FREQUENTLY ASKED QUESTIONS:
AUTHORITY DURING INSPECTIONS
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From the Office of the Fire Prevention Bureau – Phone (515) 283-4240

From time to time, the Fire Department is asked to explain how the fire code is established or what gives the Fire Department authority to perform inspections? The following FAQs attempt to answer those questions:

How is the Fire Code adopted in Des Moines?

The Fire Code is adopted through City Council action in the form of an ordinance. This ordinance (Chapter 46 of the City Code, Section 46-61) explicitly references the 2012 International Fire Code as the Fire Code for the City of Des Moines. The following questions are all answered by references from the International Fire Code.

What gives the Fire Department Authority to Enforce the Fire Code?

104.1 General.
The fire code official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

What gives the Fire Department the authority to Enter my Building?

104.3 Right of entry.
Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, dangerous or hazardous, the fire code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire code official by this code. If such building or premises is occupied, the fire code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire code official has recourse to every remedy provided by law to secure entry.

What gives the Fire Department the Authority to perform Inspections?

106.1 Inspection authority.
The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code.

Any comments or questions regarding the above information may be submitted to:

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