

## CHAPTER 30

# POLICE DEPARTMENT

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30.02 Organization  
30.03 Peace Officer Qualifications  
30.04 Required Training  
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30.06 Peace Officers Appointed  
30.07 Police Chief: Duties  
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**30.01 DEPARTMENT ESTABLISHED.** The police department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

**30.02 ORGANIZATION.** The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part time, as may be authorized by the Council.

**30.03 PEACE OFFICER QUALIFICATIONS.** In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.  
*(Code of Iowa, Sec. 80B.11)*

**30.04 REQUIRED TRAINING.** All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.

*(Code of Iowa, Sec. 80B.11[2])  
(IAC, 501-3 and 501-8)*

**30.05 COMPENSATION.** Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the Council.

**30.06 PEACE OFFICERS APPOINTED.** The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. A super majority vote of the Council is needed for the removal of the Police Chief. The Police Chief shall select the other members of the department, subject to the approval of the City Administrator.  
*(Code of Iowa, Sec. 372.4)*

**30.07 POLICE CHIEF: DUTIES.** The Police Chief has the following powers and duties subject to the approval of the Council.  
*(Code of Iowa, Sec. 372.13[4])*

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances, and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.

- 4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.  
*(Code of Iowa, Sec. 321.266)*
- 5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
- 6. Assist Officials. When requested, provide aid to other City officers, boards, and commissions in the execution of their official duties.
- 7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
- 8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
- 9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
- 10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

**30.08 DEPARTMENTAL RULES.** The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the Council, as may be necessary for the operation of the department.

**30.09 SUMMONING AID.** Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.  
*(Code of Iowa, Sec. 804.17)*

**30.10 TAKING WEAPONS.** Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person’s control to be disposed of according to law.  
*(Code of Iowa, Sec. 804.18)*

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## CHAPTER 31

# ALARM SYSTEMS

31.01 Declaration	31.07 Police Call Records
31.02 Definitions	31.08 Administration and Enforcement
31.03 Penalties for False Alarms	31.09 Operational Defects to be Remedied
31.04 Right to Hearing and Appeal	31.10 Automatic Dialing and Prerecorded Message Alarm Systems
31.05 Deliberate False Alarms	31.11 City Liability Limitations
31.06 Local Police Alarm System; Cutoff Required	

**31.01 DECLARATION.** It is hereby declared that the occurrence of false alarms at premises protected by emergency alarm systems constitutes both a nuisance and a hazard to life and property. In light of (i) the traffic danger inherent in the emergency response of public safety vehicles, (ii) the danger caused by possible decreased caution on the part of emergency personnel responding to a location where previous false alarms have occurred, and (iii) the cost in money and staffing to respond where no actual emergency exists, the City Council finds it necessary to the health, safety, and welfare of citizens to enact the following provisions governing alarm systems.

**31.02 DEFINITIONS.** For the purposes of this chapter, the following words and phrases have the meanings set forth herein:

1. "Alarm business" means any person engaged in the business of installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving, or removing alarm systems in the City.
2. "Alarm coordinator" means the individual designated by the Chief of Police to enforce the provisions of this chapter.
3. "Alarm system" means any mechanism, equipment, or device which is designed to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:
  - A. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
  - B. Devices, which are not installed, operated or used for the purpose of reporting an emergency to the City of Windsor Heights.
  - C. Alarm devices affixed to motor vehicles; and
  - D. Alarm devices installed on a temporary basis by the Windsor Heights Police Department.
4. "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

