

**TITLE 15**  
**FIRE REGULATIONS**

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## TITLE 15 – FIRE REGULATIONS CHAPTER 1 - FIRE DEPARTMENT

### SECTIONS:

- 15-1-1 Establishment and Purpose
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**15-1-1 Establishment and Purpose.** A Fire and Rescue 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 answer all emergency calls for which there is no other established agency, and to provide emergency rescue and ambulance service resulting from fire, accident or illness; and to undertake all other duties imposed upon said Fire and Rescue Department either by the Council or the laws of the State.

*(Code of Iowa, Sec. 364.16).*

**15-1-2 Organization.** The Department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

### **15-1-3 Duties.**

A. The Fire Chief, or other authorized officer of the Fire Department, shall perform all duties required by law or ordinance, including but not limited to the following:

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

1. Command. The Chief of the Fire Department shall be the executive head of the Fire Department and shall be charged with the duty of maintaining the efficiency, discipline, and control of the Fire Department. The members of the Fire Department shall, at all times be subject to the direction of the Fire Chief.
2. Investigation. The Chief of the Fire Department or the Chief's designee shall investigate into the cause, origin and circumstances of every fire occurring in the City by which property has been destroyed or damaged or which results in bodily injury to a person, and determine whether the fire was the result of natural causes, negligence or design.

*(Code of Iowa, Section 100.2)*

3. Notification. When death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, the fire official required by Section 100.2 of the Code of Iowa to make fire investigations, shall notify the state fire marshal's division

immediately. For all other fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the fire service, the fire official required by Section 100.2 to investigate shall file a report with the fire marshal's division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring which have an estimated damage of fifty dollars (\$50.00) or more and state for each incident the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, the origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incident. The report on each emergency response shall include the nature of the incident and other facts, statistics and circumstances concerning the emergency response.

*(Code of Iowa, Section 100.3)*

4. Duty to Order Corrections. The Fire Chief or an authorized subordinate who conducts an inspection under Section 100.12 of the Code of Iowa shall order the correction of a condition found to be in violation of any state, county or City fire safety ordinance.

*(Code of Iowa, Section 100.12)*

5. 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. Maintenance of Records. The Fire Chief 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.
7. Maintenance and Control of Property. The Fire Chief shall have exclusive supervision and control of engines, machinery, or apparatus used by the Fire Department. It shall be the duty of the Fire Chief 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.

#### **15-1-4 Departmental Authority.**

The Fire Chief or other authorized officer of the Fire Department shall have all authority granted by law or ordinance, including but not limited to the following:

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

- A. Enforce Laws. The Fire Chief or other authorized officer of the Fire Department may enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
- B. Technical Assistance. The Fire 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 Fire 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.

- C. Authority at Fires. The Fire Chief or other authorized officer of the Fire Department in charge of a fire scene which involves the protection of life or property, may 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 as deemed necessary in the reasonable performance of the Department's duties.

*(Code of Iowa, Section 102.2)*

- D. Control of Fire Scene. The Fire Chief or other authorized officer of the Fire Department in charge of a fire scene which involves the protection of life or property, may prohibit an individual, vehicle, or vessel from approaching a fire scene and may remove from the scene any object, vehicle, vessel, or individual that may impede or interfere with the operations of the Fire Department.

*(Code of Iowa, Section 102.2)*

- E. Barricade. The Fire Chief or other authorized officer of the Fire Department may 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 fire fighting 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, Section 102.3)*

- F. Demolition of Buildings. The Fire Chief 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.
- G. Control of Evidence. If any fire results in loss or injury to life or destruction or damage to property and appears of suspicious origin, the Fire Department is authorized to take immediate charge of all physical evidence relating to the cause of the fire.
- H. Investigation of Release of Hazardous Material. The Chief, Officer in Charge, or designated representative is authorized to investigate the cause, origin and circumstances of unauthorized releases of hazardous materials.
- I. Authority to Inspect. The Fire Chief or an authorized subordinate who is trained in fire prevention safety standards may enter a building or premises at a reasonable hour to examine the building or premises and its contents.

