ORDINANCE NO. 039-24

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CHAPTER 37 THEREOF ENTITLED " FIRE CODE;" AND ENACTING AND ADOPTING A NEW CHAPTER 37 IN LIEU THEREOF ENTITLED "FIRE CODE", BEING THIS ORDINANCE HEREAFTER SET OUT, WHICH ADOPTS BY REFERENCE, WITH CERTAIN AMENDMENTS, THE INTERNATIONAL FIRE CODE, 2021 EDITION FIRST PRINTING, INCLUDING APPENDICES B, C, D, E, F, AND G, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.

WHEREAS, regulating conditions hazardous to life and/or property from fire or explosion in the City of Cedar Rapids, Iowa; continuing the fire marshal's office and providing officers thereof, and defining their powers and duties in the issuance of permits and collection of fees thereof; providing penalties for the violation thereof; regulating the prohibition, storage, handling, and use of flammables or combustibles or hazardous materials; and repealing all ordinances or parts of ordinances in conflict therewith.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. Chapter 37 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Chapter 37 is enacted as follows:

"FIRE CODE

37.1 FIRE CODE.

37.2 103 CODE COMPLIANCE AGENCY.

37.3 103.1 CREATION OF AGENCY.

37.4 104.13 FIRE MARSHAL'S OFFICE PERSONNEL AND LAW ENFORCEMENT OFFICERS/INVESTIGATOR.

37.5 104.14 STOPPING USE, EVACUATION.

37.6 107.7 PERMIT AND FEES.

37.7 111 MEANS OF APPEALS.

37.8 115 CITATION.

37.9 202 GENERAL DEFINITIONS.

37.10 305.6 RECKLESS USE OF FIRE.

37.11 308.1.9 LIQUEFIED-PETROLEUM-GAS CONTAINER.

37.12 401.3.4 FALSE ALARM.

37.13 408 PERMIT REQUIRED – CONFINED SPACE.

37.14 503.2.1 DIMENSIONS.

37.15 505.1 ADDRESS NUMBERS.

37.16 805.5 UPHOLSTERED FURNITURE, ALL OTHER OCCUPANCIES.

37.17 901.11 QUALIFICATIONS (SYSTEM PLANS AND INSTALLATION).

37.18 903.2.8 GROUP R.

37.19 903.3.8.4 SUPERVISION.

37.20 903.4.2 ALARMS.

37.21 907.4.2.7 MANUAL FIRE ALARM ALTERNATIVE.

37.22 1205.3.2 (4) INTERIOR PATHWAYS.

37.23 3103.12.7 EXCEPTION.

37.24 5003.5.2 IOWA RIGHT TO KNOW.

37.25 5003.13 TIER II REPORTING.

37.26 5601.2.5 PERMIT SUBMITTAL.

37.1 FIRE CODE.

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, 2021 Edition, including Appendices B, C, D, E, F, G.

(a) Section D107.1 is hereby modified by changing the following:

Developments of one- and two-family dwellings where the number of dwellings units exceeds 100 shall be provided with two separate and approved fire apparatus access roads.

Exception 1: Where there are more than 100 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, 2021 Edition, access from two directions shall not be required.

Exception 2: The number of dwelling units accessed from a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future development within 24 months or as determined by the Fire Code official.

(b) 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.

(c) This Chapter 37 of the Cedar Rapids Municipal Code shall be known as the "Fire Code".

37.2 103 CODE COMPLIANCE AGENCY.

The title of SECTION 103 entitled "CODE COMPLIANCE AGENCY" is hereby repealed and replaced with a new title as follows:

SECTION 103 FIRE MARSHAL'S OFFICE.

37.3 103.1 CREATION OF AGENCY.

Section 103.1 Creation of agency is hereby modified by replacing the words “INSERT NAME OF DEPARTMENT” with the words “Fire Marshal’s Office” as follows:

> Section 103.1 The Fire Marshal’s Office is hereby created and the official in charge therefor will be known as the fire code official. The function of the Fire Marshal’s Office shall be the implementation, administration and enforcement of the provisions of this code.