- 5. "Central station" means an office to which alarm systems are connected, where operators supervise the circuits, and where guards and/or service personnel are maintained continuously to investigate signals.
- 6. "Emergency" means the commission or attempted commission of a robbery, burglary or other criminal action.
- 7. "False alarm" means the activation of an alarm system, which results in a response by the City of Windsor Heights, where an emergency does not exist and for which no evidence or indication of criminal activity or other hazard is discovered. False alarms include negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning, or improperly installed or maintained equipment; signals which are purposely activated to summon emergency personnel in non-emergency situations; and alarms for which the actual cause is not determined. False alarms also include an alarm signal caused by conditions of nature, which are normal for that area. False alarm does not include an alarm signal caused by extraordinarily violent conditions of nature, which cannot be reasonably anticipated by the alarm user.
- 8. "Local alarm" means any noise-making alarm device and any alarm which emits a visual signal, such as a strobe light.
- 9. "City of Windsor Heights" means the sworn and non-sworn personnel assigned by the City to the Windsor Heights Police Department, members of the Windsor Heights Fire Department and the contracted Communication Center that provides radio and alarm information to this department.
- 10. "User instructions" means written instructions which every alarm business selling, leasing, or furnishing to any user an alarm system which is installed on premises located in the City shall furnish to such user and which instructions enable the user to operate the alarm system properly.

**31.03 PENALTIES FOR FALSE ALARMS.**

- 1. For each false alarm to which emergency personnel respond, the alarm user shall be issued a notice of a municipal infraction with a penalty of:
  - A. First false alarms .....\$50.00
  - B. Second and subsequent false alarms within a 365-day period .....\$75.00
- 2. If any fine is not paid within ten (10) days of receipt of notice, an additional notice of a municipal infraction will be filed against the alarm user for nonpayment.
- 3. The City may use all available legal remedies to collect delinquent service fees and late penalties.

**31.04 RIGHT TO HEARING AND APPEAL.**

- 1. An alarm user shall have the right to a hearing to contest the imposition of any penalty under this chapter. A court date will be provided with citation.
- 2. For cases involving a municipal infraction, the alarm user must file a written request for a hearing with the Alarm Coordinator within five (5) business days of the date of mailing of the notice of imposition of the penalty. The request for a hearing shall include the alarm user's name, address, telephone number, and a statement of the

reasons for disputing the imposition of the penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's determination of a false alarm and the imposition of an administrative service fee shall be considered final if the alarm user fails to request a hearing within the time period set forth above.

3. Notice of the imposition of a penalty shall be considered satisfied if sent by regular mail to the alarm user's address.

4. The City Administrator shall conduct hearings requested by alarm users and shall affirm, modify, or vacate the imposition of the penalty after considering all of the evidence presented.

5. An alarm shall be presumed to be a false alarm unless the alarm user can establish the existence of an emergency or other hazard at the time of the alarm by a preponderance of the evidence. The burden of proving the existence of an emergency shall be upon the alarm user.

**31.05 DELIBERATE FALSE ALARMS.** No person shall cause any alarm to be transmitted to the City of Windsor Heights knowing the same to be false or without basis in fact. A violation of this section shall be a municipal infraction.

**31.06 LOCAL POLICE ALARM SYSTEM; CUTOFF REQUIRED.** Alarm systems which use a local audible or visual alarm device to attract the attention of the public shall be equipped with an automatic cutoff device which will terminate the audible or visual alarm within fifteen (15) minutes. However, this section does not apply to fire alarms, strobe lights, and fire gongs. A violation of this section shall be a municipal infraction.

**31.07 POLICE CALL RECORDS.** Alarm businesses which request the response of emergency personnel to alarm signals shall maintain a record of all alarms reported to the Windsor Heights Police Department, stating the time, date, and location of the alarm and the name, address, and phone number of the alarm user from which the alarm originated. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be available to the Alarm Coordinator during normal business hours.

**31.08 ADMINISTRATION AND ENFORCEMENT.** Subject to the approval of the City Administrator, the Chief of Police shall have the authority to make such reasonable rules and regulations as may be deemed necessary to implement the provisions of this chapter.

**31.09 OPERATIONAL DEFECTS TO BE REMEDIED.**

1. The sensory mechanisms used in connection with alarm systems shall be adjusted to suppress false alarms so that the device will not be actuated by impulses due to transient pressure changes in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the installation, radio frequency energy, non-intrusive motion, or other forces unrelated to genuine alarms.

2. All components of an alarm system must be maintained in good repair by the alarm user so as to assure reliability of operation.

