

CHAPTER 30

POLICE DEPARTMENT

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30.03 Peace Officer Qualifications
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30.06 Peace Officers Appointed
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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 Chief of Police 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 Chief of Police subject to the consent of a majority of the Council. A super majority vote of the Council is needed for the removal of the Chief of Police. The Chief of Police shall select the other members of the department, subject to the approval of the City Administrator.
(Code of Iowa, Sec. 372.4)

30.07 CHIEF OF POLICE: DUTIES. The Chief of Police 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 Chief of Police 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 Chief of Police.

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 Chief of Police 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

31.02 Definitions

31.03 Penalties for False Alarms

31.04 Right to Hearing and Appeal

31.05 Deliberate False Alarms

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31.07 Police Call Records

31.08 Administration and Enforcement

31.09 Operational Defects to be Remedied

31.10 Automatic Dialing and Prerecorded Message
Alarm Systems

31.11 City Liability Limitations

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 that do not register alarms that are audible, visible, or perceptible outside the protected premises.
 - B. Devices that 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.
 - 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. “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 these departments.
7. “Emergency” means the commission or attempted commission of a robbery, burglary or other criminal action.
8. “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 that 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.
9. “Local alarm” means any noise-making alarm device and any alarm which emits a visual signal, such as a strobe light.
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. Any fees or costs incurred by the City shall be charged to the offender.

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 Public Works Director 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. In addition, fire officials acting under the authority of Section 1.03 and Chapter 35 of this Code of Ordinances may issue citations for violations of Subchapter 60.10 of this Code of Ordinances.

(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 Chief of Police 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 Chief of Police shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Chief of Police, 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 Adoption of the Fire Code

**37.03 Amendments, Modifications, Additions, and
Deletions**

37.01 SHORT TITLE. This chapter shall be known as the Fire Code, and may be cited as such, and may be referred to herein as this chapter.

37.02 ADOPTION OF THE FIRE CODE. The City of Windsor Heights 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, 2012 Edition, including* Appendices B, C, D, E, F and G (hereinafter referred to as the IFC), as published by the International Code Council, Inc. The provisions of said Fire Code shall be controlling for the safeguarding of life and property from the hazards of fire and explosion arising from storage, handling, and using of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use of occupancy of buildings or premises and in all matters covered by said Fire Code within the corporate limits of the City. A copy of this chapter is on file in the office of the Code Official.

37.03 AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS. The IFC is amended as follows:

1. Deletion. Subsection 102.6, *Historic Buildings*, Section 108, *Board of Appeals*, is deleted from the IFC and is of no force or effect in this chapter.
2. Subsection 101.1, *Title*, of the IFC is hereby deleted and there is enacted in lieu thereof the following section:

101.1 Title. These regulations shall be known as the Fire Code of Windsor Heights, Iowa, hereinafter referred to as "this code."

3. The title of Section 103, *Department of Fire Prevention*, of the IFC is hereby repealed and replaced with a new title, to read as follows:

SECTION 103 FIRE MARSHAL'S OFFICE

4. Subsection 103.1, *General*, of the IFC is hereby modified by replacing the words *Department of Fire Prevention* with the words *Fire Marshal's Office*, as follows:

103.1 General. The Fire Marshal's Office is established within the jurisdiction under the direction of the Fire Code official. The function of the department shall be the implementation, administration, and enforcement of the provisions of this code.

5. Subsection 103.4.1, *Legal Defense*, of the IFC is hereby amended by replacing the words *Department of Fire Prevention* with the words *Fire Marshal's Office*, as follows:

103.4.1 Legal defense. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Fire Code official or any subordinate shall not be

liable for costs in an action, suit, or proceeding that is instituted in pursuance of the provisions of this code; and officers of the Fire Marshal's Office, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

6. Subsection 104.3, *Right of Entry*, of the IFC is hereby amended by adding a second paragraph in order after said subsection to read as follows:

No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the Fire Chief or an authorized representative for the purpose of inspection or examination under such exigent circumstances affecting the safety of persons and/or property, or to take such prudent action to extinguish a fire or abate a fire hazard.

