

ORDINANCE NO. 038-07

AN ORDINANCE AMENDING CHAPTER 37 OF THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 37 AND ENACTING A NEW CHAPTER 37 IN LIEU THEREOF AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Municipal Code, of the City of Cedar Rapids, Iowa, is amended as follows:

Section 1. That Chapter 37, Municipal Code, City of Cedar Rapids, Iowa, be repealed, and the following new Chapter 37 be enacted in lieu thereof:

“CHAPTER 37

FIRE CODE

37.01 INTERNATIONAL FIRE CODE ADOPTED. Except as hereinafter added to, deleted, modified, or amended, there is hereby adopted as the Fire Code of the City of Cedar Rapids, Iowa, that certain fire code known as the International Fire Code, 2006 Edition (Second Printing April 2006) hereinafter to be known as the IFC, including Appendices B, C, D, E, F, and G 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 the storage, handling, and using of hazardous substances, materials, and devices, and from conditions hazardous to life or 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 of Cedar Rapids, Iowa, and shall be known as the Cedar Rapids Fire Code.

37.02 The Cedar Rapids Fire Code is hereby amended by adding sections 104.12, 104.12.1 and 104.13 to Section 104 of the IFC as follows:

Section 104.12 Fire Prevention Personnel and Police. The code official and members of Fire Prevention shall have the powers of a peace officer in performing their duties under this Code.

Section 104.12.1 The Chief may appoint and designate such members of the Fire Department as fire / police investigators upon being certified by the Iowa Law Enforcement Academy. Fire / police investigators shall have the powers of a peace officer in performing their duties under this Code, including full powers of arrest to effectuate their duty of enforcing city ordinances and state codes.

Notwithstanding his / her status as a peace officer, a fire / police investigator shall be subject to the rules and regulations of the Cedar Rapids Fire Department

for all purposes and shall perform such functions, as the Fire Chief shall assign.

Section 104.13 Stopping Uses, Evacuation. The 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 or life safety hazard.

- 37.03** The Cedar Rapids Fire Code is hereby amended by repealing Section 108.1 of the IFC, and replacing it with the following new Section 108.1:

Section 108.1 Board of Appeals Established. In order to hear and decide appeals concerning the suitability of alternate materials and methods of construction and to hear and decide appeals of determinations made by the fire marshal or the building official or designated representative concerning interpretations of the provisions of this Fire Code or the International Building Code, there shall be and is hereby created a joint Board of Appeals for the Fire and Building Codes, consisting of seven members whose place of business, residence, or work is located in the City of Cedar Rapids, Iowa, and who are qualified by experience and training to pass upon matters pertaining to the fire and building codes. The fire marshal or designee shall be an ex-officio member and shall act as Secretary of the Board for appeals involving this Fire Code. The building official or designee shall be an ex-officio member and shall act as Secretary of the Board for appeals involving the International Building Code. The Board of Appeals shall be appointed by the Mayor with approval of the City Council. The present Board members shall serve the remainder of their appointed terms or until their successors are duly appointed and qualified. All successive appointments or re-appointments shall be for three year terms. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the fire marshal, with a duplicate copy to the appellant. The Board shall have no authority to waive requirements of this Fire Code or the International Building Code.

- 37.04** The Cedar Rapids Fire Code is hereby amended by adding Sections 112, 113 and 114 to Chapter 1 of the IFC as follows:

Section 112 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 code official shall be guilty of a misdemeanor.

Code officials, or designees, are herewith authorized to issue and deliver citations on forms prepared and approved by the City Attorney's Office to persons accused of violating any of the provisions of this Ordinance.

Section 113 Permits and Other Fees required. The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe the fees required for permits set forth in Section 105 of the IFC.

Section 114 Other Fees. The City Council of the City of Cedar Rapids, Iowa may by resolution prescribe the occasions when fees for Fire Department response or services are required and the fees required for such response or services.

37.07 The Cedar Rapids Fire Code is hereby amended by adding or replacing the following definitions in Section 202 of the IFC:

ALARM USER. Any person or business on whose premises a fire alarm system or sprinkler system is located within the City of Cedar Rapids.