**31.10 AUTOMATIC DIALING AND PRERECORDED MESSAGE ALARM SYSTEMS.** It is unlawful to maintain, operate, connect, or allow to be maintained, operated, or connected, any alarm system or automatic dialing device which automatically dials the City

of Windsor Heights and then relays any prerecorded message indicating the existence of an emergency situation.

**31.11 CITY LIABILITY LIMITATIONS.** Nothing in this chapter shall create or be construed to create a duty upon the City of Windsor Heights to respond to any alarm whether or not the alarm is false. An alarm, like any other request for service, may be responded to within the resources of the City of Windsor Heights in light of other responses required at the time of the alarm.

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## CHAPTER 35

# FIRE DEPARTMENT

35.01 Establishment and Purpose  
35.02 Organization  
35.03 Fire Chief Appointed  
35.04 Fire Chief Duties

35.05 Department Members  
35.06 Duties of Members  
35.07 Fires Outside City Limits  
35.08 Authority to Cite Violations

**35.01 ESTABLISHMENT AND PURPOSE.** A Fire Department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to provide out-of-hospital emergency medical services, to respond to and mitigate hazardous materials incidents, and to answer all emergency calls for which there is no other established agency.

*(Code of Iowa, Sec. 364.16)*

**35.02 ORGANIZATION.** The Fire Department shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

**35.03 FIRE CHIEF APPOINTED.** The Fire Chief shall be appointed and/or discharged by the City Administrator, with approval of the Council. Discharge becomes effective upon Council approval.

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

**35.04 FIRE CHIEF DUTIES.** The Fire Chief shall have the following powers and duties:

*(Code of Iowa, Sec. 372.14[4])*

1. Personnel. Appoint, assign, reassign, promote, reclassify, discipline, demote, and discharge all personnel of the Fire Department in compliance with law and ordinance.
2. Set Compensation. Fix the compensation of all personnel appointed by the Fire Chief, subject to the approval of the Council.
3. Management. Be responsible for the direction and control of all operations and affairs of the Fire Department; be vested with all powers, rights, and privileges attending the responsibility of management; and exercise the same, where appropriate, by rules, directives, or other orders which shall be binding on all personnel of the Fire Department when duly promulgated.
4. Organization. Determine and establish the form of organization of the Fire Department; create subordinate organizational subdivisions or sections within the Fire Department; and determine and define the functions, duties, and responsibilities of each.
5. Classification Plan. Determine and establish such classifications or ranks, grades, and positions for personnel within the Fire Department as the Fire Chief may deem appropriate as provided in the Department Rules and Regulations; prescribe the uniform and uniform insignia for all ranks; define and designate the authority, responsibility, duties, assignments, rights, and privileges for each such rank, grade, or

position; and establish the order of succession to positions of command within the Fire Department.

6. Employee Performance. Regulate attendance, conduct, training, discipline, and procedures for all personnel of the Fire Department; make all other rules, regulations, and orders as may be deemed necessary for the management of the Fire Department and its personnel; and institute a system of periodic performance evaluation for all members of the Fire Department.

7. Property. Acquire, hold, control, and maintain all property, equipment, facilities, and premises necessary to the operation of the Fire Department; and dispose of the same in such manner as may be authorized by law.

8. Records. Establish and modify systems for the reception, processing, and maintenance of reports and records of all occurrences, or alleged occurrences of fire, arson, and Fire Code violations in the City, and of the administration, management, and operations of the Fire Department; and establish procedures, not inconsistent with law, for the safekeeping, photocopying, and destruction of records of the Fire Department.

9. Reports. Compile annually an analytical report based upon the records maintained by the Fire Department and summarizing the activities of the Fire Department for the year. The report shall be filed with the Council and may contain recommendations for the improvement of the Fire Department.

10. Fire Prevention. Enforce all laws and ordinances regulating fire prevention requirements with the City.

11. Right of Entry. Have the power of entry into any building or premises within the Fire Chief's jurisdiction for the purpose of making such investigation or inspection which, under law or ordinance, the Fire Chief may consider necessary to be made.

12. Fire Hazards. Make such recommendations to owners, occupants, managers, or caretakers of buildings for the purposes of eliminating fire hazards as are provided for by law or ordinance.

