amendments and additions to the requirements contained in the Fire Code, and where their requirements conflict with those of the Fire Code, the requirements of this chapter shall prevail. The sections listed below shall be construed in the context of the enumerated chapter or chapters of Fire Code.

1. Section 161.03 - Section 202 IFC (definition of bedroom)
2. Section 161.04 – Section 105.1.1 (Permit Fees)
3. Section 161.05 - Section 105.1.2 (Types of Permits)
4. Section 161.08 – Section 202 (Definitions)
5. Section 161.09 – Section 307.1 (Open Burning)
6. Section 161.10 - Section 308.3.1.1 (Liquidified-petroleum-gas-fueled-cooking-devices)
7. Section 161.11 - Section 503.3 (Fire Lane Identification)
8. Section 161.12 - Section 505.1 (Premise Identification)
9. Section 161.13 - Section 506.1 (Key Boxes)

10. Section 161.14 – Subsection 903.2.8.2 Care Facilities
11. Section 161.15 - Section 912.1 (Fire Department Connections)
12. Section 161.16 - Section 1012.4 (Handrails)
13. Section 161.17 - Section 1029.3 (Egress Window Landings)
14. Section 161.18 - Section 5701.4 (Registration of flammable and combustible container/tanks)

161.04 PERMIT FEES. Section 105.1.1 shall be amended by adding the following sentence to the end of the paragraph: *“A fee for each construction permit shall be paid to the fire official in the amount set forth in the Schedule of Fees as adopted by the city council.*

1. Permit Fees:

- A. A fee for each construction permit shall be paid to the fire chief in the amount set forth in the Schedule of Fees as adopted by the city council.*
- B. If a permit is issued for a specific amount of work and, upon inspection, it is determined that more work was performed than was authorized by the permit, the permittee shall amend the permit or obtain another permit to include all additional work and shall pay a new base fee and any unit fees as described in paragraph A above.*
- C. Permits and Fees for mechanical, plumbing, and electrical work shall meet the requirements of Ordinances 156, 157, and/or 158 respectively.*

Additional permit fees are as follows:

- 1. Plan Check Fees: Plan Check Fees shall be in the amount set forth in the Schedule of Fees as adopted by the city council.*
- A. Double Fee. Except in emergency situations, as determined by the Fire Chief, where work for which a building permit is required by this code is started or proceeded with by any person prior to obtaining a required permit, the fees in the amount set forth in the Schedule of Fees as adopted by the city council shall be doubled. The payment of such double fee shall not relieve any person from fully complying with the requirements of this code in the execution of the work or from any other penalties prescribed herein. No additional permits of any type shall be issued to any person who owes the City the double fee described in this subsection. However, no double fee shall be imposed upon any person who starts without a permit if:
 - 1. The work is started on a Saturday, Sunday, or holiday, or during any other day when the Building Department is not normally open for business; and**

2. *The person secures the proper permit on the next Fire Department working day.*
 3. *No Plan review is required prior to issuance of the permit.*
- B. *Refunds. If, within 30 days of the date of issuance, the holder of a construction permit decides not to commence the work described in said permit, said person may, upon application to the Fire Chief, be refunded that portion of the permit fee which is in excess of the permit refund fee in as set forth in the Schedule of Fees as adopted by the city council.*
- C. *Fees for Permit Renewals as stated in Section 161.07 shall be based on the percentage of valuation of remaining work to be performed provided the plans are not changed. If the plans are changed enough to warrant a review then the permit fee shall be 1/2 the cost of the original fee plus any fees as set forth in subsection E of this code section.*
- * Or the hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, hourly wages, and fringe benefits of the employees involved.*
- D. *Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee as set forth in the Schedule of Fees as adopted by the city council. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.*
- E. *Other Inspections and Fees: See the schedule of fees as adopted by city council.*

Persons performing work for the Federal Government, the State, the county or city may obtain permits for such work without paying the permit fees described herein; provided, however, that nothing in this section shall be construed to exempt payment of permit fees by persons performing work under the direction of the City in connection with the abatement of any public law.

An expired permit may not be reissued without a permit fee except by resolution of the city council.”

