

TITLE 6
FIRE REGULATIONS

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TITLE 6 FIRE REGULATIONS

CHAPTER 1

FIRE DEPARTMENT REGULATIONS

SECTIONS:

- 6-1-1 Duties
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6-1-1 Duties. The Chief of the Fire Department shall be the executive head of the Fire Department and his/her orders shall be obeyed by all members of the Department. The Fire Chief shall devote his/her entire time to the service of the City and shall not be absent from the City more than twenty-four (24) hours without notification to the Mayor or City Administrator. He/she shall have general charge of the property belonging to the City connected with and used by the Fire Department and shall see that it is kept in good repair and ready for immediate use at all times. He/she shall have his/her headquarters at the central station and shall maintain an adequate training program within the Fire Department. Whenever he/she is absent from the City, he/she shall notify the Assistant Chief or the Captain in command at the central station.

6-1-2 Authority for Enforcement. Under the chiefs direction, the Fire Department is authorized to enforce all ordinances of the jurisdiction pertaining to:

- (a) The prevention of fires.
- (b) The suppression or extinguishing of dangerous or hazardous fires.
- (c) The storage, use and handling of hazardous materials.
- (d) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.

- (e) The maintenance and regulation of fire escapes.
- (f) The maintenance of fire protection features and the elimination of fire hazards on land and in buildings, structures and other property, including working with the Building and Zoning Department in review of structures under construction.
- (g) The maintenance of exits.
- (h) The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

6-1-3 Powers. The Chief of the Fire Department may peremptorily suspend or discharge any subordinate then under his/her direction for neglect of duty, disobedience of orders, misconduct, or failure to perform his/her duties properly.

6-1-4 Fire Prevention Rules. The Chief, with the approval of the City Administrator, is authorized to make and enforce such rules and regulations for the prevention and control of fires and fire hazards as may be necessary from time to time to carry out the intent of all local fire prevention laws and ordinances.

6-1-5 Authority at Fires and Other Emergencies.

- (a) General. The Chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of duty. In the exercise of such power, the Chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which may impede or interfere with the operations of the fire department and, in the judgment of the chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.
- (b) Barricades. The Chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accident or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

6-1-6 May Demolish Buildings. The Chief of the Fire Department or designated Officer in Charge shall have the power to tear down, demolish, destroy, or otherwise remove any building or erection of any kind or to order the same to be done whenever, in his/her opinion and judgment, it is necessary to do so in order to arrest the progress of or to extinguish any conflagration.

6-1-7 Resignations; Duty at Fires. No member of the fire department shall resign at the time of an emergency or shall willfully fail or neglect to discharge his/her duty at such time.

6-1-8 Records of Fires. The Chief of the Fire Department shall keep a record of all emergency calls and all the facts concerning the same, including statistics, as to the circumstances surrounding such emergencies and the injuries or damage caused thereby.

6-1-9 Investigations. The Fire Department is authorized to promptly investigate the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to persons or destruction or damage to property and, if it appears that such fire is of suspicious origin, they are authorized to take immediate charge of all physical evidence relating to the cause of the fire and are authorized to pursue the investigation to its conclusion.

The Chief, Officer in Charge, or designated representative is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials.

6-1-10 Buildings; Apparatus. The Chief of the Fire Department shall have exclusive supervision and control of engines, machinery, or apparatus used by the Fire Department. It shall be the duty of the Chief of the Fire Department to make inspections as often as deemed necessary, to carefully examine the condition of all such property, including buildings, and see that the same is at all times in good repair and condition, and to report to the City Administrator any major defect in the same, or any major repairs, attention, alterations, or additions required, and shall, with the consent of the Mayor and Council, cause all such major repairs to be made without delay.

6-1-11 False Information. No person shall, without reasonable cause therefore, for the purpose of either misleading or deceiving, give any alarm of fire, or give or circulate false information as to the location of any bomb, explosive, or other hazardous device or dangerous instrument upon the premises of any building or property or permit said false alarm or information to be given verbally or through any alarm or communication system.