*(Code of Iowa, Section 100.12)*

J. 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.

**15-1-5 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.

**15-1-6 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 or Haz Mat (Hazardous Materials) 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 auto-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 and the response will not substantially reduce the availability of the equipment and manpower needed for adequate protection within City limits.
- 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.

*(Code of Iowa, Sec. 364.4 [2 & 3])*

**15-1-7 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 (G) of Section 15-1-6 of this Chapter, as prioritized by the Fire Chief.

**15-1-8 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.

**15-1-9 Required Training.** All members of the Fire Department shall have completed the training required by law prior to engaging in structural fire fighting. Any member of the Fire Department who serves in a capacity other than structural fire fighting at an emergency incident shall have received training based on the duties the member might perform at an emergency incident as required by law. All members of the Fire Department shall also meet the minimum annual in-service training as required by law.

*(IAC, 661-251.101(100B), 661-251.102(100B), and 661-251.10(100B))*

**TITLE 15 – FIRE REGULATIONS  
CHAPTER 2 – FIRE PREVENTION CODES**

SECTIONS:

- 15-2-1 Adoption of Fire Prevention Codes
- 15-2-2 Enforcement
- 15-2-3 Definitions
- 15-2-4 Amendments Made in the International Fire Code
- 15-2-5 Appeals
- 15-2-6 Penalties
- 15-2-7 Hazardous Materials

**15-2-1 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", 2015 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.

**15-2-2 Enforcement.**<sup>i</sup> The fire prevention codes adopted by the City Council shall be enforced by the Fire Chief or the Fire Chief's designated representative in the Fire Department of the City of Muscatine, Iowa.

**15-2-3 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.

**15-2-4 Amendments Made to the International Fire Code.** The International Fire Code is amended and changed in the following respects: <sup>ii</sup>

- A. Delete Section 307 in its entirety (open burning)
- B. Delete Section 401 in its entirety (false reporting)

**15-2-5 Appeals.** Whenever the Fire 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 Fire Chief to the City Council within 30 days from the date of the decision.

#### **15-2-6 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 Fire Chief as affirmed by the City Council 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, and subject to penalties as provided in Title 1 of this Code of Ordinances. 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.

#### **15-2-7 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 50, Section 5001.2.2.1 and 5001.2.2.2 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 Fire 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.

## **TITLE 15 – FIRE REGULATIONS CHAPTER 3 – FIRE INSPECTIONS**

### **SECTIONS:**

- 15-3-1 Inspections
- 15-3-2 Fees
- 15-3-3 Notice of Violation
- 15-3-4 Nationally Recognized Standards
- 15-3-5 Alternate Materials and Methods
- 15-3-6 Technical Assistance
- 15-3-7 Liability
- 15-3-8 Knox Box; Requirements, Definition, and Costs
- 15-3-9 Validity

**15-3-1 Inspections.** The Fire Department shall inspect, as often as the Fire Chief deems necessary, buildings and premises, including such other hazards or appliances as the Fire 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.

**15-3-2 Fees.** The inspection fees shall be in the amount as set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances. Fees shall be remitted to the City of Muscatine Fire Department no later than 30 days following the date of inspection. Failure to pay the inspection fee within 30 days of the inspection shall be deemed a violation of this Code of Ordinances and is punishable as provided in 15-3-3.

**15-3-3 Notice of Violation.** When the Fire Chief finds that inspection fees have not been paid within 30 days of the inspection, the Fire Chief is authorized to prepare a written notice of violation describing the facts constituting violation of this Chapter. If a recipient of a notice of violation does not pay the inspection by the due date set out in such notice, or request a trial before a judge or magistrate, a municipal infraction citation will be issued to the recipient by certified mail from the Fire Department. Said municipal infraction citation will result in a mandatory court appearance by the recipient as well as imposition of state mandated court costs if a finding of guilty is made by the court.