13. State Fire Marshal. At the request of the State Fire Marshal, and as provided by law, aid such Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

14. Building Plans. Review all commercial building and remodeling plans for compliance with appropriate Fire Codes; file a report of findings to appropriate departments or agencies.

15. Water Supply. Review and monitor the City water system as it relates to fire protection, making recommendations to the Superintendent of Public Works regarding repairs, modifications, or additions to said system as required to maintain or improve fire protection.

16. Emergency Management. Serve in capacity of emergency management officer for the City; coordinate activities with the Polk County Emergency Management Agency; write and update a disaster plan for the City; develop and maintain the emergency operations center as a functional system capable of operating effectively in a disaster mode; seek available State and Federal moneys to improve disaster response capabilities; assure that all City personnel are aware of their duties in a disaster situation; conduct at least one disaster drill each year to test response

capabilities; and perform other tasks assigned by the Council and the County Emergency Management Agency.

17. Council Meetings. Attend all Council meetings unless excused by the City Administrator.

18. Authority at Fires. When in charge of a fire scene, direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action deemed necessary in the reasonable performance of the department's duties.

*(Code of Iowa, Sec. 102.2)*

19. Control of Scenes. Prohibit an individual, vehicle or vessel from approaching a fire scene and remove from the scene any object, vehicle, vessel or individual that may impede or interfere with the operation of the Fire Department.

*(Code of Iowa, Sec. 102.2)*

20. Authority to Barricade. When in charge of a fire scene, place or erect ropes, guards, barricades or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the firefighting efforts of the Fire Department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

*(Code of Iowa, Sec. 102.3)*

**35.05 DEPARTMENT MEMBERS.** Persons eighteen (18) years of age or older who meet established entrance requirements for the Fire Department shall be appointed to serve as paid-on-call firefighters, fire medics and staff specialists.

**35.06 DUTIES OF MEMBERS.** When called by the Fire Chief or the Dispatcher, all members shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other officer who has been appointed by the Chief to be in command. Members shall follow all rules and regulations established for the Fire Department.

**35.07 FIRES OUTSIDE CITY LIMITS.** The Fire Department shall answer calls to fires and other emergencies outside the City limits within the limits established by Mutual Aid and Automatic Aid agreements.

**35.08 AUTHORITY TO CITE VIOLATIONS.** Fire officials acting under the authority of Chapter 100 of the *Code of Iowa* may issue citations in accordance to Chapter 805 of the *Code of Iowa*, for violations of State and/or local fire safety regulations.

*(Code of Iowa, Sec. 100.41)*

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## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

**36.01 PURPOSE.** In order to reduce the danger to the public health, safety, and welfare from the leaks and spills of hazardous substances, these regulations are promulgated to establish responsibility for the treatment, removal and cleanup of hazardous substance spills within the City limits.

**36.02 DEFINITIONS.** For purposes of this chapter the following terms are defined:

1. “Cleanup” means actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance.

*(Code of Iowa, Sec. 455B.381[1])*

2. “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.

*(Code of Iowa, Sec. 455B.381[4])*

3. “Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include 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 as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the Federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.

*(Code of Iowa, Sec. 455B.381[5])*

4. “Responsible person” means a person who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous condition occurs, whether the person owns the hazardous substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance.

*(Code of Iowa, Sec. 455B.381[7])*

**36.03 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 responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within thirty (30) days, the City Attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the Council and immediately seek any State or Federal funds available for said cleanup.

**36.04 LIABILITY FOR CLEANUP COSTS.** The responsible person shall be strictly liable to the City for all of the following:

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.
2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.
3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.
4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

**36.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Chief of the occurrence of a hazardous condition as soon as possible but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Police Chief, which shall then notify the Department of Natural Resources.

**36.06 POLICE AUTHORITY.** If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

No person shall disobey an order of any law enforcement officer issued under this section.