6-1-12 Outside City Limits. The fire fighting equipment owned by the City shall not leave the corporate limits of the City except under the following conditions:

- (a) In response to calls where specified fire agreements have been approved by the City Council.
- (b) In response to a call for properties owned by the City outside the City Limits.
- (c) In case of emergencies other than buildings, fire department trucks and equipment may respond if deemed advisable by the Fire Chief, or his/her designated representative; provided, however, that there is no present demand from within the City.
- (d) Where mutual-aid agreements exist with other governmental units, a City truck may respond to that call; provided, however, that there is no present demand from within the City.
- (e) In response to calls from Lock and Dam No. 16.
- (f) For special events or activities as may be approved by the City Administrator and City Council.

6-1-13 Priorities. For the purpose of clarification, the priority of calls shall be as follows:

- (a) Calls within the Corporate Limits of the City.
- (b) Calls listed in subsections (a) through (f) of Section 6-1-12 of this Chapter, as prioritized by the Chief.

6-1-14 Decisions. If any situation arises under the preceding Sections of this Chapter which calls for a decision, that decision shall be made by the Fire Chief or the officer in charge of the Fire Department at the time of the call.

6-1-15 Fire Department Employees Outside Corporate Limits. Fire department employees operating equipment owned by the City outside the corporate limits of the City, under the provisions of this Chapter, shall be entitled to all the rights and privileges as provided in the Code of Iowa; relative to disabled and retired fire fighters, and providing a retirement system for fire fighters, and acts amendatory thereto.

6-1-16 Fire in Public Places; Notice.

- (a) No person, by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner, in which lighters or matches are employed, shall in a careless, reckless, or negligent manner whatsoever, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, or any household fittings in any sleeping room, lodging house, or room of any hotel, rooming house, or other place of public abode, so as to endanger life or property in any way or to any extent.
- (b) In each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode, a plainly printed notice shall be posted in a conspicuous place advising tenants of the provisions of this Section.

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CHAPTER 2

OPEN BURNING

SECTIONS:

- 6-2-1 No Open Burning; Permit Required
- 6-2-2 Open Burning Permit Purposes
- 6-2-3 Hours Open Burning Permitted
- 6-2-4 Open Burning Restrictions

6-2-1 No Open Burning; Permit Required. There will be no open burning within the corporate City Limits without a permit having been issued by a representative of the Fire Department or by special exception of City Council.

6-2-2 Open Burning Permit Purposes. Permits for open burning will be issued for the following purposes:

- (A) Bon fires by organizations such as the Muscatine High School, Boy Scouts, Girl Scouts, churches, etc., with the purpose of these bon fires being directed towards raising school spirit, ceremonial events and so on.
- (B) Wiener roasts, which would be limited to the actual purpose of having a wiener roast and not for the intent of burning large quantities of brush or other combustible material.
- (C) Burning of actual prairie grass fields with the prior approval of appropriate Parks and Recreation personnel.
- (D) Individuals, who have property of one acre or more, or developed for other approved purposes may be issued permits to burn leaves, organic matter, brush and trees, gathered from that property, but not for building materials. Prior to the permit being issued, the fire department representative will attempt to insure the fire poses no problem with relation to smoke obscuring roadways, creating a nuisance or of the fire spreading beyond the control of the responsible individual.
- (E) Fire Department training activities including fires in structures and small fires started for fire extinguisher classes.

6-2-3 Hours Open Burning Permitted. Open burning, when permitted, shall be done only between the hours of 7:00 a.m. and 9:00 p.m. on the days stipulated on the permit. Fires shall not be allowed to burn or smolder outside that time period.

6-2-4 Open Burning Restrictions.

- (A) Open burning shall not be conducted within 50 feet of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet of a structure shall be eliminated prior to ignition.
- (B) A hose connected to an adequate water supply or other approved fire-extinguishing equipment shall be readily available for use at open burning sites.
- (C) Burning material shall be constantly attended by a person knowledgeable of the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
- (D) The chief is authorized to require that open burning be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief to constitute a hazardous condition.
- (E) Open burning on any street or alley within the City is prohibited.