**15-3-4 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 Fire 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 Fire Chief to determine compliance with codes or standards for those activities or installations within the Fire Chief's jurisdiction or responsibility.

### **15-3-5 Alternate Materials and Methods.**

- A. **Practical Difficulties.** The Fire 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 Fire Chief shall be entered

upon the records of the department and a signed copy shall be furnished to the applicant.

- B. Alternate Materials. The Fire Chief, with the concurrence of the Building Official, is authorized to approve alternate materials or methods, provided that the Fire 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 Fire 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.
- D. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 15th through July 8th and December 26th through January 3rd, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.

**15-3-6 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 Fire 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 Fire 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.

**15-3-7 Liability.** The Fire Chief and other individuals charged by the Fire Chief with the control or extinguishments 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 Fire 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.

**15-3-8 Knox Box: Requirements, Definition, and Costs.**

- A. Knox Box Required. A Knox Box must be installed in commercial or industrial buildings which have fire detection, fire alarm, or fire suppression systems and are not occupied 24 hours a day 7 days week when access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life saving or firefighting purposes or as required by the Fire Chief or his designee. A Knox Box is also required for residential property consisting of six (6) or more residential dwelling units.
- B. Definition. A Knox Box is a key box placed on the exterior of a commercial or industrial building for rapid entry use by fire department personnel.
- C. Costs. The cost of purchase and installation of each Knox Box shall be paid by the building owner.

**15-3-9 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 hereby.

## **TITLE 15 – FIRE REGULATIONS**

### **CHAPTER 4 - EXPLOSIVES**

#### **SECTIONS:**

15-4-1 Explosives

15-4-2 Storage Requirements, Explosive Gunpowder

15-4-3 Establishment of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited

**15-4-1 Explosives.** Retail sales, storage, handling, and display of sporting gunpowders, primers, percussion caps and ammunition shall be in accordance with the provisions of the International Fire Code, Article 56. A permit from the Fire Department is required for storage, handling, display and sales of such explosives.

**15-4-2 Storage Requirements, Explosive Gunpowders.** Other than as provided for Retail Sales in Section 15-4-1, 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.

**15-4-3 Establishments of Limits of Districts in Which Storage of Explosives and Blasting Agents is to be Prohibited.** The limits referred to in the International 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 Fire Chief, such as, but not limited to, what is permitted in 6-3-2, Fireworks Defined. The City Council shall have power to adopt reasonable rules and regulations for granting of permits for use of explosives.

**TITLE 15 – FIRE REGULATIONS  
CHAPTER 5 – OPEN BURNING**

SECTIONS:

- 15-5-1 No Open Burning; Permit Required
- 15-5-2 Open Burning Permit Purposes
- 15-5-3 Permit Fees
- 15-5-4 Hours Open Burning Permitted
- 15-5-5 Open Burning Restrictions

**15-5-1 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. Non-permitted burning may be allowed in disaster situations as declared by the Fire Chief or Mayor. Disaster burning will require notification of the Fire Department and may include an onsite review prior to burning.

**15-5-2 Open Burning Permit Purposes.** Permits for open burning may 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 or cooking fires, which would be limited to the actual purpose of cooking food and not for the intent of burning large quantities of brush or other combustible material.
- C. Burning of actual prairie grass fields.
- D. Individuals who have property of one acre or more be issued permits to burn landscape waste, which commonly consists of leaves, organic matter, brush and trees gathered from that property. Building materials shall not be burned under this permit. 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. Such burning shall be done in piles that are easily controlled and extinguishable. Large piles cannot be used for open burning purposes.
- E. Fire Department training activities including fires in structures and small fires started for fire extinguisher classes. Verbal approval of the burn may be obtained in lieu of a written permit for this purpose only. Any training fire that involves the destruction of a structure shall be in accordance to Iowa Code Chapter 23, and all required paperwork and forms will be completed and submitted prior to such a burn.
- F. Outdoor fireplaces, including fire pits, fire rings, chimneys, and permanent outdoor campfire like structures. Liquefied petroleum gas fueled decorative devices are exempt from the permit requirement.
- G. Commercial burning of organic materials gathered on site, for clearing, grubbing and construction operations. Any such burning shall be limited to areas located at least one-fourth of a mile from any building inhabited by other than the landowner or tenant

