

CHAPTER 161

FIRE CODE

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161.01 ADOPTION OF FIRE CODE. This chapter shall consist of the “International Fire Code, 2018 Edition, including Appendix B, C, D, and I.” 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. Section 105.3.1 and Section 105.3.2
2. Section 109
3. Section 503.3

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 101.1 - Title
2. Section 105.1.1 – Permits Required
3. Section 105.1.2 - Types of Permits
4. Section 105.3.1 – Expiration
5. Section 106 – Permit Fees
6. Section 202 - Definitions
7. Section 307.1 - Open Burning, Recreational Fires and Portable Outdoor Fireplaces
8. Section 308.1.4 – Open Flame Cooking Devices
9. Section 503.2.1 - Dimensions
10. Section 505.1 - Address Identification
11. Section 506.1 - Key Boxes

12. Section 507.5.1.1 - Hydrant for Fire Department Connections
13. Section 507.5.7 - Fire Hydrant Markers and Identification Color
14. Section 507.5.8 - Fire Hydrant Installation
15. Section 511 - Fire and Emergency Vehicle Lanes
16. Section 903.2.3 – Group E Day Care Facilities
17. Section 903.2.6 – Group I
18. Section 903.2.8.4 - Care Facilities
19. Section 903.2.11.1.3 – Basements
20. Section 903.3.1.2.3 – Attics in Multi-Family Structures
21. Section 903.4.2 – Alarms
22. Section 905.3.1 #1 - Height
23. Section 905.3.9 – Excessive Distance
24. Section 907.1.4 - Fire Alarm Control Panels (FACP)
25. Section 907.2.10 - Single and Multiple Station Smoke Alarms
26. Section 907.6.4.3 - Zone and Address Location Labeling
27. Section 907.6.6 - Monitoring
28. Section 912.1 - Fire Department Connections
29. Section 912.2 - Location
30. Section 1008.3.3 – Rooms and Spaces
31. Section 1009.2 – Continuity and Components
32. Section 1010.1.6 – Frost Protection
33. Section 1013.1.1 - Additional Exit Signage
34. Section 1014.4 – Handrails
35. Section 1015.9 – Walking Surfaces
36. Section 1028.5.1 – Hard Surfaces
37. Section 1030.3 - Egress Window Landings
38. Section 1030.4 - Window Well Drainage
39. Section 3313.1 – Where Required

1. **TITLE.** Section 101.1 shall insert “The City of Altoona” for name of jurisdiction
2. **PERMITS REQUIRED.** 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.”

3. TYPES OF PERMITS. Section 105.1.2 shall be deleted and replaced with the following:

105.1.2 Types of permits. *There shall be two types of permits as follows:*

- 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 105.6.32, 105.6.33, 105.6.34, and 105.6.47.*
- 2. Construction Permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Sections 105.7.1, 105.7.7, 105.7.8, 105.7.9, 105.7.15, 105.7.16, 105.7.23, 105.7.24, and 105.7.25.*

4. EXPIRATION. Section 105.3.1 shall be deleted and replaced with the following:

105.3.1 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.

5. PERMIT FEES. Section 106 shall be deleted and replaced with the following:

106.1 Permit Fees. *A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid:*

- 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.*

106.2 Additional permit fees:

A. *Plan Check Fees: Plan Check Fees shall be in the amount set forth in the Schedule of Fees as adopted by the City Council.*

B. *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.*

106.3 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.*

106.4 Renewals. *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 ½ the cost of the original fee plus any fees as set forth in section 106.6 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.*

106.5 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 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.

106.6 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.

- 6. DEFINITIONS.** Section 202 shall be amended by including the following definitions:

BEDROOM. *Any room 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 minimum emergency escape and rescue opening, shall have a permanently powered dual sensor smoke alarm device with battery backup. For the purpose of this chapter “bedroom(s) and sleeping room(s) shall be synonymous with each other.”*

SPECULATIVE BUILDING. *A strip mall, warehouse, or other structure where the final occupancy group of the building is not known at the time of permitting.*

- 7. OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES.** 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.