161.05 TYPES OF PERMITS. Section 105.1.2 shall be amended by the deletion of item number 1, including sub-numbers, and replaced with the following:

1. *“Operational Permit. A certificate of occupancy issued pursuant to the provisions of Chapter 155 of the City of Altoona, Code of Ordinances shall be assumed to meet the provisions of this section except for sections 105.6.30, 105.6.31, 105.6.32, and 105.6.43.”*

161.06 EXPIRATION. Every permit issued by the fire official under the provision of the fire code shall expire under any one of the following conditions:

1. Failure to begin work authorized within 180 days after issuance of the permit.
2. Suspension or abandonment of work for 120 days after commencement of the work. Time of occurrence of suspension or abandonment of work shall be computed from the date of the most recent inspection since which no progress has been made.
3. Failure to complete work on a structure designed for residential uses within one year after issuance of a permit.
4. Failure to complete work on a structure designed for commercial or industrial uses within two years after issuance of a permit. For permits with a valuation exceeding \$10,000,000.00 work shall be completed within three years after issuance of a permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence or continue work. The fire official is authorized to grant, in writing, for periods not more than 180 days each, two extensions. The extension shall be requested in writing and justifiable cause demonstrated. Any of the extensions may be further extended by action of the city council. In all cases, when a renewal is granted the structure for which the permit is required shall comply with code requirements in effect at the time the permit is renewed.

161.07 BOARD OF APPEALS.

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals, consisting of five (5) members. Board members shall be chosen and appointed based on diversity and building construction knowledge, all of whom shall be residents of the City of Altoona, Iowa. One (1) member of said Board of Appeals at a minimum shall be a private citizen. The Fire Official/Building Official or designated representative shall be an ex-officio member without a vote and shall act as secretary of the Board. The appointment of members shall be for three (3) year terms, expiring on December 31, with not more than two (2) members' terms expiring any one year.

The Fire Board of Appeals shall be appointed by the Mayor, subject to Council approval, and shall serve without compensation. The Fire Board of Appeals and the Building Board of Appeals shall be one in the same. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire/Building Official with a duplicate copy to the appellant, and may recommend to the City Council such new legislation as is consistent therewith. The Board shall meet at will and when there are appeals or business on file for a hearing.

Nominal appeal fee to the Fire/Building Board of Appeals shall be paid as set forth in Section 161.04 PERMIT FEES. The appeal shall be valid for one (1) year from the date of the Board approval to the commencement of work and to the completion of work undertaken pursuant to the approval.

161.08 DEFINITIONS. Section 202 shall be amended by including the following definitions:

“Bedrooms. Any room with a permanently built in closet, designed for and potentially used for sleeping purposes at the present time and/or in the future. Bedrooms shall meet all the minimum provisions of this code to include a minimum of 70 square feet of floor area with the least horizontal dimension of 7 feet, glazing for natural light to be not less than 8 percent of floor area, heat provided in the room to maintain a minimum of 68 degrees, 3 feet from the floor and 2 feet from the exterior walls, a height of 7 feet in the room(s) shall be maintained, shall meet the minimum emergency escape and rescue opening, shall have a permanently powered smoke alarm device with battery backup. Bedrooms include dens, offices, playrooms, family rooms, storage areas, and other rooms with built in closets. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.”

161.09 OPEN BURNING AND RECREATIONAL FIRES. Section 307.1 of the International Fire Code shall be amended by adding the following to the end of the section: *There shall be no open burning in the City of Altoona Corporate Limits without prior approval of Polk County Air and Waste Management Department and the Fire Chief.*

161.10 LIQUIDIFIED PETROLEUM GAS FUELED COOKING DEVICES. Section 308.1.4 #3 of the International Fire Code shall be amended by deleting and replacing with the following: *LP-gas burners having an LP-gas container with a water capacity greater than 47.7 pounds (nominal 20 pound LP gas capacity) shall not be located on combustible balconies and decks or within 10 feet of combustible construction. Exception: One and Two family dwellings.*

161.11 FIRE LANE IDENTIFICATION. Section 503.3 of the International Fire Code shall be amended by deleting the section and replacing with the following, *“When required by the Fire Code Official, Fire lanes shall be painted traffic red. Signs shall be permanently mounted with a center height not exceeding 60” above adjacent grade. The beginning sign shall be set at 45 degrees to the designated area with a red arrow pointing forward toward the fire lane. The intermediate signs shall be set every 100 feet*

in the fire lane. The end sign shall be set at 45 degrees to the designated area with a red arrow pointing backward to the fire lane. Signs shall be eighteen (18) inches tall by twelve (12) inches wide, with red letters on a white background to read [No parking Fire lane].”