CENTRAL BUSINESS DISTRICT. The City area from the Cedar River to and including the easterly side of 5th St SE and from the southerly side of C Ave NE to the northerly side of 8th Ave SE.

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

CODE OFFICIAL. The Chief Officer of the fire department, the Fire Marshal, or the Chief's authorized representative.

CONFINED SPACE. A space that (1) is large enough and so configured that an employee can bodily enter and perform assigned work; and (2) has limited or restricted means for entry or exit, such as tanks, vessels, silos, storage bins, hoppers, vaults, and pits; and (3) is not designed for continuous employee occupancy.

CONFINED SPACE RESCUE TEAM. Trained Fire Department personnel designed to rescue employees from permit-required confined spaces OR a confined space rescue team which complies with all Federal, State, and Local requirements.

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. A residential occupancy such as: Apartment building, or condominium, or townhouse, or similar buildings with similar use.

PERMIT-REQUIRED CONFINED SPACE. A confined space that has one or more of the following characteristics; (1) contains or has a potential to contain a hazardous atmosphere; (2) contains a material that has the potential for engulfing an entrant; (3) has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or be a floor which sloped downward and tapers to a smaller cross-section; or (4) contains any other recognized serious safety or health hazard.

QUALIFIED PERSON. Sprinkler or Fire Alarm System design. A qualified person for plan design shall have a minimum National Institute for Certification in Engineering Technologies [NICET] Level III certification for fire 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 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 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 installation. A qualified person for Fire Alarm System Inspection, Testing, and Maintenance shall be NICET Level II certified, OR be factory trained or 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 code official.

- 37.08** The Cedar Rapids Fire Code is hereby amended by adding the following Section 305.5 to Section 305 of the IFC:

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

- 37.09** The Cedar Rapids Fire Code is hereby amended by repealing Section 308.3.1.1 of the IFC and replacing it with the following new Section 308.3.1.1:

Section 308.3.1.1 Liquefied-Petroleum-Gas Fueled Cooking Devices. LP-gas fueled grills having an LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [nominal 1 pound (0.454 kg)] LP-gas capacity shall not be located on balconies above grade in multi-family complexes.

Exception: Balconies which are served by outside stairways which are not required exits, AND when such stairways are used to transport the container.

- 37.10** The Cedar Rapids Fire Code is hereby amended by adding Section 401.3.4. to Section 401 of the IFC as follows:

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

- 37.11** The Cedar Rapids Fire Code is hereby amended by adding the following Section 409 to Chapter 4 of the IFC:

Section 409 Permit Required – Confined Space. Employers that have one or more Permit-Required Confined Space(s) shall identify an approved Confined Space Rescue

Team service in their emergency plan. Fees as established by City Council may be assessed to employers who choose to identify the Fire Department as their Confined Space Rescue Team.

- 37.12** The Cedar Rapids Fire Code is hereby amended by repealing Section 503.2.1 of the IFC and replacing it with the following:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have a level unobstructed width of not less than 28 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Exceptions:

1. Fire apparatus access road width may be reduced to 24 feet of level unobstructed width when such access roads meet the definition of a Private Street as set forth in Chapter 31 of the Municipal Code of the City of Cedar Rapids subsection 31.03 (d) 2 Private Streets.
2. The width may be reduced when access roads will be exclusively used for fire apparatus and when approved by the code official.
3. Upon approval of the code official, vertical clearance may be reduced, provided such clearance does not impair access by fire apparatus, and approved signs are installed and maintained indicating the established vertical unobstructed clearance.

- 37.13** The Cedar Rapids Fire Code is hereby amended by repealing Section 505.1 of the IFC and replacing it with the following new Section 505.1:

Section 505.1 Address numbers. New and existing building shall have approved address numbers, building numbers or building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. From 0 – 99 ft. from the street numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). For each additional 100 ft from the street, the number shall increase by an additional 2 in height. Measurements to determine the minimum number size shall be measured from the approved address location to the center line of the street for which the premises is addressed.

- 37.14** The Cedar Rapids Fire Code is hereby amended by deleting Exception 2 of section 508.5.1 of the IFC.