The types of open burning that may be permitted by the authority above is limited to properties zoned A-1 (Agricultural) and for the general benefit of properties recently annexed after January 1, 2016, as follows:

1. Landscape waste. The disposal by open burning of landscape yard waste originating on the premises in the A-1 zoning districts. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite yard waste.

2. Agricultural structures. The open burning of agricultural structures if in accordance with rules and limitation established by the State Department of Natural Resources.”

(Ord. 03-21-2016 #03 (424) – June 16 Supp.)

- 8. OPEN FLAME COOKING DEVICES.** Section 308.1.4 Exception #3 of the International Fire Code shall be amended by deleting and replacing with the following:

*3. LP-gas cooking devices 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.*

9. DIMENSIONS. Section 503.2.1 shall be amended by changing the dimension of 13 feet 6 inches to 14 feet.

10. ADDRESS IDENTIFICATION. Section 505.1 of the IFC shall be deleted and replaced with the following:

***505.1 Address identification.** Every new and existing principal structure on a premise shall have the address number affixed thereto. The numbers shall be 6 inches in height for structures built per the provisions of the IBC with the exception that individual dwelling units in multi-family structures are allowed numbers to be a height of 3 inches. The numbers for buildings constructed per the provisions of the IRC shall be 4 inches in height. The numbers shall be visible from the public right of way and of contrasting color from the principal structure. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address identification shall be maintained.*

11. 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 6 feet above grade or at a location as directed by the fire code official.”

12. HYDRANT FOR FIRE DEPARTMENT CONNECTIONS. Section 507.5.1.1 shall be deleted and replaced with the following:

Buildings equipped with a fire department connection installed in accordance with Section 912 shall have a fire hydrant located on a fire access road within 100 feet (30 m) of the fire department connection as measured by an approved route around the exterior of the building.

***Exception:** The distance shall be permitted to exceed 100 feet (30 m) where approved by the fire code official.*

13. FIRE HYDRANT MARKERS AND IDENTIFICATION COLOR. Chapter 5 shall be amended by adding the following section:

***Section 507.5.7 Fire Hydrant Markers and Identification Color.** When required by the Fire Code Official, hydrant locations shall be identified by the installation of an approved*

reflective marker. Both public and private hydrants shall comply with and be painted to City of Altoona specifications.

14. FIRE HYDRANT INSTALLATION. Chapter 5 shall be amended by adding the following section:

***Section 507.5.8 Fire Hydrant Installation.** Fire hydrants shall be installed with the grade mark on the fire hydrant at the level of finished grade. The large diameter connection shall be installed such that the connection is oriented facing the fire department access road.*

15. FIRE SERVICE FEATURES. Chapter 5 shall be amended by adding the following section:

SECTION 511 FIRE AND EMERGENCY VEHICLE LANES

***Section 511.1 General.** Fire and emergency vehicle lanes shall be provided and maintained in accordance with section 511.2 through 511.6, and referred to as fire lanes in this ordinance.*

***Section 511.2 Purpose.** The requirement that Fire Lanes be established in certain parking areas and the enforcement of restrictions on parking in such Fire Lanes established in this Chapter are designed to ensure adequate access to commercial, office, multi-family, and other high density use facilities by fire-fighting and other emergency vehicles.*

***Section 511.3 Designation.** The Fire Code Official may designate fire lanes on private and public property as deemed necessary for the protection of life and property.*

***Section 511.4 Obstruction.** No person shall park or place a vehicle or other obstruction in a designated fire lane that would prevent such fire lane from being immediately accessible to emergency vehicles, or deter or hinder emergency vehicles from gaining immediate access to the fire lane. A written request to the Fire Chief for temporary obstruction of a fire lane shall be submitted for approval.*

***Section 511.5 Signs and markings.** Wherever a fire lane has been designated, the Code Official shall cause appropriate signs and markings to be placed identifying such fire lanes. Signs or markings shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. Fire lanes may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection, as well as any time during the life of the occupancy as needed to provide and maintain emergency vehicle access. All designated fire lanes shall be clearly marked in the following manner:*