conducting the burning. The controlled burning of any demolished building shall be in accordance with Iowa Code 23.2(3j).

**15-5-3 Permit Fees.** The fee for the issuance of a permit under this Chapter shall be set by resolution of the City Council and is listed in the Schedule of Permit and Other Licensing Requirements in Appendix B of this Code of Ordinances.

**15-5-4 Hours Open Burning Permitted.** Open burning, when permitted by Section 15-5-2(D), 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. Permits issued in accordance to 15-5-2(F) allow for burning of materials between the hours of 7:00 a.m. and 12:00 midnight on the days stipulated on the permit.

**15-5-5 Open Burning Restrictions.**

- A. Open burning permitted by 15-5-2(D) shall not be conducted within 50 feet (50') of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet (50') of a structure shall be eliminated prior to ignition.
- B. Permits issued in accordance with 15-5-2(F) shall not be conducted within 10 feet (10') of any structure or other combustible material. Conditions which could cause the fire to spread to within 10 feet (10') of a structure shall be eliminated prior to ignition.
- C. A hose connected to an adequate water supply or other approved fire-extinguishing equipment shall be readily available for use at open burning sites.
- D. 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. Supervision means the burning is within eyesight of the knowledgeable person. It is not permissible for a fire to be supervised from within a structure.
- E. Open burning permitted by 15-5-2(D) may be for approved purposes to burn leaves, organic matter, brush, and trees gathered from that property but not for building construction materials, trash, decomposing organic material (including composting material), or other refuse.
- F. Outdoor fireplaces will burn only natural wood or charcoal – no construction materials (including dimensional lumber), trash, leaves, grass, or other organic materials are allowed to be burned.
- G. The Fire Chief or designee is authorized to require that permitted burning be immediately discontinued if they determine that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined to constitute a hazardous condition.
- H. Open burning on any street or alley within the City is prohibited.
- I. All permits will be on file with the dispatch agency, Muscatine Joint Communications (MUSCOM). Permit holders, under 15-5-2(D), shall call MUSCOM and report that they are burning prior to beginning such activity.

- J. Failure to adhere to all rules may result in revocation of permits and denial of future permits for open burning or outdoor fireplace, and/or a municipal citation.
- K. The burning of residential waste is not allowed, including the burning of residential waste in an outdoor fireplace. At no time are tires allowed to be burned.
- L. All open burning must meet applicable State and Federal codes and regulations, as applicable.

**TITLE 15 – FIRE REGULATIONS  
CHAPTER 6 – SMOKE DETECTORS**

SECTIONS:

- 15-6-1 Detectors Required
- 15-6-2 General Requirements
- 15-6-3 Non-compliance

**15-6-1 Detectors Required**. All residential buildings shall be equipped with operating smoke detectors.

**15-6-2 General requirements**. Smoke detectors used to meet the requirements of this Chapter shall meet or exceed the requirements of Iowa Code 661-210.3(100).

**15-6-3 Non-compliance**. Any violation of this Chapter shall be considered a simple misdemeanor or municipal infraction as provided for in Title 1 of this Code.