**36.07 LIABILITY.** The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02(4).

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## CHAPTER 37

# FIRE CODE

### 37.01 Short Title

### 37.02 Permit Fees and Departmental charges EXHIBIT A - Fees

**37.01 ADOPTION OF FIRE CODE.** The City has adopted, as a part of the City's Building Code (Chapter 155 of this Code of Ordinances) the *International Fire Code* and Appendix Chapters, 2006 Edition, as published by the National Fire Protection Association.

**37.02 PERMIT FEES AND DEPARTMENTAL CHARGES.** All permit fees and departmental charges for service shall be as detailed in Exhibit A of this chapter, dated November 4, 2005.

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**Exhibit A to Chapter 37**

November 4, 2005

**WINDSOR HEIGHTS FIRE DEPARTMENT**

**FEES CHARGED BY FIRE DEPARTMENT**

**SECTION 1 – PERMIT FEES.** All permit fees are annual fees except those required for installation or removal of tanks, equipment, and similar appliances; and special one-time activities.

- 1. CANDLES AND OPEN FLAMES IN ASSEMBLY AREAS: To use open flame or candles in connection with assembly areas, dining areas of all restaurants or drinking establishments.....\$ 15.00
- 2. CARNIVALS AND FAIRS: To conduct a carnival or fair .....\$ 50.00
- 3. COMPRESSED GASES: To store, handle or use at normal temperature and pressure compressed gases in excess of the amounts listed in *Fire Code*:
  - A. Up to five times the maximum allowed without permit.....\$ 37.00
  - B. All greater amounts .....\$ 75.00
- 4. DRY CLEANING PLANTS: To engage in business of dry cleaning ..\$ 37.00
- 5. FIREWORKS: To provide a fireworks display .....\$200.00
- 6. FLAMMABLE OR COMBUSTIBLE LIQUIDS CLASS I: To store, handle or use Class I liquids:
  - A. Ten or more gallons in any building or other occupancy .....\$ 50.00
  - B. In excess of ten gallons but not more than 1,000 gallons outside a building, to include underground storage – per tank .....\$ 37.00
  - C. In excess of 1,000 gallons but not more than 5,000 gallons outside a building, to include underground storage – per tank .....\$ 40.00
  - D. In excess of 5,000 gallons but not more than 10,000 gallons outside a building, to include underground storage – per tank.....\$ 50.00
  - E. In excess of 10,000 gallons but not more than 20,000 gallons outside a building, to include underground storage – per tank.....\$ 60.00
  - F. In excess of 20,000 gallons but not more than 40,000 gallons outside a building, to include underground storage – per tank.....\$ 75.00
  - G. In excess of 40,000 gallons but not more than 100,000 gallons outside a building – per tank.....\$100.00
  - H. In excess of 100,000 gallons but not more than 500,000 gallons outside a building – per tank.....\$150.00
  - I. In excess of 500,000 gallons outside a building – per tank .....\$200.00

- 7. FLAMMABLE LIQUIDS CLASS II AND III: To store, handle, or use Class II or III liquids:
  - A. In excess of 25 gallons but not more than 60 gallons in a building. \$ 37.00
  - B. In excess of 60 gallons but not more than 1,000 gallons in a building – per tank.....\$ 50.00
  - C. In excess of 1,000 gallons but not more than 4,000 gallons in a building – per tank.....\$ 75.00
  - D. In excess of 4,000 gallons in a building – per tank.....\$100.00
  - E. In excess of 60 gallons but not more than 1,000 gallons outside a building, including underground storage – per tank.....\$ 37.00
  - F. In excess of 1,000 gallons but not more than 5,000 gallons outside a building, including underground storage – per tank.....\$ 40.00
  - G. In excess of 5,000 gallons but not more than 10,000 gallons outside a building, including underground storage – per tank.....\$ 50.00
  - H. In excess of 10,000 gallons but not more than 20,000 gallons outside a building, including underground storage – per tank.....\$ 60.00
  - I. In excess of 20,000 gallons but not more than 40,000 gallons outside a building, including underground storage – per tank.....\$ 75.00
  - J. In excess of 40,000 gallons but not more than 100,000 gallons outside a building, including underground storage – per tank.....\$100.00
  - K. In excess of 100,000 gallons outside a building, including underground storage – per tank .....\$150.00
- 8. FLAMMABLE LIQUIDS, RETAIL SALES:
  - A. Retail dealers of flammable liquids .....\$ 37.00
  - B. Each pump or outlet in excess of four .....\$ 5.00
- 9. FLAMMABLE LIQUID TANKS – REMOVAL FROM SERVICE:
  - A. To temporarily place tanks out of service:
    - First tank taken out of service.....\$100.00
    - Each additional tank on same site at same time.....\$ 50.00
  - B. To remove and dispose of tanks:
    - First tank removed.....\$100.00
    - Each additional tank on same site at same time.....\$ 50.00
- 10. FLAMMABLE GAS – INSTALL AN LP GAS CONTAINER:
  - A. Water capacity in excess of 120 gallons but not more than 500 gallons.....\$ 37.00
  - B. Water capacity in excess of 500 gallons but not more 1,000 gallons.....\$ 50.00
  - C. Water capacity in excess of 1,000 gallons but not more 10,000 gallons.....\$ 75.00

