

A BILL

FOR AN ACT CREATING THE OFFICE OF STATE FIRE MARSHAL AND DEPUTY FIRE MARSHAL, PRESCRIBING THEIR DUTIES AND PROVIDING FOR THEIR COMPENSATION AND FOR THE MAINTENANCE OF THE STATE FIRE MARSHAL'S OFFICE.

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

SECTION 1. There is hereby created the office of State Fire Marshal. The incumbent of this office shall be appointed by the Governor in each odd-numbered year, between the 15th day of January and the 1st day of February. Vacancies in the office for any cause whatsoever shall be filled by the Governor. The first State Fire Marshal shall be appointed by the Governor not later than sixty days after the taking effect of this act.

SEC. 2. The person appointed by the Governor, as herein provided to fill the office of State Fire Marshall, shall be versed in the causes of fire and have a general knowledge of improved methods for the prevention of fire, and shall be a citizen of the State. The office shall be at the State Capitol in the city of Des Moines. The State Fire Marshall may be removed for cause at any time by the Governor. The State Fire Marshall is hereby empowered to appoint two deputy fire marshals to be designated as first and second deputies. The duties of these deputies shall be to assist the State Fire Marshal in his work. Such appointees may be removed for cause by the State Fire Marshal at any time.

SEC. 3. In the event of a vacancy of State Fire Marshal, or during his absence or disability, his first deputy shall perform the duties of the office of State Fire Marshal.

SEC. 4. The State Fire Marshal is hereby empowered to appoint such additional deputy fire marshals and such office assistants as may be necessary for the proper and efficient conduct of his office.

SEC. 5. The State Fire Marshal may, in addition to the provisions of sections 2 and 4 appoint any person or persons as State inspector who may be known to him to be competent and skilled in the inspection of buildings and their contents. Such person or persons shall have all the powers of a deputy fire marshal to enter and inspect buildings, including their contents and occupancies, as provided in section — hereof, and it shall be the duty of such inspector to report to the fire marshal any faulty or dangerous condition found. Such State inspector shall be duly commissioned and serve without compensation.

SEC. 6. The State Fire Marshal and the chief of the fire department of every city or village
2 in which a fire department is established, and the mayor of every incorporated village or town
3 in which no fire department exists and the township clerk of every organized township, out-
4 side the limits of any organized village or city, shall investigate the cause, origin and circum-
5 stances of every fire occurring in such city, village, town or township by which property has
6 been destroyed or damaged and shall especially make investigation as to whether such fire
7 was the result of carelessness or design. Such investigation shall be begun within two days,
8 not including Sunday, of the occurrence of such fire and the State Fire Marshal shall have the
9 right to supervise and direct such investigation whenever he deems it expedient or necessary.
10 The officer making investigation of fires occurring in cities, villages, towns or townships
11 shall forthwith notify said fire marshal, and shall within one week of the occurrence of the
12 fire, furnish to the said fire marshal a written statement of all facts relating to the cause and
13 origin of the fire and such other information as may be called for by the blanks provided by
14 said fire marshal.

SEC. 7. The State Fire Marshal shall keep in his office a record of all fires occurring in the
2 State, showing the sound value of the property, the amount of insurance thereon, the total
3 amount of insurance collected, and the total amount of loss to the property owner, together
4 with all facts, statistics, circumstances, including the origin of the fire, which may be deter-
5 mined by the investigation provided by this act. Such records shall at all times be open to
6 public inspection and such portions of it as the insurance department may deem necessary
7 shall be transcribed and forwarded to such department within fifteen days from the first of
8 January of each year.

SEC. 8. The State Fire Marshal shall, when in his opinion further investigation is neces-
2 sary, take or cause to be taken the testimony under oath of all persons supposed to have
3 knowledge of any facts, or to have means of knowledge in relation to the matter in which
4 an examination is herein required to be made, and shall cause the same to be reduced to
5 writing. If the State Fire Marshal shall be of the opinion that there is evidence sufficient to
6 charge any person with the crime of arson, or with the attempt to commit the crime of arson,
7 or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause
8 such person to be arrested and charged with such offense, or either of them, and shall fur-
9 nish to the proper prosecuting attorney, all such evidence, together with the names of wit-
10 nesses and all of the information obtained by same, including a copy of all matter and testi-
11 mony taken in the case, and shall report to the insurance department as often as shall be re-
12 quired, his proceedings and the progress made at all prosecutions under this act and the re-
13 sult of all cases which are finally disposed of.