## TITLE 15 – FIRE REGULATIONS CHAPTER 7 – PRIVATE HYDRANTS

### SECTIONS:

- 15-7-1 Purpose
- 15-7-2 Inspections
- 15-7-3 Winterization
- 15-7-4 Penalty Provision

**15-7-1 Purpose.** It is hereby determined and declared to be necessary and proper for the regulation of the public health, safety and welfare to regulate the maintenance of those fire hydrants on private property which are connected to water lines that are connected to the City of Muscatine water lines.

**15-7-2 Inspections.** The City of Muscatine through its utility, water, and fire departments may inspect each fire hydrant annually, to determine if it is in proper working condition. Any qualified employee of the Department shall at all reasonable hours have the right to enter the premises where such hydrants are installed for the purpose of testing, removing, or inspection the same. No person shall hinder, obstruct, or interfere with such employee in the lawful discharge of his or her duties in relation to the care and maintenance of such fire hydrants. If the hydrant needs repair, the City of Muscatine will notify the owner of the property in writing by certified mail requesting that the hydrant be fixed within ten (10) days of receipt of the letter. If the hydrant is not repaired within ten (10) days, the City of Muscatine will fix the hydrant and bill the owner of the property for the cost of the labor and materials necessary to put the hydrant back in proper working condition.

**15-7-3 Winterization.** The owner of the property that has fire hydrants that require winterization shall perform maintenance during the month of October. The property owner may do this themselves or hire it done by a reputable firm knowledgeable in the winterizing of fire hydrants.

**15-7-4 Penalty Provision.** The violation of any provision of this Ordinance shall be deemed a municipal infraction and deemed to be a nuisance. Each and every day during which any section hereof is violated shall be deemed a separate offence. At the request of the Fire Chief, the City may institute an injunction, mandamus, abatement, or other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove an unlawful violation of this Ordinance. The rights and remedies herein are cumulative and in addition to all other remedies prescribed by law.

**TITLE 15 – FIRE REGULATIONS  
CHAPTER 8 – FIREWORKS SALES, DISCHARGING, AND  
DISPLAY<sup>iii</sup>**

SECTIONS:

- 15-8-1 Purpose and Intent
- 15-8-2 Fireworks Discharging Regulations
- 15-8-3 Fireworks Sales Permit Required
- 15-8-4 Fireworks Sales Permit Issuance
- 15-8-5 Fireworks Sales Safety and Operational Standards
- 15-8-6 Violations
- 15-8-7 Fireworks Display
- 15-8-8 Definitions

**15-8-1 Purpose and Intent.** To allow for the use and sale of fireworks as permitted under state law in a manner that is safe and which minimizes disturbances to the community.

**15-8-2 Fireworks Discharging Regulations.** Fireworks shall only be discharged in a manner that is compliant with all of the following regulations:

- A. General Regulations Regarding the Discharging of Fireworks
  - 1. Any person discharging a fireworks device, or person permitting the discharge of a fireworks device on their property, assumes responsibility for its operation and the consequences thereof. No person shall discharge a fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
  - 2. Persons 17 years of age and younger shall not discharge fireworks except under the supervision of an adult. Supervision shall be adequate where the adult is within sight and sound of the minors during the discharge of the fireworks.
  - 3. It shall be unlawful for any parent, guardian or other adult person having custody or control of any minor 17 years of age or younger to knowingly allow such minor to discharge fireworks in violation of the preceding subsection.
  - 4. Fireworks shall not be discharged by persons showing visible signs of, or determined to be, intoxicated or under the influence of a drug or narcotic.
  - 5. It shall be unlawful to alter, remove, or discharge components of a fireworks device from its intended method of discharging.
  - 6. Sky lantern open flame devices are not permitted to be released within the city limits, except if tethered by a retrievable rope so the person discharging has control over the sky lantern.
- B. Allowable Times for the Discharging of Fireworks
  - 1. A person shall not use or explode consumer fireworks on days other than July 3 through July 4 and December 31 through January 1 of each year, all dates inclusive.