- D. Water capacity in excess of 10,000 gallons..... \$100.00
- 11. FLAMMABLE GAS – RETAIL SALES OF LP GAS:
  - A. To sell LP Gas in portable tanks.....\$ 37.00
  - B. To sell LP Gas and dispense from tank.....\$ 50.00
- 12. GARAGES – MOTOR VEHICLE REPAIR: To use any building, shed, or enclosure as a place of business for the purpose of repairing any motor vehicle therein..... \$ 50.00
- 13. HAZARDOUS CHEMICALS STORAGE:
  - A. To store, dispense, use or handle hazardous materials in excess of quantities specified in the *Fire Code* ..... \$ 50.00
  - B. To install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by the *Fire Code* ..... \$100.00
- 14. LIQUID- OR GAS-FUELED VEHICLES OR EQUIPMENT IN ASSEMBLY BUILDINGS: To display, compete or demonstrate liquid or gas fueled vehicles or equipment in assembly buildings..... \$ 50.00
- 15. LUMBER YARDS: To store lumber in excess of 100,000 board feet. \$100.00
- 16. PLACES OF ASSEMBLY:
  - A. Maintenance, operation, or use of a place of assembly:
    - i. Any assembly building or area with a stage and an occupant load of 1,000 or more in a building..... \$150.00
    - ii Any assembly building or area with a stage and an occupant load of less than 1,000 in a building ..... \$125.00
    - iii Any assembly building or area without a stage and having an occupant load of 300 or more..... \$100.00
    - iv Any assembly building or area without a stage and having an occupant load of less than 300, excluding such buildings used for education ..... \$ 75.00
    - v Any building used for day care purposes for more than six children.....\$ 75.00
    - vi Any building or parts of a building used solely for religious purposes ..... \$ 50.00
    - vii Any drinking and/or dining establishment with an occupant load of less than 100.....\$ 75.00
    - viii Any drinking and/or dining establishment with an occupant load of 100 or more \$......\$100.00
    - ix Any other assembly building not listed above ..... \$ 75.00

- B. Increasing Occupant Loads: See Section 12.103: To increase occupant loads above the posted load of approved areas during special events as set forth in the *Fire Code*<sup>†</sup> ..... \$ 75.00
- 17. USE OF PYROTECHNIC SPECIAL EFFECTS MATERIAL:
  - A. To store pyrotechnic special effects material .....\$100.00
  - B. To use pyrotechnic special effects material.<sup>†</sup> .....\$200.00
- 18. TENTS, AIR-SUPPORTED MEMBRANE STRUCTURES; CANOPIES:
  - A. To erect or operate a tent or air-supported temporary membrane having an area in excess of 200 square feet, but less than 1,000 square feet, except structures used exclusively for camping .....\$ 37.00
  - B. Tent or air-supported temporary membrane in excess of 1,000 square feet.....\$ 50.00
  - C. To erect or operate a canopy having an area in excess of 400 square feet, but less than 1,000 square feet, except structures used exclusively for camping.....\$ 37.00
- 19. TIRE RECAPPING: To operate tire recapping or rebuilding facilities \$ 50.00
- 20. FIRE ALARM CENTRAL STATION: To provide service from a Fire Alarm Central Station for local businesses. Central Station must be UL certified .....\$ 50.00
- 21. FIRE SPRINKLER SYSTEM INSTALLATION AND MAINTENANCE: To install and maintain fire sprinkler systems in buildings within the City.....\$ 50.00