7. Subsection 104.3, *Right of Entry*, of the IFC is hereby amended by adding subsection 104.3.2, *Photographic Documentation*, to read as follows:

104.3.2 Photographic documentation. Members of the Fire Department making such examinations, inspections, or enforcements shall have the right, with proper credentials, and be authorized to take a reasonable number of photographs or videotapes for evidence and for records for use by the Fire Department to study hazards and scientific control for fire safety.

8. Subsection 104.4, *Identification*, of the IFC is hereby amended by adding subsection 104.4.1, *Impersonation*, to read as follows:

104.4.1 Impersonation. A person shall not impersonate the Fire Code official or his designee through the use of a uniform, identification card, badge, or any other means. And such impersonation shall be a violation of this code.

9. Section 104, *General Authority and Responsibilities*, of the IFC is hereby amended by adding subsection 104.13, *Stopping Use, Evacuation*, to read as follows:

104.13 Stopping use, evacuation. The Fire Code official is authorized to order an operation or use stopped or the evacuation of any premises, building, or vehicle or portion thereof which has or is a fire life safety hazard.

10. Subsection 105.1.2, *Types of Permits*, of the IFC is hereby amended by adding the following paragraphs to said subsection:

105.1.2.1 Certificate of occupancy. A certificate of occupancy issued pursuant to provisions of the International Building Code may be assumed to comply with Section 1, Operational Permit.

105.1.2.2 Other permits. Building, Mechanical, Electrical, and Plumbing permits issued pursuant to provisions of their respective codes may be assumed to comply with Section 2, Construction Permit.

11. Section 106, *Inspections*, of the IFC is hereby amended by adding subsection 106.5, *Compliance with Orders and Notices*, to read as follows:

106.5 Compliance with orders and notices. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant, or other person responsible for the condition or

violation to which the order or notice pertains. In case of extreme danger to persons or property, immediate compliance is required.

12. Subsection 108.1, *Board of Appeals Established*, of the IFC is hereby repealed and replaced with a new section, as follows:

108.1 Board of Appeals established.

13. Subsection 113.3, *Work Commencing Before Permit Issuance*, of the IFC is hereby amended by adding the following sentence after said subsection:

Said fee shall be 100 percent of the usual permit fee in addition to the required permit fee.

14. Subsection 113.6, *Permit Fees and Departmental Charges*, is added as follows:

113.6 Permit fees and departmental charges. The City Council of the City of Windsor Heights, Iowa, may by resolution prescribe the occasions when permits are required and may also prescribe the fees required for such permits. The City Council of the City of Windsor Heights, Iowa, may by resolution prescribe the occasions when other fees for response or other fire department services are required.

15. Chapter 1, *Scope and Administration*, of the IFC is hereby amended by adding Section 114, *Citations*, and following subsections to read as follows:

SECTION 114 CITATIONS

114.1 Citation. Persons operating or maintaining an occupancy, premises, or vehicle subject to the requirements of this code who allow a hazard to exist, or fail to take immediate action to abate a hazard in regard to such occupancy, premises, or vehicle, when ordered or notified to do so by the Fire Code official shall be guilty of a misdemeanor. Fire code officials, or designees, are herewith authorized to issue and deliver citations on forms prepared and approved by the City of Windsor Heights, Iowa, to persons accused of violating any of the provisions of this chapter.

114.2 Failure to Pay Civil Citation. A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The City Attorney may retain attorneys and/or private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of the fine or penalty. Any fees or cost incurred by the City with respect to attorneys or private collection agents retained under this Section shall be charged to the offender.

16. Chapter 1, *Scope and Administration*, of the IFC is hereby amended by adding Section 115, *Licenses and Plan Review*, and following subsections to read as follows:

SECTION 115 LICENSE AND PLAN REVIEW

115.1 Licenses. All installations, modifications, maintenance, or servicing of life safety systems are to be performed by an approved licensed business or person. A business or person shall obtain a license to do work in the City of Windsor Heights from the West Des Moines Finance Director Office.

115.2 Life Safety Plans. All life safety plans submitted for review shall include, but not be limited to, fire sprinkler system plans, fire alarm plans,

and clean agent system plans, shall be designed and stamped by a person with a minimum of NICET III certification, fire protection engineer, qualified engineer with two (2) years' demonstrated experience in life safety system design, or equivalency, as determined by the Code Official. Plan approval will be based upon the plans submitted by the equipment supplier utilizing the above requirements.