- 1. Vertical curbs shall be painted red on the top and side, extending the length of the designated fire lane. Rolled curbs or surfaces without curbs shall have a red (6) inch wide stripe painted the length of the designated fire lane. One of the following identification lettering methods shall be utilized:*

- A. *The words “NO PARKING – FIRE LANE” shall be stenciled with three (3) inch white letters and a minimum three – quarter (¾) inch stroke on the face of the curbing, or in the absence of vertical curbing, on the red stripe, and spaced at fifty (50) foot intervals or portions thereof, or*
 - B. *The pavement adjacent to the painted curbs shall be marked with minimum eighteen (18) inch in height block lettering with a minimum three (3) inch brush stroke reading: “NO PARKING - FIRE LANE.” Lettering shall be red and spaced at fifty (50) foot intervals or portions thereof.*
2. *Signage identifying fire lanes shall conform to the following:
Fire lane signs shall be 18 inches tall x 12 inches wide with red letters on a white reflective background to read “Fire Lane No Parking” or similar verbiage as approved by the code official. Fire lane signs shall be placed 2 - 4 feet from the edge of the street. The top of fire lane signs shall be approximately six (6) feet from the ground. Intermediate fire lane signs shall be set every one hundred (100) feet in a continuous fire lane. The BEGINS sign shall mark the beginning of a fire lane and shall be mounted below the first fire lane sign. The ENDS sign shall mark the ending of a fire lane and shall be mounted below the last fire lane sign. The BEGINS and ENDS signage may be omitted by the Code Official due to the location of the fire lane. Signs may be placed on a building when approved by the Fire Code Official.*

Section 511.6 Maintenance. *The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall provide marking as required above and, shall maintain fire lanes at their expense as often as needed to clearly identify the designated area as being a fire lane.*

16. GROUP E DAY CARE FACILITIES. Section 903.2.3 shall be amended by adding the following subsection:

4. Group E day care facilities 5,000 sq. ft. or more, or containing an occupant load of 100 persons or more, including children and staff, shall be provided with a NFPA 13 system throughout the occupancy.

17. GROUP I. Section 903.2.6 shall be amended by deleting exception #2 and replacing with the following:

2. A Group I-4 day care facility with a fire area less than 5,000 sq. ft. and an occupant load less than 100, which is located at the level of exit discharge, and where every room where care is provided has not fewer than one exterior exit door, an automatic sprinkler system is not required.

18. CARE FACILITIES. Subsection 903.2.8.4 shall be amended by deleting the section and replacing with the following:

903.2.8.4 Care facilities. *Care facilities for eight (8) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code.*

19. BASEMENTS. Subsection 903.2.11.1.3 Basements shall be deleted and replaced with the following:

903.2.11.1.3 Basements. *Where any portion of a basement is located more than 75 feet from openings required by Section 903.2.11.1, the basement shall be equipped throughout with an approved automatic sprinkler system.*

20. ATTICS IN MULTI-FAMILY STRUCTURES. Section 903.3.1.2.3 shall be amended by adding the following subsection #5.

5. *Multi-family residential structures required to have a sprinkler system installed, shall provide automatic sprinklers throughout all portions of the attic area.*

Exceptions:

- 1. Structures are 2 stories or less in height*
- 2. The attic structural and roofing components are composed of non-combustible materials*
- 3. Attic areas with less than 4' height*

21. ALARMS. Section 903.4.2 shall be amended by replacing the first sentence with the following:

An approved weather proof audible device listed for outdoor use with 110 candela visual signal shall be located on the exterior of the building in an approved location, and connected to each automatic sprinkler system.

22. HEIGHT. Section 905.3.1 #1 shall be deleted and replaced with the following:

- 1.** Three or more stories are above or below grade.