**SECTION 2 – SERVICE FEES.** Service fees are charged for services provided to individuals or companies that, with the exception of those fees charged for a hazardous materials incident response, are not an emergency response.

- 1. PLAN REVIEW AND CONSTRUCTION RELATED INSPECTIONS:
  - A. Building plan reviews, buildings of 5,000 or less square feet .....\$ 50.00
  - B. Building plan reviews, buildings of 5,000 to 9,999 square feet .....\$ 75.00
  - C. Building plan reviews, buildings of 10,000 to 14,999 square feet ..\$100.00
  - D. Building plan reviews, buildings of 15,000 to 19,999 square feet ..\$125.00
  - E. Building plan reviews, buildings of 20,000 to 34,999 square feet ..\$150.00
  - F. Building plan reviews, buildings of 35,000 to 49,999 square feet ..\$175.00
  - G. Building plan reviews, buildings of 50,000 to 74,999 square feet ..\$200.00
  - H. Building plan reviews, buildings of 75,000 to 99,999 square feet ..\$250.00
  - I. Building plan reviews, buildings of 100,000 to 124,999 square feet.\$300.00
  - J. Building plan reviews, buildings of 125,000 to 149,999 square feet.\$350.00

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<sup>†</sup> Fire Department Standby Personnel will be required. The Fire Chief shall determine the number of personnel needed. Fire Department apparatus may be required. See Standby Fees.

- K. Building plan reviews, buildings of 150,000 to 174,000 square feet. \$400.00
  - L. Building plan reviews, buildings of 175,000 to 199,999 square feet. \$450.00
  - M. Building plan reviews, buildings over 200,000 square feet..... \$500.00, plus \$100.00 per additional 50,000 square feet or portion thereof
  - N. Site plan review (1/3 the cost of the building plan review) – Minimum ..... \$ 37.00
  - O. Fire alarm system plan review/inspection (per system)..... \$ 75.00
  - P. Fire sprinkler system plan review (per system)..... \$100.00
  - Q. Fire sprinkler system plan review (minor changes in operating system)..... \$ 75.00
  - R. Hazardous operations plan review ..... \$ 75.00
  - S. Plan review, other, including any changes in plans previously approved, will follow the same schedule as letters A through R of this section.
  - T. Inspection services related to building construction (per hour)..... \$ 30.00
2. NOTE: Fees will double if work is started prior to plan approval by the Fire Department.

**SECTION 3 – INSPECTIONS FEES.** The City of Windsor Heights has adopted a fee schedule for re-inspections conducted by the Fire Prevention Bureau of the Fire Department. The first inspection is provided at no charge unless a violation is noted. If a violation is noted and corrected prior to the first re-inspection, there is no additional charge.

- 1. First inspection of property/facility..... none †
- 2. First re-inspection following a previous inspection and code violations have been corrected..... \$ 25.00
- 3. Second re-inspection for same violation ..... \$100.00
- 4. Third re-inspection for same violation ..... \$200.00
- 5. Fourth re-inspection ..... \$400.00
- 6. Each additional re-inspection thereafter for same violation..... \$ 800.00
- 7. Inspections involving issuing of permits or construction approval when operations/inspections are required on weekends or after 5:00 p.m. during the week. Charges are per hour to the quarter hour, with two hours minimum ..... \$ 40.00
- 8. Annual inspection/testing of fire alarm and sprinkler systems ..... \$ 30.00

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† If previous violations found on first inspection, fee shall be upgraded to meet re-inspection fee rates. A written work order to correct the Fire Code Violation, secured by the occupant and/or building owner, with a completion date agreed to by the Fire Department, will serve in place of the next re-inspection fee. A copy of the written work order shall be provided to the Fire Department for the files. If the Work Order is not completed by the agreed upon date, the corresponding re-inspection fee will be charged and another re-inspection scheduled.