115.3 Penalties for Violation of Licenses. Violation of rules and regulations pertaining to licensing shall result in a fine of \$500.00 for the first violation. A second violation within one year of license issuance shall result in a fine of \$750.00. A third violation within one year of license issuance shall result in a fine of \$1,000.00 and revocation of the license for the remainder of the license issuance period.

17. Chapter 1, *Scope and Administration*, of the IFC is hereby amended by adding Section 116, *Inspection Tags*, and following subsection to read as follows:

SECTION 116 INSPECTION TAGS

116.1 General. Tags for inspection of fire suppression systems, fire extinguishers, and fire alarm systems are required to be purchased from West Des Moines Fire Prevention Bureau for use in the City of Windsor Heights. West Metro tags are also acceptable.

18. Chapter 1, *Scope and Administration*, of the IFC is hereby amended by adding Section 117, *Additions to Buildings or Structures*, and following subsections to read as follows:

SECTION 117 ADDITIONS TO BUILDINGS OR STRUCTURES

117.1 General. Additions to buildings or structures shall comply with all of the requirements of Section 903.2 of the Code for new buildings or structures. The entire building or structure, existing and proposed additions, shall comply with all of the requirements of the fire sprinkler Section 903.2 of the Fire Code for new buildings and structures when the total square footage of the building exceeds 5,999 square feet, including outside wall dimensions, attached overhangs, and structures within 20 feet of the footprint of the building.

117.2 Occupancy Requirement. When a building is used for more than one occupancy purpose or use, the entire building shall meet the requirements of the fire sprinkler Section 903.2 of the Fire Code based on the requirements for the most restrictive occupancy group as defined in Chapter 2 of the 2012 *International Fire Code*.

19. Section 202, *General Definitions*, of the IFC shall be amended by adding the following definitions:

ALARM USER. Any person or business on whose premises a fire alarm system or sprinkler system is located within the City of Windsor Heights, Iowa.

CHARCOAL GRILL. An outdoor cooking device using solid fuels as a heat source for cooking food. Examples are (not limited to): charcoal, wood, wood chips, coal, or coke.

FALSE ALARM. The willful and knowing initiation or transmission of signal, message or other notification of an event of fire when no such danger exists or an alarm caused by careless use, improper maintenance, or negligence of a fire alarm system or sprinkler system which causes response of fire department apparatus and personnel.

MULTIFAMILY COMPLEX/DEWLING. A residential occupancy such as apartment building, condominium, or townhouse, or similar buildings with similar use.

QUALIFIED PERSON.

Sprinkler or fire alarm system design. A qualified person for plan design shall have the minimum National Institute for Certification in Engineering Technologies (NICET) Level III certification for sprinkler system design OR have NICET Level III certification for fire alarm system design. Other qualifications for sprinkler or fire alarm system design may be approved by the Fire Code official, including a licensed engineer with experience in life safety system design.

Sprinkler system installation or inspection, testing, and maintenance. A qualified person for automatic sprinkler system installation shall have a minimum National Institute for Certification in Engineering Technologies (NICET) Level II certification for automatic sprinkler system installation. A qualified person for automatic sprinkler system inspection, testing, and maintenance shall have a minimum NICET Level II certification for automatic sprinkler system inspection and testing of water based systems. Other qualifications for fire sprinkler system installation or inspection, testing, and maintenance may be approved by the Fire Code official, including a person who successfully completes a five-year approved apprenticeship program as a journeyman sprinkler fitter (e.g., American Fire Sprinkler Association [AFSA], National Fire Sprinkler Association [NFSA]).

Fire alarm system installation or inspection, testing, and maintenance. A qualified person for fire alarm system installation shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level II certification for fire alarm systems OR be factory trained and certified for the specific fire alarm system, OR be international municipal signal association fire alarm certified, OR be a trained and qualified person employed by an organization listed by a national testing laboratory for the servicing of fire alarm systems. Other qualifications may be approved by the Fire Code official.