23. EXCESSIVE DISTANCE. Section 905.3 shall be amended by adding the following subsection:

905.3.9 Excessive Distance. *Where the most remote portion of a floor or story is more than 400 feet from a hose connection or fire department access road the fire code official is authorized to require standpipes to be provided in approved locations. Class I manual standpipes shall be allowed.*

24. FIRE ALARM CONTROL PANELS (FACP) Section 907.1 shall be amended by adding the following subsection:

Section 907.1.4 Fire alarm control panels (FACP). *Each building shall have no more than 1 FACP. Installation of fire alarm panel shall not exceed six feet in height measured from the floor to the top of the unit.*

Exception: *Suppression system releasing panels are not required to meet the height requirement or the limitation in the number of panels.*

25. SINGLE AND MULTIPLE STATION SMOKE ALARMS. Section 907.2.10 shall be modified by inserting the following immediately following the existing language:

“Smoke alarms in dwelling units shall be addressable with sounder bases and monitored by the building fire alarm system as a supervisory signal only. Mini horns in dwelling units are not required if notification from a building fire alarm system is through the

smoke alarms with sounder bases. An addressable system is required whenever there are eight or more signaling devices, i.e., detectors, pull stations, flow switches, etc.”

- 26. ZONES.** Section 907.6.4 Zones shall be amended by adding a new section as follows:
907.6.4.3 Zone and address location labeling. *Fire alarm panels shall have all zones and address points plainly and permanently labeled as to their location on the outside of the panel or on an easily readable map of the building, if no display screen is present.*
- 27. MONITORING.** Section 907.6.6 (IBC) shall be deleted and replaced with the following language:
907.6.6 Monitoring. *Fire alarm systems required by this chapter shall be monitored by a central station approved and listed under UL 827 in accordance with NFPA 72.*
- 28. 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.”
- 29. LOCATION.** Section 912.2 shall be amended by adding the following to the end of the paragraph: Structures more than 2 stories in height, or with sidewalls greater than 20’ in height, shall have a remote FDC located separately from the structure on a fire access road at an approved location when feasible.
- 30. ROOMS AND SPACES.** Section 1008.3.3 shall be amended by deleting item #5 and replacing with the following:
5. Public restrooms that contain more than one water closet/urinal or that are required to be accessible.
- 31. CONTINUITY AND COMPONENTS.** Subsection 1009.2 shall be amended by adding item #11 as follows:
11. Components of required exterior walking surfaces shall be hard surfaced.
- 32. FROST PROTECTION.** Section 1010.1.6 shall be amended by adding a new subsection as follows:
1010.1.6.1 Frost Protection: *Exterior landings at doors required to be at the same level by 1010.1.5 shall be provided with frost protection.*
- 33. ADDITIONAL EXIT SIGNAGE.** Section 1013.1 shall be amended by adding the following subsection:
1013.1.1 Additional exit signage. *Additional exit signs may be required at the discretion of the Code Official to clarify an exit or exit access.*

34. HANDRAILS. Section 1014.4 Continuity shall be amended by deleting exception number 1 and replacing with the following:

1. *Handrails within a dwelling unit, or serving an individual dwelling unit of groups R-2 and R-3, shall be permitted to be interrupted by a newel post at a turn or landing. Handrails serving these occupancies shall be allowed 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.*

35. WALKING SURFACES. Section 1015 shall be amended by adding a new sub-section 1015.9 as follows.

1015.9 Walking surfaces. *A guard shall be provided along retaining walls where a finished walking surface such as a sidewalk, patio, driveway, parking lot or similar, are located on the top side of a retaining wall. The guard shall be installed along any portion of the wall measuring 30 inches or greater in height measured at any point within 36 inches horizontally to the edge of the open side. A guard shall not be required along portions of the retaining wall where the horizontal distance between the edge of the finished walking surface and the face of the wall is greater than 72 inches.*

36. HARD SURFACES. Section 1028.5 shall be amended by adding the following subsection:

1028.5.1 Hard surfaces. *Components of required exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.*

37. REQUIREMENTS FOR EGRESS WINDOW LANDINGS. Section 1030.3 shall be amended by adding the following to the end of the section:

“Where a landing is provided for egress windows in new and existing construction of Group R, One and Two Family, and Townhouse Dwellings where the maximum height from the floor requirement cannot be met as stated in Section 1026.3 shall have a minimum width of 36 inches, a minimum depth of 12 inches and a maximum height of 24 inches. The landing shall be permanently affixed to the floor under the window it serves.”

