

3 "The state fire marshal shall adopt, amend, promulgate, and enforce  
 4 such rules, regulations and standards relating to fire protection and  
 5 fire safety in hotels, restaurants and food establishments, but such  
 6 regulations shall be promulgated only after public hearing and ap-  
 7 proval thereof by the attorney general. Any person, firm or corpora-  
 8 tion violating any of said rules and regulations of said fire marshal  
 9 shall be deemed guilty of a misdemeanor, and upon conviction thereof  
 10 shall be punished by a fine of not less than twenty-five (25) dollars  
 11 nor more than one hundred (100) dollars, and each day of a continuing  
 12 violation after conviction shall be considered a separate offense.

13 "All rules, regulations and standards adopted for nursing homes  
 14 and custodial homes shall be subject to regulations of chapter one  
 15 hundred thirty-five C (135 C) of the Code."

Approved May 9, 1957.

## CHAPTER 76

### FLAMMABLE LIQUIDS AND GASES

H. F. 563

AN ACT relating to promulgation and enforcement of uniform regulations of state-  
 wide effect for the safe transportation, storage, handling and use of flammable  
 liquids and liquefied petroleum gases.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. The state fire marshal is hereby empowered and di-  
 2 rected to formulate and adopt and from time to time amend or revise  
 3 and to promulgate, in conformity with and subject to the conditions  
 4 set forth in this Act, reasonable regulations for the safe transporta-  
 5 tion, storage, handling and use of flammable liquids and liquefied  
 6 petroleum gases. For purpose of this Act: "Flammable liquid"  
 7 means a liquid having a flash point below 200 degrees fahrenheit and  
 8 a Reid vapor pressure not exceeding 40 psi absolute. "Liquefied  
 9 petroleum gas" means material composed predominantly of any of the  
 10 following hydrocarbons, or mixtures of the same: propane, propylene,  
 11 butanes (normal butane or isobutane) and butylenes.

12 1. The regulations shall be in keeping with the latest generally rec-  
 13 ognized safety criteria for the materials covered of which the appli-  
 14 cable criteria recommended and published from time to time by the  
 15 National Fire Protection Association shall be prima facie evidence.

16 2. The regulations covering flammable liquids and those covering  
 17 liquefied petroleum gas shall be separately formulated and separately  
 18 promulgated. To assist in the formulation of these regulations the  
 19 state fire marshal shall appoint and confer respectively with an ad-  
 20 visory committee on flammable liquids and an advisory committee on  
 21 liquefied petroleum gas. Each advisory committee shall consist of  
 22 persons designated by the state first marshal and who are representa-  
 23 tive of interests in this state and are experienced in matters of fire  
 24 prevention and safety with respect to the materials to be covered.

25 3. The regulations shall make reasonable provision under which  
 26 facilities in service prior to the effective date of the regulations and  
 27 not in strict conformity therewith may be continued in service unless

28 the nonconformity is such as to constitute a distinct hazard to life or  
29 adjoining property; and for guidance in enforcement may delineate  
30 these types of nonconformity that should be considered distinctly haz-  
31 ardous, those that should not be considered distinctly hazardous and  
32 those the need for elimination of which should be evaluated in the  
33 light of local factors. As to any regulation the need for compliance  
34 with which is conditioned on local factors, the regulations shall pro-  
35 vide, as a condition precedent to evaluation or issuance of a compli-  
36 ance order, for reasonable notice to the proprietor of the facility af-  
37 fected of intention to evaluate the need and of the time and place at  
38 which he may appear and offer evidence thereon.

39 4. The regulations shall be promulgated pursuant to chapter seven-  
40 teen A (17A), of the Code, only after a public hearing at least twenty  
41 (20) days notice of the time and place of which is given by publication  
42 in a newspaper of general circulation throughout the state and by mail  
43 to any person who has filed his name and address with the state fire  
44 marshal for the purpose of receiving the notice.

45 5. Regulations promulgated pursuant to this Act shall have uniform  
46 force and effect throughout the state and no municipality or political  
47 subdivision shall enact or enforce any ordinance or regulation incon-  
48 sistent or not in keeping with the state-wide regulations. Provided  
49 that nothing in this Act shall in any way impair the power of any  
50 municipality when authorized by other law to regulate the use of land  
51 by comprehensive zoning or to control the construction of buildings  
52 and structures under building codes or restricted fire district regula-  
53 tions. Provided, further, that the size, weight and cargo carried by  
54 vehicles used in the transportation or delivery of flammable liquids or  
55 liquefied petroleum gas shall be governed by the uniform provisions of  
56 the motor vehicle and highway traffic laws of this state and local ordi-  
57 nances therein authorized.

58 6. Compliance with the regulations may be enforced by orders of  
59 the state fire marshal subject to review, appeal and enforcement as  
60 provided in chapter one hundred (100) of the Code for orders for  
61 elimination of fire-hazard conditions, except that the regulations may  
62 provide for compliance time, other than as specified in section one  
63 hundred point twenty-six (100.26) of the Code, based upon the amount  
64 and character of work, availability of suitable equipment or materials  
65 and appropriate continued operation of any facility.

66 7. The chief fire prevention officer of every city, town or village  
67 having an established fire prevention department, the chief of the fire  
68 department of every other city, town or village in which a fire de-  
69 partment is established, the mayor of every town or city in which no  
70 fire department exists, the township clerk of every township outside  
71 the limits of any city, town or village and all other local officials upon  
72 whom fire prevention duties are imposed by law shall assist the state  
73 fire marshal in the enforcement of the regulations.

1 SEC. 2. Sections one hundred one point one (101.1), one hundred  
2 one point two (101.2), one hundred one point three (101.3), and one  
3 hundred one point four (101.4), Code 1954 are hereby repealed.

Approved May 1, 1957.