20. Section 305, *Ignition Sources*, of the IFC is hereby amended by adding Subsection 305.5, *Reckless Use of Fire*, to read as follows:

305.5 Reckless Use of Fire. No person shall so use fire or discharge any incendiary device or material as to recklessly endanger any property or safety of another.

21. Section 307.2, *Permit Required*, of the IFC is hereby amended by adding Subsection 307.2.2, *Businesses that Sell Fire Pits, Chimineas, Sky Lanterns, and other Outdoor Recreational Devices*, to read as follows:

307.2.2 Businesses that sell fire pits, Chimineas, sky lanterns, and other outdoor recreational devices. Within the City limits of Windsor Heights, any business that sells fire pits, Chimineas, sky lanterns, and other outdoor recreational fire/ember producing devices are required to have signage installed on the display devices notifying customers they are not allowed to be used in the City of Windsor Heights.

22. Subsection 308.1.4, *Open-Flame Cooking Devices*, of the IFC is amended by deleting exception 2 to renumber and read as follows:

308.1.4. Open-flame cooking devices. Charcoal burners and other open-flame cooking devices which produce ash or embers shall not be operated on combustible balconies or within 10 feet of multi-story buildings, such as apartment buildings and/or condominiums. Cooking devices and/or propane cylinders shall not be stored inside the living unit of apartment buildings and/or condominiums. A maximum of one 20-pound propane cylinder attached to the cooking device shall be allowed per living unit.

Exceptions:

1. One- and two-family dwellings.
2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 47.7 pounds

23. Subsection 308.1, *General*, of the IFC is amended by adding the subsection 308.1.9, *Projection of Ignited Materials*, to read as follows:

308.1.9 Projection of ignited materials. No person shall drop, throw, or release into the atmosphere ignited material from the ground, a structure, or vehicle.

24. Subsection 401.3, *Emergency Responder Notification*, of the IFC is amended by adding subsection 401.3.4, *False Alarm*, to read as follows:

401.3.4 False alarm. An alarm user may be charged a fee for each false alarm to which the Fire Department responds.

25. Subsection 405.2, *Frequency*, is amended by adding subsection 405.2.2, *Fire Drills for E Occupancies*, to read as follows:

405.2.2 Fire drills for E occupancies. The Fire Chief may require a fire drill at any E occupancy at any time.

26. Section 503, *Fire Apparatus Access Roads*, is amended by adding subsections 503.7, *Fire Marshal Authority to Designate Fire Lanes*, 503.8, *Signs and Markings*, 503.9, *Summons to be Issued for Parking Violation*, 503.10, *Removal of Vehicle by Property Owner*, 503.11, *Removal of Vehicle by Fire Chief*, 503.12, *Abandonment of Fire Lane*, and 503.13, *Maintenance of Fire Lane*, to read as follows:

503.7 Fire Marshal authority to designate fire lane. The Fire Marshal is hereby authorized to designate fire lanes on designated premises where such areas must be free of parked vehicles and other obstructions to provide ready access to buildings, therein, in case of fire or other emergencies. The Fire Marshal's designation of such fire lanes does not obviate the owners of such property of their responsibility to maintain the area. Further, owners of the private property or their designated representative may request that additional fire lanes be designated by the Fire Marshal.

503.8 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 lane. Fire lanes may be painted traffic red in addition to fire lane signage. Fire lane signs shall be permanently mounted and the front of the sign set 90 degrees to the street facing the direction of travel, or as otherwise approved by the Code Official. Signs shall be 18 inches tall by 12 inches wide with red letters on a white reflective background to read "Fire Lane—No Parking Except for Emergency Vehicles, Fine \$50.00," unless otherwise directed and approved by the Code Official, conforming to State law.

503.9 Summons to be issued for parking violation. A summons or notice to appear in answer to a charge of parking in violation of this section specifying the location of the fire lane in which such violation occurred and the date and time of such violation, may be issued by any police officer or any member or the Fire Department designated by the Fire Chief.