38. WINDOW WELL DRAINAGE. Section 1030.4 shall be amended by adding a new subsection as follows:

1030.4.3 Window Well Drainage. *Window wells shall be designed for proper drainage by connecting to the buildings foundation drainage system required by section 1805.4.2 or by an approved alternate method.*

39. WHERE REQUIRED. Section 3313.1 shall be amended by changing the reference of 40 feet (12,192 mm) to read 30 feet (9,144 mm).

161.04 FIREWORKS.

1. General. It shall be unlawful to manufacture fireworks within the corporate limits of the City of Altoona.
2. The Fire Chief, Police Chief, or duly appointed representatives are 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. The City of Altoona deems the use of first-class consumer fireworks as a threat to public safety or a nuisance to landowners and therefore prohibits the use of first-class consumer fireworks. It shall be unlawful without a state issued license for any person to offer for sale, expose for sale, sell at retail or use or explode any explosives, explosive materials and first-class consumer fireworks within the corporate limits of the city.

A. 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 shall issue such licenses.

(1) Sales from permanent structures as defined by the SFM shall be allowed between June 1 and July 8, and between December 10 and January 3 each year, all dates inclusive.

(2) Sales from temporary structures as defined by the SFM shall be allowed between June 13 and July 8 each year, both dates inclusive.

B. In addition to the rules and regulations applied by the SFM, all sellers of first-class consumer fireworks shall obtain a permit (via application) from the City of Altoona. The seller shall comply with all applicable fire, building, and zoning regulations for all permanent and temporary sales structures. The application shall be accompanied by the appropriate fee(s) using the same fee schedule as applied by the SFM. A copy of the insurance certificate shall accompany the application. The coverage shall at a minimum meet the State required amounts.

C. The sale and use of Novelties known as snappers, party poppers, glow worms, snakes, toy smoke devices and sparklers are permitted at all times.

D. As used in this section:

(1) Consumer fireworks means those fireworks as defined by the Iowa Revised Statutes, S.F. 489, that may be sold within the City of Altoona even where the use of those items has been prohibited.

(2) First-class consumer fireworks means the following consumer fireworks, as described in APA 87-1, chapter 3:

(a) Aerial shell kits and reloadable tubes.

(b) Chasers.

(c) Helicopter and aerial spinners.

(d) Firecrackers.

(e) Mine and shell devices.

(f) Missile type rockets.

(g) Roman candles.

(h) Skyrockets and bottle rockets.

- (i) Multiple tube devices under this paragraph “c” that are manufactured in accordance with APA 87-1, section 3.5.
- (3) Second-class consumer fireworks means the following consumer fireworks, as described in APA 87-1, chapter 3:
 - (a) Cone fountains.
 - (b) Cylindrical fountains.
 - (c) Flitter sparklers.
 - (d) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
 - (e) Ground spinners.
 - (f) Illuminating torches.
 - (g) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
 - (h) Wheels.
 - (i) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

E. 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 DOT 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 (nine 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 (23kg.) 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 DOTn 49 C.F.R. parts 100 through 178;
- (9) Items preempted by federal regulations; and

(10) Items considered as “Second-class consumer fireworks” and items considered as “Novelties”.

4. The use of fireworks for display is allowed per section 161.19 of this ordinance with council approval, and in accordance with Section 161.20 of this code of ordinances.

5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

6. If any section, provision, or parts 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, provision, or part thereof not adjudged invalid or unconstitutional.

(Ord. 06-05-2017 #01 (456) – June 17 Supp.)

161.05 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.

161.06 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 condition 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 or 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.

161.07 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.

161.08 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 four (4) year terms, expiring on December 31, with not more than three (3) 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 161.03 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.

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

(Ch. 161 - Ord. 08-05-2013 #05 (378) – Dec. 13 Supp.)