CHAPTER 45
SMOKE DETECTORS
S. F. 324

AN ACT relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

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

Section 1. Chapter 100, Code 1981, is amended by adding the following new section:

NEW SECTION. SMOKE DETECTORS.

1. As used in this section:

a. "Dormitory" means a residential building or portion of a building at an educational institution which houses students in rooms not individually equipped with cooking facilities.

b. "Multiple-unit residential building" means a residential building, an apartment house, or a portion of a building or an apartment house with four or more units, hotel, motel, dormitory, or rooming house.

c. "Smoke detector" means a device which detects visible or invisible particles of combustion and which incorporates control equipment and an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

2. Except as provided in subsection 4, multiple-unit residential buildings, the construction of which is begun on or after the effective date of this Act, shall include the installation of at least one smoke detector in the following areas of the designated multiple-unit residential buildings:

a. In each sleeping room and in each corridor of a hotel or motel.

b. In each sleeping room and in each corridor of a dormitory.

c. In each area giving access to the immediate vicinity of a sleeping room within a unit and in each corridor of a multiple-unit residential building not covered in paragraph a or b.

Except as provided in subsection 4, all multiple-unit residential buildings shall be equipped with at least one smoke detector in the areas enumerated in this subsection by the end of three years after the effective date of this Act.

3. An owner-occupied unit or room is exempt from the requirements of this section.

4. This section does not require the installation of smoke detectors in multiple-unit residential buildings which, on the effective date of this Act, are equipped with heat detection devices or a sprinkler system with alarms approved by the state fire marshal.

This section does not require the installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the state fire marshal.

5. The state fire marshal shall initially and may annually inspect smoke detectors installed as required by subsection 2. Upon inspection, the state fire marshal shall issue a written notice to the owner or manager of a multiple-unit residental* building informing the owner or manager of compliance or noncompliance with this section. The state fire marshal may contract with any political subdivision without fee assessed to either the state fire marshal or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors. Any broader inspection authority is not derived from this section. The state fire marshal shall adopt administrative rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and the use of acceptable smoke detectors. The smoke detectors shall display a label or other identification issued by an approved testing agency or another label specifically approved by the state fire marshal. The state fire marshal shall not require other than single-station smoke detectors. If smoke detectors are not required under subsection 4 due to the presence of an automatic smoke detection system, the state fire marshal shall not require other than the automatic smoke detection system.

6. The inspection of a building or notification of compliance or noncompliance under this section is not the basis for a legal cause of action against the political subdivision, state fire marshal, the fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

7. If a smoke detector is found to be inoperable the owner or manager of the multiple-unit residential building shall correct the situation within fourteen days after written notification to the owner or manager by the tenant, guest, roomer, state fire marshal, fire marshal's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager fails to correct the situation within the fourteen days the tenant, guest, or roomer may cause the smoke detector to be repaired or purchase and install a single-station smoke detector required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector.

8. No person may render inoperable a smoke detector, which is required to be installed by this section, by tampering.

9. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

Sec. 2. The state fire marshal shall notify the owners of newly constructed buildings on or after the effective date of this Act and the

*According to enrolled Act

owners of existing buildings by the end of three years after the effective
date of this Act, by publication in a newspaper or newspapers of general
circulation in this state, that the owners are required to bring the
buildings into compliance with this Act.

Approved June 16, 1981

CHAPTER 46
FIRE MARSHAL RULES
H. F. 467

AN ACT relating to rules of the fire marshal.

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

   Section 1.   Section 100.1, subsection 5, Code 1981, is amended to read as
follows:
   5.   To promulgate fire safety regulations rules. The state fire marshal
shall have exclusive right to promulgate fire safety rules as they apply to
enforcement or inspection requirements by the state fire marshal, but such
regulations the rules shall be promulgated only after public hearing.
Wherever by any statute the fire marshal or the department of public safety
is authorized or required to promulgate, proclaim, or amend rules and minimum
standards regarding fire hazards or fire safety or protection in any
establishment, building or structure, such the rules and standards shall
promote and enforce fire safety, fire protection and the elimination of fire
hazards as the same rules may relate to the use, occupancy and construction
of such the buildings, establishments or structures. The word "construction"
shall include, but is not limited to, electrical wiring, plumbing, heating,
lighting, ventilation, construction materials, entrances and exits, and all
other physical conditions of the building which may affect fire hazards,
safety or protection.   Such The rules and minimum standards shall be in
substantial compliance except as otherwise specifically provided in this
chapter, with the standards of the National Fire Protection Association
relating to fire safety as published in the national fire codes.
   Sec. 2.   Section 100.35, Code 1981, is amended to read as follows:
   100.35 RULES OF MARSHAL. The fire marshal shall adopt, amend, promulgate
and enforce rules and standards relating to exits and exit lights, fire
escapes, fire protection, fire safety and the elimination of fire hazards, in
and for churches, schools, hotels, theaters, amphitheaters, hospitals, health
care facilities as defined in section 135C.1, boarding homes or housing, rest
homes, dormitories, college buildings, lodge halls, club rooms, public
meeting places, places of amusement, apartment buildings, and all other
buildings or structures in which persons congregate from time to time,
whether publicly or privately owned.   Any--person,--firm--or--corporation