503.10 Removal of vehicle by property owner. Except for an authorized emergency vehicle, the owners of private property, or their agent, may have any motor vehicle that is parked in a legally designated fire lane removed and stored, either at their own expense or that of the vehicle operator. The owners of the premises, or their agent, who has a vehicle removed and stored, is not liable for damages incurred as a result of removal or storage, if the vehicle is removed by a vehicle wrecker service insured against liability for property damage incurred in towing vehicles and is stored by a storage company insured against liability for property damage incurred in the storage of vehicles.

503.11 Removal of Vehicle by Fire Chief. Any vehicle parked in any designated fire lane may be removed at the vehicle owner's expense upon the authorization of the Fire Chief under the following conditions:

1. When the vehicle violates Ordinance number WH60.10.07.23 (the Fire Lane Ordinance) by parking in a fire lane; or
2. When a vehicle blocks the ingress/egress of a business, educational facility, theater, night club, apartment complex, gymnasium, or place of assembly; or
3. When a vehicle's presence threatens the life safety of the public by impeding the ability of the fire apparatus and emergency medical equipment to respond to an emergency.

The Fire Chief shall cause such vehicle to be removed by the towing service operating under a contract with the City and shall further cause such vehicle to be impounded.

503.12 Abandonment of fire lane. No owner, manager, or person in charge of any premises served by a required fire lane shall abandon or close any such fire lane without the written permission of the Fire Marshal.

503.13 Maintenance of fire lanes. Maintenance of the fire lane signage and painting shall be the responsibility of the property owner/tenant.

27. Section 506, *Key Boxes*, is amended by adding subsection 506.3, *Key Box (Installation Requirements)* to read as follows:

506.3 Key box installation requirements. Buildings provided with an alarm system or a sprinkler system shall be provided with a key box at the front of the building, typically adjacent to the main front door(s) at a height of five (5) feet above grade or at a location approved by the Code Official.

28. Subsection 507.5, *Fire Hydrant Systems*, of the IFC is hereby amended by adding subsection 507.5.7, *Fire Hydrant Markers and Identification Color*, to read as follows:

507.5.7 Fire hydrant markers and identification color. When required by the Code Official, hydrant locations shall be identified by the installation of an approved reflective marker. Both public and private hydrants shall be painted to the City of Des Moines Water Works specifications.

29. Section 806, *Decorative Vegetation in New and Existing Buildings*, of the IFC is hereby amended by adding subsection 806.6, *Length of Display* to read as follows:

806.6 Length of Display. No cut natural Christmas tree shall be displayed in a nonresidential occupancy for more than 15 days from the date it was purchased or cut, whichever is sooner.

30. Subsection 807.4.3.2, *Artwork*, of the IFC is hereby amended to read as follows:

807.4.3.2 Artwork. Artwork and teaching material shall be limited to the walls of corridors and classroom walls to not more than 20 percent of the wall area.

31. Subsection 906.5, *Conspicuous Location*, of the IFC is hereby amended by adding a second paragraph in order to read as follows:

906.5 Conspicuous location. In addition to other areas listed herein or in NFPA 10, fire extinguishers in R occupancies may also be placed in any of the following locations to satisfy the requirements.

1. On a wall in the unit.
2. Inside the closet or pantry, mechanical closet, or storage closet as long as the door has a label indicating that there is a fire extinguisher inside and there is no locking device on the door that requires a key, combination, or special knowledge to open.

32. Subsection 907.2.11, *Single and Multi-Station Smoke Alarms*, of the IFC is hereby amended by deleting said subsection and inserting in lieu thereof the following:

907.2.11 Single and multi-station smoke alarms. Listed single and multi-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of the code and the household fire warning equipment provisions of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases. Note: Section 907.2.11 only applies to R-1, R-2, R-4 and I-1 occupancy classifications.

33. Section 1004, *Occupant Load*, of the IFC is hereby amended by adding Subsection 1004.7, *Overcrowding*, to read as follows:

1004.7 Overcrowding. Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The Fire Code Official, upon finding overcrowding conditions, obstructions in aisles, passageways, or other means of egress, or upon finding a condition which constitutes a serious menace to life, is authorized to cause the performance, presentation, spectacle, or entertainment to be stopped until such condition or obstruction is corrected.