2. A person shall not use or explode consumer fireworks at times other than:
  - a. Between the hours of 9:00 a.m. and 10:00 p.m. on July 3 and July 4.
  - b. Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the following day.
- C. Allowable Locations for the Discharging of Fireworks
  1. A person shall only discharge a fireworks device on real property they own or on property where consent has been given.
  2. Snakes, sparklers, or caps can be discharged in a public place, unless specifically prohibited by the entity owning the public place, so long as all trash, wrappers, and wires are properly disposed of.
  3. No person shall light or cause to be lighted any fireworks or other combustible article within 300 feet of any location that has been permitted to sell fireworks.
- D. This Chapter does not prohibit the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This Chapter does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

**15-8-3 Fireworks Sales and Operational Permit Required.** There shall be no sale of fireworks within the corporate City Limits without a permit having been issued by representatives of the Fire Department and inspections performed. If applicable, a transient merchant license as required by Chapter 10 of Title 5 shall also be obtained from the Finance Department.

**15-8-4 Fireworks Sales and Operational Permit Issuance.** Fireworks sales permits shall be issued in accordance with the following:

- A. The following items shall be submitted with any application for a fireworks sales permit:
  1. Proof of liability insurance that complies with the requirements set forth by the state fire marshal.
  2. Site plan that demonstrates how all applicable portions of City Code, the National Fire Protection Association 1124 (2006 edition and amendments thereto) are being complied with.
  3. Fees in accordance with the adopted fee schedule (Appendix B).
- B. Proof of a valid permit or license issued from the state fire marshal shall be submitted prior to the start of sales.
- C. Inspections. Any property, building, or premise whether it be permanent or temporary, intended for fireworks sales shall have an initial fire inspection completed by the fire chief or their designee prior to engaging in fireworks sales. The fire chief or designee shall cause an annual inspection to occur each selling period meeting the requirements of the National Fire Protection Association 1124 (2006 edition and amendments

thereto) and the current fire code adopted by the City of Muscatine.

**15-8-5 Fireworks Sales and Safety and Operational Standards.** All fireworks sales permit holders shall comply with the following safety and operational standards at all times.

A. Allowable Locations for the Sales of Fireworks

1. Zoning. Must be located within a zoning district that permits retail sales as an allowed use.
2. Required Setback for Temporary Structures
  - a. Property line: 20 feet
  - b. Any residence: 150 feet
  - c. Non-residential structure on a different parcel: 50 feet
  - d. Any structure on the same parcel: 20 feet
  - e. Motor fuel dispensing station: 50 feet
  - f. Retail propane dispensing station: 50 feet
  - g. Motor fuel dispensing station: 50 feet
  - h. Bulk fuel dispensing or bulk storage: 300 feet
  - i. Storage of consumer fireworks: 20 feet
  - j. Generator fuel storage: 20 feet
  - k. Generator placement: 20 feet
  - l. Cooking equipment: 20 feet
  - m. Any open flame cooking equipment: 50 feet
  - n. Any parking space: 20 feet
3. All Department Access. All portion of the perimeter of a CFRS (Consumer Fireworks Retail Sales Facilities and Stores) must be located within 150 feet of a public way or an approved fire apparatus access.

B. Allowable Times for the Sales of Fireworks. Fireworks sales shall only be conducted in accordance with dates and times designated by Iowa Code.

C. National Fire Protection Association (NFPA) 1124. All CFRSs (Consumer Fireworks Retail Sales Facilities and Stores) shall comply with all applicable provisions of "*NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition*" and any amendments thereto.