161.12 PREMISE IDENTIFICATION. Section 505.1 of the IFC shall be amended by deleting the number 4 inches to 6 inches for other than Group R-3 occupancies and individual dwelling units in an R-2 occupancy.

161.13 KEY BOXES. Section 506.1 of the International Fire code shall be amended by adding the following to the end of the section: *“Key boxes shall be located at the front of the building typically adjacent to the main front door(s) at a maximum height of 4 feet above grade or at a location as directed by the fire code official.”*

161.14 CARE FACILITIES WITHIN A DWELLING. Subsection 908.2.8.2 shall be amended by deleting the section and replacing with the following: *“Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.”*

161.15 FIRE DEPARTMENT CONNECTIONS. Section 912.1 of the International Fire Code shall be amended by adding the following to the end of the section: *“The fire department connection shall be a 5 inch Storz type connector(s) compatible with the hose couplings currently in use by the fire department and connected to the riser by means of a 5 inch or larger piping system. A fire department connection having the standard internal threaded swivel fittings of 2 ½ inches NST may be substituted for the 5 inch Storz connection with the approval of the fire code official where system pressures may exceed hose test pressure or where the water supply locations could require an extensive hose lay to the structure.”*

161.16 HANDRAILS. The following shall be added at the end of exception #1 of Section 1012.4 of the International Fire Code. *“Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 or One and Two family dwellings shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues”.*

161.17 REQUIREMENTS FOR EGRESS WINDOW LANDINGS. Section 1029.3 of the International Fire Code shall be added to the end of the section to state as follows: *“Where a landing is provided for egress windows in new and existing construction of Group R occupancies/One and Two family Dwellings only when the maximum height from the floor requirement can not be met as stated in Section 1026.3 shall have a minimum width of 36 inches, a minimum depth of 18 inches and a maximum height of 24 inches. The landing shall be permanently affixed to the floor under the window it serves.”*

161.18 REGISTRATION OF FLAMMABLE AND COMBUSTIBLE STORAGE TANKS. Section 5701.4 of the IFC shall be amended by deleting the section and replacing with the following: *“Owners or Owners Agents shall register the placement of*

Flammable and Combustible containers/tanks located on their property as follows with the fire department;

- 1. Storage, handling, or use of class I liquids in excess of 5 gallons inside a building or in excess of ten gallons outside a building, except registration is not required for the storage or use of:
 - A. Flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or mobile heating plant, unless storage in the opinion of the fire chief would cause an unsafe condition.*
 - B. Paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for a period of not more than 30 days.**
- 2. Retailing of class I, II, or IIIA liquids at a service station or other locations.*
- 3. Storage, handling or use of class II or IIIA liquids in excess of 25 gallons in a building or in excess of 60 gallons outside of a building, except storage of 550 gallons or less of fuel oil when connected with oil burning equipment.*
- 4. The manufacture, processing, blending, or refining of Class I, II, or IIIA liquids or where liquids are used in the manufacturing, processing or finishing of articles.*
- 5. Storage of flammable or combustible liquids in stationary tanks or placement tanks temporarily out of service, when the total storage capacity is 1,000 gallons or more.*
- 6. Installation or major repair of tanks either above ground or below ground containing class I and II liquids, and class IIIA liquids in excess of one 275 gallon tank outside a building or two 275 gallon tanks in a building.*
- 7. Major repair, replacement or addition of piping either above ground or below ground, used with class I, II, or IIIA liquids on existing tanks.*

Registration shall be submitted with forms furnished by the Fire Department. The registration of containers/tanks does not waive any requirements of the code.”

161.19 FIREWORKS.

1. General. It shall be unlawful to manufacture fireworks within the corporate limits of the City of Altoona.
2. The Fire Chief or duly appointed representative is authorized to seize, take, remove or cause to be removed at the expense of the owner all stocks of illegal fireworks (not State approved), offered or exposed for sale, stored and held to be in violation of State Law.
3. It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the corporate limits of the City of Altoona.

Exception: The use of fireworks for display is allowed per Section 161.19 of this ordinance and with council approval.

161.20 FIREWORKS BOND FOR DISPLAY AND DISPOSAL.

1. 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 Chief of the Fire Department and/or the City Council do not require a greater amount. Said bond and insurance shall insure 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.
2. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

161.21 HAZARDOUS SUBSTANCES, NOTIFICATION AND CLEANUP.

1. 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.
2. Definitions. For the purposes of the section, these words have the following meaning:
 - A. "Cleanup" Shall mean the removal, by approved personnel, 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 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.
 - B. "Hazardous Condition" Shall mean any situation involving the actual, imminent or probable spillage, leakage, or release of a hazardous substance
 - 1) 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
 - 2) 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 involving hazardous materials required to be reported under Section 321.266 (4) of the Code of Iowa.