37.4 104.13 FIRE MARSHAL’S OFFICE PERSONNEL AND LAW ENFORCEMENT OFFICERS/INVESTIGATOR.

Section 104.13 entitled “Fire Marshal’s Office Personnel and Law Enforcement Officers/Investigator” is added as follows:

> Section 104.13 Fire Marshal’s Office Personnel and Law Enforcement Officers/Investigator. The Chief may appoint and designate such members of the Fire Department as investigators upon being certified by the Iowa Law Enforcement Academy. Investigators shall be authorized to engage in, or supervise the prevention, detection, investigation, or prosecution of/or the incarceration of any person for any violation of law. Investigators shall be authorized to carry a firearm and have the statutory power of arrest.
>
> A Law Enforcement Officer/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 Chief or his/her designee shall assign.

37.5 104.14 STOPPING USE, EVACUATION.

Section 104.14 entitled “Stopping Use, Evacuation” is added as follows:

> Section 104.14 Stopping Use, Evacuation. The fire code official or his/her designee 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.

37.6 107.7 PERMIT AND FEES.

Section 107.7 entitled “Permit and Fees” is added as follows:

> Section 107.7 Permit and Fees. The City Council of the City of Cedar Rapids, 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 Cedar Rapids, Iowa may by resolution prescribe the occasions when other fees for response or other fire department services are required.

37.7 111 MEANS OF APPEALS.

Section 111.1 entitled “Board of Appeals Established” is hereby repealed and replaced with a new Section 111.1 entitled “Board of Appeals Established” as follows:

> Section 111.1 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 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 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 adapt 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 Building Code.

37.8 115 CITATION.

A new Section 115 entitled “Citation” is hereby added as follows:

> Section 115 Citation. Persons operating or maintaining occupancy, premises, or vehicle subject to the requirements of this Fire 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 Attorney’s Office to persons accused of violating any of the provisions of this Ordinance.

37.9 202 GENERAL DEFINITIONS.

Section 202 entitled “GENERAL DEFINITIONS” shall by modified 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 Cedar Rapids, Iowa.
>
> CENTRAL BUSINESS DISTRICT. The City of Cedar Rapids area from the Cedar River to and including the easterly side of 5”‘ St SE & from the southerly side of C Ave NE to the northerly side of B”‘ 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.

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, or an alarm defined as an unwanted alarm by NFPA 72, which causes response of fire department apparatus and personnel.

MULTI-FAMILY COMPLEX: A residential occupancy such as an apartment building, condominium, 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 Ill certification for fire sprinkler system design OR have NICET Level Ill 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 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 fire code official.

37.10 305.6 RECKLESS USE OF FIRE.

A new Section 305.6 entitled Reckless Use of Fire is hereby added as follows:

Section 305.6. 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.

37.11 308.1.9 LIQUEFIED-PETROLEUM-GAS CONTAINER.

A new Section 308.1.9 entitled “Liquefied Petroleum-Gas Container” is hereby added as follows:

Section 308.1.9 Liquefied-Petroleum-Gas Container. Liquefied-petroleum (“LP”) gas containers 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.

37.12 401.3.4 FALSE ALARM.

A new Section 401.3.4 entitled “False Alarm” is hereby added 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.

37.13 408 PERMIT REQUIRED – CONFINED SPACE.

A new Section 408 entitled “Permit Required-Confined Space” is hereby added as follows:

Section 408 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.

37.14 503.2.1 DIMENSIONS.

Section 503.2.1 entitled “Dimensions” is hereby modified by replacing the words “20 feet” with the words “28 feet” and adding three exceptions as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 28 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, 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 fire code official.

3. Upon approval of the fire 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.

37.15 505.1 ADDRESS NUMBERS.

Section 505.1 entitled “Address Numbers” is hereby repealed and replaced with a new Section 505.1 as follows:

Section 505.1 Address Numbers. New and existing buildings 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. Where the fire code official requires, address shall also be located in an approved location along alleys which are visible from the alley. These numbers shall contrast with their background. Address numbers, building numbers, or building identification 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 inches 5 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. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure with address numbers not less than 6-inch height. Address numbers shall be maintained.