D. General Requirements

1. Smoking, open flame source, or matches shall not be located within 50 feet of where fireworks are sold.

- a. Except that lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where fireworks sales are not the primary business.
  - b. Locations who engage in fireworks sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not removed within the store premises.
2. One or more signs reading "Fireworks-No Smoking" shall be displayed at all places where fireworks are stored or sold in letters not less than four inches in height.
3. No persons under the influence of alcohol, drugs, or narcotics shall be allowed to remain in a CFRS.
4. Signs shall be posted at all points of ingress and egress to and from the CFRS, stating no sales will be made to anyone under the age of 18.
5. A sign bearing the message, "Discharge of Consumer Fireworks is Prohibited at All Times within the City of Muscatine Except for July 3<sup>rd</sup> through July 4<sup>th</sup> and December 31<sup>st</sup> through January 1<sup>st</sup>, shall be posted at all points of ingress and egress to and from the CFRS. Such sign shall not count towards the limits of allowable signage provided for by Title 10 of the City Code.
6. Fireworks Use Regulations Informational Pamphlet
  - a. The City of Muscatine shall prepare a "fireworks use regulations informational pamphlet." Said pamphlet shall detail all relevant regulations regarding the use of fireworks within the City of Muscatine. Said pamphlet shall be formatted in a manner that allows for it to be legibly reproduced on an 8.5" x 11" piece of paper.
  - b. A seller of fireworks shall distribute to each purchaser a copy of the fireworks user regulation informational pamphlet on an 8.5" x 11" piece of paper.
  - c. It shall be the responsibility of the fireworks seller to reproduce all necessary copies of the fireworks use regulation informational pamphlet from an original copy provided by the City of Muscatine.
7. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.
8. All signage must comply with Title 10 Chapter 21 of the City Code.
9. A CFRS shall provide a minimum of five hard surfaced parking spaces in accordance with Title 10 of the City Code. No parking spaces mandated by Title 10 of the City Code, for other uses on the subject parcel, shall be counted towards fulfillment of this requirement.
10. All weeds and combustible materials shall be cleared from the location of the CFRS including a distance of at least 30 feet surrounding the CFRS.
11. All unsold stock and accompanying litter shall be removed from the location by 5:00 p.m. two days after the end of sales of fireworks.

12. All temporary structures shall be removed from the temporary location by 12:00 p.m. on the seventh day after the end of sales of fireworks, and all accompanying litter shall be cleared from said location by the said time and date.

#### **15-8-6 Violations.**

- A. Any violation that would constitute a simple misdemeanor pursuant to Iowa Code Section 727.2 shall be charged as a simple misdemeanor. Any other violation of this Chapter shall be considered a simple misdemeanor or municipal infraction as provided for in Title 1 of this Code.
- B. In addition to the penalties provided for in 15-8-6(A), any violation of the use provisions of this Chapter may also result in the confiscation or destruction of any fireworks or consumer fireworks.
- C. If in the judgment of the fire chief or building inspector, the construction of a permanent or temporary structure or the conduct of the operations therein do not conform to the provisions of this Chapter, such officers or either of them, may order the stand immediately closed, and the permit to operate such stand shall then be suspended and/or revoked.

#### **15-8-7 Fireworks Display**

- A. The City may, upon application in writing to the City Council at least one week in advance of the last regular City Council meeting prior to the date of the display, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator.
- B. Bond/Insurance for Fireworks Display Required. The permittee shall furnish a bond or certificates of insurance in the amounts set out in the Schedule of Permits and Licensing Requirements in Appendix B to this Code of Ordinances 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.

#### **15-8-8 Definitions**

**Consumer Fireworks:** First-class consumer fireworks and second-class consumer fireworks, as those terms are defined in 2017 Iowa Acts, Senate File 489, Section 3.

**Consumer Fireworks Retail Sales Facilities and Stores (CFRS):** The portion of a retail sales store or facility, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

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<sup>i</sup> 6-1-2017 [Ordinance 93694-0117](#) Adopted amending Title 15, Chapter 2, Section 2

<sup>ii</sup> 6-1-2017 [Ordinance 93875-0617](#) Adopted Amending Title 15, Chapter 2, Section 4

<sup>iii</sup> 6-1-2017 [Ordinance 93875-0617](#) Adopted Adding Title 15, Chapter 8