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CHAPTER 3

FIRE PREVENTION CODES

SECTIONS:

- 6-3-1 Adoption of Fire Prevention Codes
- 6-3-2 Establishment and Duties of Bureau of Fire Prevention
- 6-3-3 Definitions
- 6-3-4 Amendments Made in the Uniform Fire Code
- 6-3-5 Appeals
- 6-3-6 Penalties
- 6-3-7 Hazardous Materials

6-3-1 Adoption of Fire Prevention Codes. Pursuant to published notice and public hearing as required by the Code of Iowa, the document entitled “International Fire Code”, 2006 Edition, as amended and published by the International Code Council, is hereby adopted by reference as the Fire Code for the City of Muscatine, Iowa, and is made a part hereof as if fully set out in this ordinance. An official copy of said code is on file in the office of the City Clerk.

6-3-2 Establishment and Duties of Bureau of Fire Prevention. The fire prevention codes adopted by the City Council shall be enforced by the Bureau of Fire Prevention in the fire department of the City of Muscatine, Iowa, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department, Fire Marshal, Fire Inspector, or the designated representative(s).

6-3-3 Definitions. Wherever the word “jurisdiction” is used in any of the fire prevention codes, it is the City of Muscatine, and all properties outside the corporate City limits which are owned by, or have signed contracts for the provision of Fire Department Services with, the City of Muscatine.

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 5/5/94 85478
 88186-1101
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6-3-4 Amendments Made to the International Fire Code. The International Fire Code is amended and changed in the following respects:

Delete Section 3301.1.3 (fireworks)

Delete Section 3302.1 definition of fireworks

Delete Section 307 in its entirety. (open burning)

Delete Section 401 in its entirety. (false reporting)

6-3-5 Appeals. Whenever the Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of a provision of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Fire Code Board of Appeals within 30 days from the date of the decision.

6-3-6 Penalties.

- (A) No person shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or shall violate or fail to comply with any order made thereunder, or shall operate or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or shall fail to comply with such an order of the Chief as affirmed by the Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, or shall severally for each and every such violation and noncompliance, respectively, be guilty, as elsewhere set out in the City Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.
- (B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

6-3-7 Hazardous Materials.

- (A) Definitions of terms pertaining to the prevention, control and mitigation of dangerous conditions related to the storage, dispensing, use, handling, and transportation of hazardous materials shall be as defined in Chapter 27, Section 2701.2.2.1 and 2701.2.2.2 of the International Fire Code, as adopted in Section 1 of this chapter.
- (B) The person, firm, or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the chief, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge.
- (C) Costs associated with the response of the City of Muscatine to any unauthorized discharge shall be borne by the owner, operator or other person responsible for the unauthorized discharge.
- (D) In the absence of an assignment of responsibility for costs to an owner, operator or other responsible person, the costs associated with cleanup or response shall be borne by the owner of the hazardous material.

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CHAPTER 4

FIREWORKS AND EXPLOSIVES

SECTIONS:

- 6-4-1 Explosives, Retail Sales
- 6-4-2 Storage Requirements, Explosive Gunpowders
- 6-4-3 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited
- 6-4-4 Fireworks Defined
- 6-4-5 Use, Possession, or Sale Unlawful
- 6-4-6 Bond for Fireworks Display Required
- 6-4-7 Disposal of Unfired Fireworks
- 6-4-8 Exception
- 6-4-9 Seizure of Fireworks

6-4-1 Explosives, Retail Sales. Storage, handling, and display of sporting gunpowders, primers, percussion caps and ammunition shall be in accordance with the provisions of the Uniform Fire Code, Article 77. A permit from the Fire Department is required for storage, handling, display and sales of such explosives.

6-4-2 Storage Requirements, Explosive Gunpowders. Other than as provided for Retail Sales in Section 6-4-1, no person shall be permitted to keep more than twenty-five (25) pounds of gunpowder or five (5) pounds of black powder in any building. Powder shall be kept in closed kegs or metallic canisters in a place secure from fire, and where it can easily and safely be removed in case of fire. Nothing in this Section shall be so construed as to prevent persons from keeping powder in smaller quantities for common hunting purposes, or the legal transportation thereof, as permitted by State or Federal authorities.

6-4-3 Establishments of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited. The limits referred to in the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as the corporate City limits of the City of Muscatine, except as specifically allowed by the Chief, such as, but not limited to, what is permitted in 6-4-4, Fireworks Defined. The City Council shall have power to adopt reasonable rules and regulations for granting of permits for use of explosives.