- 37.15** The Cedar Rapids Fire Code is hereby amended by adding Section 805.4 to Section 805 of the IFC as follows:

Section 805.4 Upholstered furniture all other occupancies. Upholstered furniture for use within fire rated corridor spaces or for use in Assembly Occupancies shall be compliant with California Technical Bulletin 133.

Exception 1. Where corridor spaces or an Assembly Occupancy is fully sprinkler protected in accordance with 903.3 upholstered furniture shall comply with NFPA 260 or California Technical Bulletin 117.

Exception 2. The Code official may allow an alternative design where the foam material is Combustion Modified High Resilient (CM HR) and the fabric is compliant with California Technical Bulletin 117 and threads used are fire resistant.

37.16 The Cedar Rapids Fire Code is hereby amended by adding Sections 901.1.1, 901.4.5 and 901.6.3 to Section 901 of the IFC as follows:

Section 901.1.1 Existing Operations. Section 904.11 and 904.11.5 shall apply to existing commercial cooking operations.

Exception: Existing commercial cooking where deep fat fryers, or similar units, are NOT being used.

901.4.5 Qualifications.

1. Water Based Fire Protection Systems. Working plans submitted to the fire department for water based fire protection systems shall be stamped and approved by a qualified person as being in compliance with applicable NFPA standards and the Cedar Rapids Fire Code. Any changes to the working plans shall be approved by a qualified person.

Installation of Water Based Fire Protection Systems. Water Based Fire Protection Systems shall be installed by or overseen by a qualified person. This qualified person shall verify that all installations comply with the working plans. A Water Based Fire Protection System Record of Inspection form shall be accurately completed and submitted by the qualified person with the same information as shown in NFPA 25 2002 Edition, Annex B (including the Back flow Prevention Assembly Test and Maintenance Record).

2. Fire Alarm Systems. Working plans submitted to the fire department by a qualified person for fire alarm systems water based fire protection systems shall be stamped and approved by a qualified person as being in compliance with applicable NFPA standards and the Cedar Rapids Fire Code. Any changes to the working plans shall be approved by a qualified person.

Installation of Fire Alarm Systems. Fire Alarm Systems shall be installed by, or overseen by, a qualified person. This qualified person shall verify that installations comply with the working plans. A Fire Alarm System Record of Completion form shall be accurately completed and submitted by the qualified person containing at least the information as shown in Figure 4.5.2.1 NFPA 72 2002 Edition.

901.6.3 Qualifications.

1. Inspection, Testing, and Maintenance for Water Based Fire Protection Systems.

Inspection, Testing, and Maintenance for Water Based Fire Protection Systems shall be conducted by a qualified person. A Water Based Fire Protection System Record of Inspection form shall be completed annually with the same information as shown in NFPA 25 2002 Edition, Annex B.

2. Inspection, Testing, and Maintenance for Fire Alarm Systems. Inspection, Testing, and Maintenance for Fire Alarm Systems shall be conducted by a qualified person. A Fire Alarm Inspection and Testing form shall be accurately completed and submitted by the qualified person containing at least the information as shown in Figure 10.6.2.3 NFPA 72 2002 Edition.

37.19 The Cedar Rapids Fire Code is hereby amended by repealing Section 903.2.7 Group R of the IFC, and replacing it with the following new section:

Section 903.2.7 Group R. An automatic sprinkler system in compliance with Section 903.3, as applicable, shall be provided throughout buildings having a Group R fire area where one of the following conditions exists:

1. The Group R fire area is located more than two stories in height above grade.
2. The building contains more than four (4) guestrooms, dwelling units, or combination thereof in a Group R Occupancy.
3. This building includes a Group R-4 fire area.
4. Any new Group R fire area is located in a building with any other occupancy, excluding private garages.

For the purposes of this section, portions of a building separated by one or more firewalls shall not be considered separate buildings.

37.20 The Cedar Rapids Fire Code is hereby amended by repealing Section 903.4.2 Alarms of the IFC and replacing it with the following new section:

Section 903.4.2 Alarms. Approved audible visual devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. An approved audible visual sprinkler flow alarm device shall be provided on the exterior of the building in an approved location. Approved audible visual alarm(s) to alert the occupants shall be installed on each level of the interior of the building in normally occupied location(s) as required by the code official. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

37.21 The Cedar Rapids Fire Code is hereby amended by deleting the Exception for 906.1 Item 1 from the IFC.

37.22 The Cedar Rapids Fire Code is hereby amended by adding Section 907.1.3 to Section 907 of the IFC as follows:

Section 907.1.3 Manual Fire Alarm Boxes. Where in the opinion of the code official manual fire alarm boxes may be used to cause false alarms, the code official is authorized to modify the requirements for manual fire alarm boxes.