The interest rate on unpaid invoices shall be 1½% per month after 30 days.

**SECTION 4 – STANDBY SERVICES.** Services provided when building systems are inoperable or when required for dangerous operations, based on ¼ hour with a one-hour minimum.

HOURLY RATE:

- 1. Command Car ..... \$ 50.00
- 2. Engine Company ..... \$125.00
- 3. Rescue/Truck Company ..... \$125.00
- 4. Ambulance Company – including paramedic unit ..... \$100.00
- 5. Mobile Command Post..... \$100.00
- 6. Air Unit ..... \$100.00
- 7. Personnel (per person per hour) ..... \$ 20.00

**SECTION 5 – REGULAR HAZARDOUS MATERIALS OR CRIME SCENE.** These fees are in addition to any charges made by the Des Moines Fire Department Hazardous Materials team or any other agencies responding to the incident.

CHARGES PER HOUR (One Hour Minimum On All Charges):

- 1. Command Car ..... \$ 50.00
- 2. Engine Company ..... \$125.00
- 3. Truck Company..... \$125.00
- 4. Ambulance Company – including paramedic care ..... \$100.00
- 5. Mobile Command Post..... \$100.00
- 6. Air Unit ..... \$100.00
- 7. Personnel (per person per hour) ..... \$ 20.00
- 8. Expendables: Actual cost plus 15% storage and handling.
- 9. Contract equipment and other outside expenses: Actual cost plus 15%.
- 10. Any addition expense, including loss of apparatus or equipment: Actual cost plus 15%.

**SECTION 6 – MINOR INCIDENT INVOLVING LIQUIDS SPILLED.**

- 1. When expendables used cost less than \$50.00 and spill can be handled by fire company(s) already responding to the incident ..... \$150.00
- 2. NOTE: If additional companies or special units must be called in, the charges shall be the same as those for a regular hazardous materials incident.

**SECTION 7 – REPORTS.** Courts, insurance companies, and other agencies sometimes request copies of fire and EMS reports. The following shall be charged for these reports:

- 1. Basic Fire Report .....\$ 5.00
- 2. Each additional page .....\$ 0.50
- 3. EMS Report (includes staff preparation time for HIPAA release and authorization to acquire records.).....\$ 10.00
- 4. Any report not computerized (includes staff research time to locate and retrieve records).....\$ 37.00

**SECTION 8 – AMBULANCE FEES.** Costs for response and for patient care are listed below:

- 1. EMS Transport.....\$525.00
- 2. Mileage.....\$ 7.50
- 3. Oxygen .....\$ 30.00
- 4. Nitrous Oxide.....\$ 50.00
- 5. Fuel Surcharge (flat fee).....\$ 3.10

**SECTION 9 – RESCUE/EXTRICATION FEES.** These fees cover response for extrication using extrication tools and equipment and include response of a command officer, one rescue truck, and one engine. This does not include EMS fees for patient care and or transport or fees for handling hazardous materials. Additional charges will apply if additional resources are required.

- 1. Basic extrication of one hour or less .....\$200.00
- 2. Additional hours (charged per quarter hour until back in service).....\$200.00

**SECTION 10 – MALICIOUS ACTS.** These fees cover response to alarms involving malicious acts by a person that do not involve arson of a building or injury/death to a responder or occupant.

- 1. Malicious starting of a grass, field, or other non-structure fire:
  - A. First offense .....\$100.00
  - B. Second offense.....\$200.00
  - C. Third offense – refer to law enforcement.
- 2. Malicious reporting of a fire or activating a fire alarm system:
  - A. First offense .....\$100.00
  - B. Second offense.....\$200.00
  - C. Third offense – refer to law enforcement.

**SECTION 11 – UNPAID INVOICES.** An interest rate of 1½% per month will be applied to all invoices more than 30 days past due.

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