6-4-4 Fireworks Defined. The term "fireworks" shall mean and include any explosive composition, or combination of explosive substances, or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, fire crackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction and any fireworks containing any explosives or inflammable compound or other device containing any explosive substance. The term "fireworks" shall not include gold star producing sparklers on wires, which contain no magnesium or chlorate or perchlorate, flitter sparklers or paper tubes that do not exceed 1/8 of an inch in diameter, toy snakes which contain no mercury, nor paper caps containing an average of twenty five hundredths of a grain of explosive content per cap or less used in cap pistols.

6-4-5 Use, Possession, or Sale Unlawful.

- (A) Except as hereinafter provided, it shall be unlawful for any person to possess, store, expose for sale, sell or retail or use or explode any fireworks, provided, that the City Council shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such use or display shall be handled by a competent operator approved by the Chief and shall be of such character and so located, discharged or fired so as, in the opinion of the Chief after proper investigation, not to be hazardous to property or endanger any person.
- (B) Application for permits shall be made in writing to the City Council at least one week in advance of the last Regular City Council meeting prior to date of the display. After such privilege shall be granted, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

6-4-6 Bond for Fireworks Display Required. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the City Council for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors.

6-4-7 Disposal of Unfired Fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

6-4-8 Exception. Nothing in this article shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

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6-4-9 Seizure of Fireworks. The Chief 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 article.

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CHAPTER 5

FIRE INSPECTIONS

SECTIONS:

- 6-5-1 Inspections
- 6-5-2 Nationally Recognized Standards
- 6-5-3 Alternate Materials and Methods
- 6-5-4 Technical Assistance
- 6-5-5 Liability
- 6-5-6 Validity

6-5-1 Inspections. The Fire Prevention Bureau shall inspect, as often as the Chief deems necessary, buildings and premises, including such other hazards or appliances as the Chief may designate for the purpose of ascertaining and causing to be corrected any conditions or violations of provisions of this code or of any other law or standard affecting fire safety.

6-5-2 Nationally Recognized Standards. Where no applicable standards or requirements are set forth or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Chief shall be deemed as prima facie evidence of compliance with the intent of this ordinance. Nothing contained in this title shall derogate from the power of the Chief to determine compliance with codes or standards for those activities or installations within the Chief's jurisdiction or responsibility.

6-5-3 Alternate Materials and Methods.

- (A) Practical Difficulties. The Chief is authorized to modify any of the provisions of local fire prevention laws and ordinances upon application in writing by the owner, a lessee or a duly authorized representative where there are practical difficulties in the way of carrying out the provisions of said law or ordinance, provided that the spirit of the law or ordinance shall be complied with, public safety secured and substantial justice done. The particulars of such modification and the decision of the Chief shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

- (B) Alternate Materials. The Chief, on notice to the Building Official, is authorized to approve alternate materials or methods, provided that the Chief finds that the proposed design, use or operation satisfactorily complies with the intent of the local law or ordinance and that the material, method of work performed or operation is, for the purpose intended, at least equivalent to that prescribed in quality, strength, effectiveness, fire resistance, durability and safety. Approvals under the authority herein contained shall be subject to the approval of the Building Official whenever the alternate material or method involves matters regulated by the Building Code.
- (C) Proof of Compliance. The Chief is authorized to require tests as proof of compliance with the intent of this code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

6-5-4 Technical Assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the Chief is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety specialty organization acceptable to the Chief and the owner and shall analyze the fire-safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes.

6-5-5 Liability. The Chief and other individuals charged by the Chief with the control or extinguishment of any fire, the enforcement of this chapter, any fire prevention law or ordinance, or any other official duties, acting in good faith and without malice in the discharge of their duties, shall not thereby be rendered personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of their duties. Any suit brought against the Chief or such individuals because of such act or omission performed in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this chapter or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this chapter or any permits or certificates issued.

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6-5-6 Validity. If any provision of any chapter of this Title or the application thereof to any person or circumstance is held invalid, the remainder of City Code and the application of such provision to other persons or circumstances shall not be affected here