34. Subsection 1007.2, *Continuity and Components*, of the IFC is amended by adding the following paragraph 11 to said subsection to read as follows:

1007.2 Continuity and components.

11. Components of exterior walking surfaces shall be hard surfaced.

35. Subsection 1008.1.6, *Landings at Doors*, of the IFC is hereby amended by adding subsection 1008.1.6.1, *Frost Protection*, to read as follows:

1008.1.6.1 Frost protection. Exterior landings at doors shall be provided with frost protection.

36. Subsection 1009.15, *Handrails*, of the IFC is amended by adding the following exception to said subsection to read as follows:

1009.15 Handrails.

Exceptions.

6. Change in elevation of four or more risers within individual units of Group R-2 and R-3 occupancies requires a handrail on at least one side.

37. Subsection 1012.4, *(Handrail) Continuity*, of the IFC is amended by adding the following exception to said subsection to read as follows:

1012.4 Continuity.

Exceptions.

5. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

38. Subsection 1027.5, *Access to a Public Way*, of the IFC is amended by adding subsection 1027.5.1, *Walking Surfaces*, to read as follows:

1027.5.1 Walking surfaces. Components of exterior walking surfaces shall be hard surfaced.

39. Subsection 1029.3, *Maximum Height from Floor*, of the IFC is hereby amended by adding the following exception after said subsection to read as follows:

1029.3 Maximum height from floor.

Exception. Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement, it shall have a sill height of not more than 44 inches above the floor of landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and to the wall under the openable area of the window it serves.

40. Chapter 11, *Construction Requirements for Existing Buildings*, of the IFC is amended by adding the following subsections: 1103.7.6.1, *Manual Fire Alarms, Group R-2, Including Multi-Family Rental Dwelling Units and Buildings*, 1103.9.1, *Carbon Monoxide Alarms, Group R-2, Including Existing Multi Family Rental Units and Buildings*, 1104.3.1, *Exit Sign Illumination, Group R-2, Including Existing Multi Family Rental Dwellings Units and Buildings*, 1104.5.1, *Illumination Emergency Power, Group R-2, Including Existing Multi-Family Rental Dwelling Units and Buildings*, and an effective date for these requirements in multi-family residential buildings including rental dwelling units to read as follows:

1103.7.6.1 Manual fire alarms, Group R-2, including multi-family rental dwelling units and buildings. Effective July 1, 2015, a manual fire alarm system shall be installed in buildings with more than 16 units in accordance with subsection 1103.7.6 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

1103.9.1 Carbon monoxide alarms, Group R-2, including existing multi-family rental units and buildings. Effective July 1, 2015, carbon monoxide alarms shall be installed in accordance with subsection 1103.9 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

1104.3.1 Exit sign illumination, Group R-2, including existing multi-family rental dwelling units and buildings. Effective July 1, 2015, exit sign illumination shall be installed in accordance with subsections 1104.3 and 1104.4 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

1104.5.1 Illumination emergency power, Group R-2, including existing multi-family rental dwelling units and buildings. Effective July 1, 2015, illumination emergency power shall be installed in accordance with subsection 1104.5 of the IFC and for rental dwelling units and buildings shall be confirmed no later than the next rental registration renewal inspection thereafter.

41. Subsection 5003.5, *Hazard Identification Signs*, of the IFC is hereby amended by adding subsection 5003.5.2, *Iowa Right to Know*, to read as follows:

5003.5.2 Iowa right to know. Hazard identification signs shall also comply with the Iowa Right to Know law.

42. Subsection 5601.7, *Seizure*, of the IFC is hereby amended by adding subsection 5601.7.1, *Seizure of Fireworks*, to read as follows:

5601.7.1 Seizure of fireworks. Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, sell at retail, or use or explode any fireworks; provided, the Fire Code official or authorized official may issue permits for supervised public displays of fireworks by jurisdiction, fair association, amusement parks, and other organizations for the use of fireworks by artisans in pursuit of their trade in accordance with the Fire Code. Every such use or display shall be handled by a competent operator approved by the Fire Code official or authorized official and shall be of such character and so located, discharged, or fired so as, in the opinion of the Fire Code official, after proper investigation, not to be hazardous to property or endanger any person. The Fire Code official or authorized official shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered, or exposed for sale, stored, or held in violation of this section.

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