

CHAPTER 36

FIRE PREVENTION CODE

36.01 Purpose
36.02 Adoption of Code
36.03 Copy on File
36.04 Enforcement

36.05 Limits
36.06 Modifications
36.07 Appeals
36.08 Penalties

36.01 PURPOSE. The purpose of this chapter is to prescribe regulations governing conditions hazardous to life and property from fire or explosion.

36.02 ADOPTION OF CODE. Pursuant to published notice and public hearing, there is hereby adopted that certain code known as the Fire Prevention Code, 1976, with 1982 amendment, Abbreviated Edition, as published by the American Insurance Association, 85 John Street, New York City, New York, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this chapter, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the effective date of this chapter, the provisions thereof shall be controlling within the limits of the City.

36.03 COPY ON FILE. An official copy of the Fire Prevention Code as adopted, and a certified copy of the ordinance codified by this chapter are on file in the office of the Clerk. A copy of the Fire Prevention Code as adopted, and a copy of said ordinance have been furnished the State Law Library, the Municipal Library, all newspapers of general circulation published in the City, and all commercial radio stations situated in the City.

(Code of Iowa, Sec. 372.13[4] and 380.10)

36.04 ENFORCEMENT. The Fire Prevention Code shall be enforced by the Chief of the Fire Department.

36.05 LIMITS. Establishment of limits of districts in which storage of flammable liquids in outside above ground tanks and bulk storage of liquefied petroleum gases is to be restricted. The limits referred to in Section 804A of the Fire Prevention code in which storage of flammable liquids in outside above ground tanks is prohibited, and the limits referred to in Section 1104 of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows:

Commencing at the Northwest corner of Lot 4 in Block 5 and running thence East to the Northeast corner of Lot 9 in Block 61, thence South to

the Southeast corner of Lot 6 in Block 32, thence West to the Southwest corner of Lot 3 in Block 20 and thence North to the place of beginning.

36.06 MODIFICATIONS. The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department. One signed copy of the decision of the Chief of the Fire Department shall be furnished the applicant, and one signed copy shall be filed in the office of the Clerk.

36.07 APPEALS. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the City Council with thirty (30) days from the date of the decision of the appeal.

(Constitution of Iowa, Article 1, Sec. 9)

36.08 PENALTIES. Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions. *(Ord. 647 – Nov. 99 Supp.)*

[The next page is 179]