- 37.23** The Cedar Rapids Fire Code is hereby amended by adding Section 1004.10 to Section 1004 of the IFC as follows:

Section 1004.10 Overcrowding. Overcrowding and admittance of persons beyond the approved capacity of a place of assembly are prohibited. The code official, upon finding overcrowding conditions or 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.

- 37.24** The Cedar Rapids Fire Code is hereby amended by repealing Section 2403.1 of the IFC and replacing it with the following new Section 2403.1:

Section 2403.1 Scope. All temporary tents and membrane structures shall comply with this section.

- 37.25** The Cedar Rapids Fire Code is hereby amended by adding the following Exception to Section 2403.12.6.1 of the IFC:

Exception. Internally or externally illuminated exit signs are NOT required in tents when all of the following conditions are met: 1. The tent is not occupied after sunset 2. The tent is not provided with any artificial lighting. 3. The tent has a minimum of 5 foot candle of natural external lighting for non-lit exit signs during the hours the tent is open to the public

- 37.26** The Cedar Rapids Fire Code is hereby amended by adding the following Exception 1 to Section 2403.12.7 of the IFC:

Exception. Means of egress is not required to be artificially illuminated when all of the following conditions are met: 1. The tent is not occupied after sunset 2. The tent is not provided with any artificial lighting 3. The tent has a minimum of 1 foot candle of natural external lighting for the means of egress during the hours the tent is open to the public.

- 37.27** The Cedar Rapids Fire Code is hereby amended by adding the following sentence to the end of Section 2703.5 of the IFC:

Section 2703.5 Hazard Identification Signs. Signs shall also comply with the Iowa Right to Know Law.

- 37.28** The Cedar Rapids Fire Code is hereby amended by adding the following Section 2703.13 to Section 2703 of the IFC:

Section 2703.13 Tier II Reporting. Facilities reporting hazardous chemical inventories in excess of their Threshold Planning Quantities pursuant to Section 312 of the Emergency Planning and Community Right to Know Act shall use an approved

electronic "Emergency and Hazardous Chemical Inventory" form or show reason to use paper forms and submit the electronic or paper form prior to March 1 of each year.

37.29 The Cedar Rapids Fire Code is hereby amended by adding the following Sections to Section 3301 of the IFC:

Section 3301.1.3.1 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 that the code official or authorized official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the code official or authorized official and shall be of such character and so located, discharged, or fired so as, in the opinion of the code official, after proper investigation, not to be hazardous to property or endanger any person.

The 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 article.

Section 3301.2.5 Permit Submittal. Application for a permit shall be submitted with all required information not less than 14 days before a proposed event requiring a permit by Chapter 33 of this Code, or as approved by the code official."

Section 2. Separability. It is the intent of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision..

Section 3. Adoption. That changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 4. Penalty. That any person, firm or corporation violating any provision, section, paragraph or sentence of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not more than \$500.00 or by imprisonment of not more than 30 days. That each day a violation occurs shall constitute a separate offense.

Additionally, violation of any provision, section, or paragraph of this ordinance constitutes a municipal infraction subject to all of the penalties and other relief provisions as set forth in Iowa Code Section 364.22 (2007).

That likewise as part of the penalty provision of this Ordinance, Sections 1.06 and 1.12 of the Municipal Code, City of Cedar Rapids, Iowa, are adopted, and shall apply to this Ordinance, and supersede the penalty clause as above provided when this Ordinance is incorporated into and made a part of the Municipal Code, City of Cedar Rapids, Iowa, and such penalty clause is herewith adopted and made applicable to all violations of this Ordinance.

Section 5. Effective Date. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 8th day of August, 2007

Passed this 15th day of August, 2007.

Kay Halloran, Mayor

Attest: Ann Allinger, City Clerk