37.16 805.5 UPHOLSTERED FURNITURE, ALL OTHER OCCUPANCIES.

Section 805.5 entitled “Upholstered Furniture, All Other Occupancies” is added as follows:

Section 805.5 Upholstered Furniture All Other Occupancies. Upholstered furniture for use within fire rated corridor spaces or for use in Assembly Occupancies shall be fire resistant and compliant with California Technical Bulletin 117 or NFPA 261.

Exception 1. Where an Assembly Occupancy is fully sprinkler protected in accordance with 903.3 upholstered furniture shall not be required to be fire resistive, unless such upholstered furniture is located in a fire rated corridor or exit passageway.

37.17 901.11 QUALIFICATIONS (SYSTEM PLANS AND INSTALLATION).

A new Section 901.11 entitled “Qualifications” is hereby added as follows:

Section 901.11 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.

2. 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 (including the Backflow Prevention Assembly Test and Maintenance Record).

3. 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.

4. 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 NFPA 72.

37.18 903.2.8 GROUP R.

Section 903.2.8 Group R is repealed and shall be enforced pursuant to Chapter 33 of the Municipal Code being the Building Code.

37.19 903.3.8.4 SUPERVISION.

Additional verbiage is added to 903.3.8.4 Supervision that states: Post Indicating Valves or other sprinkler control valves accessible by the public shall be locked in the open position in addition to any other requirements required under this code.

37.20 903.4.2 ALARMS.

Section 903.4.2 entitled “Alarms” is hereby repealed and replaced with a new Section 903.4.2 as follows:

> 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, typically above the Fire Department Connection, tied only to the sprinkler water flow alarm and shall not be activated by other fire alarm system devices, such as a manual pull or a smoke detector. Approved audible visual alarm(s) to alert the occupants shall be installed on each level or in each suite of the interior of the building in normally occupied location(s) as required by the fire code official. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

37.21 907.4.2.7 MANUAL FIRE ALARM ALTERNATIVE.

A new Section 907.4.2.7 entitled “Manual Fire Alarm Alternative is hereby added as follows:

> Section 907.4.2.7 Manual Fire Alarm Alternative. Where in the opinion of the fire code official, manual fire alarm boxes may be used to cause false alarms, the fire code official is authorized to modify the requirements for manual fire alarm boxes and have the location(s) altered or the box(s) removed. Such alteration and the reasons for the alteration shall be recorded in the inspection file.

37.22 1205.3.2 (4) INTERIOR PATHWAYS.

A new Section 1205.3.2 (4) entitled “Centerline Axis Pathways is here by added as follows:

> Section 1205.3.2 (4) Centerline Axis Pathways. The centerline access pathways shall be provided in both axis of the roof. Centerline axis pathways shall run where the roof structure is capable of supporting fire fighters accessing the roof.

37.23 3103.12.7 EXCEPTION.

3103.12.7 entitled “Exception” is added as follows:

> Section 3103.12.7 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.

37.24 5003.5.2 IOWA RIGHT TO KNOW.

A new Section 5003.5.2 entitled “Iowa Right to Know” is added as follows:

> Section 5003.5.2 Iowa Right to Know. Hazard Identification Signs shall also comply with the Iowa Right to Know law.

37.25 5003.13 TIER II REPORTING.

A new Section 5003.13 entitled “Tier 11 Reporting” is added as follows:

> Section 5003.13 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 1st of each year.

37.26 5601.2.5 PERMIT SUBMITTAL.

A new Section 5601.2.5 entitled “Permit Submittal” is added as follows:

> Section 5601.2.5 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 this Code, or as approved by the fire code official.”

Section 2. It is the intention 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 provision affected by such decision.

Section 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

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

Introduced this 23rd day of July, 2024.

Passed this 13th day of August, 2024.

Voting: Council member Olson (Scott) moved the adoption of the ordinance; seconded by Council member Olson (Tyler). Adopted, Ayes, Council members Hoeger, Maier, Olson (Scott), Olson (Tyler), Overland, Poe, Todd, Vanorny and Mayor O'Donnell.

Tiffany D. O'Donnell, Mayor

Attest:

Alissa Van Sloten, City Clerk