- C. “HAZARDOUS SUBSTANCE” Shall mean any substance or mixture of substance that presents a danger to 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 materials 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.
- D. “Person” shall mean a natural person, his heirs, executors, administrators or assigns and also includes a firm, partnership or corporation, its or their successors of assigns, or any other similar legal entity or the agent of any of the aforesaid.
- E. “Responsible Person” shall mean 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.
- F. “Treatment” shall mean 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 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 a hazardous substance to render it non-hazardous.

3. Notification. When a hazardous condition is created, the responsible person shall notify the Altoona Fire Department immediately upon discovery of the condition but in no instance later than thirty minutes after the discovery of the hazardous condition.
4. 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 discharge into any waters, including ground waters, the Fire Chief or designee may remove or provide for removal and the disposal of the hazardous substance at any time, unless the Fire Chief or 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 necessary cleanup devices.
5. Loss, Burden or Costs. A responsible person shall be liable to the City for all cleanup costs incurred by the City, including but not limited to; chemical damage, contamination of equipment, and the use of consumable materials, personnel, but shall not be liable for those losses, burdens or costs normally associated with response to fire emergencies which do not involve hazardous conditions. 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.

161.22 FALSE FIRE ALARMS.

1. Definitions. For the purposes of this section, these words have the following meaning:
 - A. "False Alarm" means the activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenances, or the negligence of the owner or lessee of the fire alarm system or his or her employees or agents. This does not include alarms caused by unauthorized tampering with a fire alarm system by anyone other than the fire alarm user or his or her agent.
 - B. "Fire alarm system" means any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the fire department may be expected to respond.
 - C. "Fire alarm user" means a person, firm, partnership, association, corporation, company, or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is present.

- D. “Testing and maintenance” means when an alarm service technician or alarm company conducts fire alarm system testing.

2. Fire Alarm Activation and User Fee.

- A. Whenever fire department personnel respond to an activated fire alarm system the Fire Chief or authorized fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report.
- B. The fire department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. Whenever two false alarms have occurred at the same location within one calendar year, and the location is within the response jurisdiction area of the City of Altoona, the Fire Department shall notify the fire alarm user by letter, citing the location and date of each alarm activation. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of such false alarms and shall include a statement that an accumulation of more than three false alarm activations within a year shall result in a charge for services. Another similar letter shall be sent when three false alarms have occurred at the same location within the year.
- C. When four false alarms have occurred at one location within a calendar year, a user fee for service for false alarm response shall be invoiced to the property owner. Each additional false fire alarm activation within the same calendar year shall be invoiced an additional fee. In the event that payment of the fee is not made within thirty days of billing, an administrative charge for collection shall be assessed. All fees shall be established by resolution of the City Council, as adopted. The fee hereby established affords only partial recovery of the expenses incurred in responding to the false alarms.
- D. Whenever fire department personnel respond to a fire alarm that has been activated due to testing and maintenance, the fire official in charge of the incident shall determine if the response resulted from failure to make the proper notification to the alarm system monitor center and the Polk County Communication Dispatch Center and shall so indicate on the incident report. Notwithstanding anything contained in any other section of the ordinance codified in this chapter, if a fire alarm is activated due to testing and maintenance and the Polk County Communication Dispatch Center was not given proper notification, a user fee established by resolution will be imposed upon each false alarm. The responsible party will be the agency, testing or maintenance company representative, or individual that initiated the alarm testing or maintenance.

3. Evidence of Repair Accepted in Lieu of Fee. An alarm user may submit evidence that a malfunctioning system has been repaired in lieu of paying a user fee within ten days of the date of notification of the fee. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable.
4. Review of False Alarm Fee. Any person may appeal the imposition of the fee to the City Council. A false alarm activation user or his/her designee shall appeal in writing and such appeal shall be made to the Fire Chief within ten days of the date of notification of the fee.
5. False Alarm Fees. A fee for each false alarm shall be paid to the Fire Chief in the amount set forth in the Schedule of Fees as adopted by the city council.
6. False Alarm Effective Date. False fire alarm activation fees will begin at the time of City Council resolution.

161.23 VIOLATIONS. See Chapter 4 of this Code of Ordinances.