SEC. 9. The State Fire Marshal and deputy fire marshals shall each have power in any
2 county in the State to administer and compel the attendance of witnesses before them, or

3 either of them to testify in relation to any matter which is by the provisions of this act a sub-
4 ject of inquiry and investigation, and may require the production of any books, papers or
5 documents necessary for such investigation. False swearing in any matter or proceeding
6 aforesaid, shall be deemed perjury and shall be punished as such. Any witness who refuses
7 to be sworn or refuses to testify or who disobeys any lawful order of said State Fire Mar-
8 shal, or deputy State fire marshal, or who fails to produce any books, papers or documents
9 touching any matter under examination, or who is guilty of any contemptuous conduct after
10 being summoned by them, or either of them, to appear before them or either of them to give
11 testimony in relation to any matter or subject under investigation as aforesaid, shall be
12 guilty of a misdemeanor, and it shall be the duty of the State Fire Marshal or deputy State
13 fire marshal, or either of them, to make or compel said person or persons so refusing to com-
14 ply with the summons or orders of said State Fire Marshal or deputy State fire marshals,
15 before any justice of the peace, police magistrate, or any court of record in the county in
16 which said investigation is being had, and upon the filing of such complaint for such cause,
17 shall proceed in the same manner as other criminal cases. Any person convicted of the vio-
18 lation of any of the provisions of this act shall be fined in a sum not exceeding one hundred
19 dollars (\$100.00), and imprisoned not to exceed thirty days, provided, however, any person
20 so convicted shall have the right of appeal.

SEC. 10. Said State Fire Marshal and his deputies, or either of them, shall have the right
2 and authority at all times of day or night in the performance of the duties proposed by the
3 provisions of this act, to enter upon or examine any buildings or premises, where any fire
4 has occurred and other buildings, or premises adjoining or near the same. All investigation
5 held by or under the direction of said State Fire Marshal, may at his discrimination be pri-
6 vate and persons other than those required to be present by the provisions of this act, may be
7 excluded from the place where such investigation is held and witnesses may be kept separate
8 and apart from each other and not allowed to communicate with each other until they have
9 been examined.

SEC. 11. The State Fire Marshal, his deputies and assistants, the chief of the fire depart-
2 ment of all villages and cities where a fire department is established, and the clerk of each
3 township in the territory without the limits of an organized city or village, upon complaint
4 of any person having an interest in any building or property adjacent, and without any com-
5 plaint, shall have a right at all reasonable hours, for the purpose of examination, to enter
6 into and upon all buildings and premises within their jurisdiction. Whenever any of said
7 officers shall find any buildings or structure, which by want of proper repair or by reason
8 of age and dilapidated condition, or for any cause is especially liable to fire, and is so situated
9 as to endanger other buildings or property therein, and whenever any such official shall find
10 in any building or upon any premises combustible or explosive matter or inflammable conditions

11 dangerous to the safety of certain buildings or premises, they shall order the same to be re-
12 moved or remedied and such order shall be forthwith complied with by the owner or occupant
13 of said building or premises, providing however, that if said occupant or owner shall deem
14 himself aggrieved by such order, he may within forty-eight hours appeal to the State Fire
15 Marshal and the cause of complaint shall be at once investigated under the direction of the
16 latter, and unless by his authority the order is rejected, such order shall remain in force and
17 be forthwith complied with by said owner or occupant. Any owner or occupant of buildings
18 or premises, failing to comply with the order of the authorities above specified shall be pun-
19 ished by a fine of not less than ten dollars (10.00) nor more than fifty dollars (\$50.00) for each
20 day's neglect; such penalty to be sued in the name of the people of the State of Iowa upon
21 complaint of the fire marshal, deputy fire marshal, or the county attorney, or of any officer
22 named herein in the county in which such building or buildings shall be situated, before any
23 justice of the peace or any court of record, right of appeal shall be granted, and such penalty
24 when recovered, shall be paid into the county treasury of the county wherein such recovery
25 is had; provided, however, that in municipalities having building inspection and fire limit ordi-
26 nances, nothing herein shall be construed to effect such local regulations, but the jurisdiction
27 of the State Fire Marshal shall be concurrent with that of the municipal authorities.

SEC. 12. It shall be the duty of the State Fire Marshal and deputy fire marshals to re-
2 quire teachers of public and private schools and educational institutions to have one fire drill
3 each month and to keep all doors and exits unlocked during school hours. The State Fire
4 Marshal is required to prepare a book on fire dangers and causes of fires, arranged in chap-
5 ters or lessons in number sufficient to provide a different chapter for each week of the maxi-
6 mum school year, the teacher to instruct scholars in one lesson a week. Books to be published
7 by the State under the direction of the State School Superintendent and distributed to the
8 teachers by him. Any teacher neglecting to comply with this provision to be punished by a
9 fine of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00).

SEC. 13. Any officer referred to in this act who neglects to comply with any of the require-
2 ments thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not to ex-
3 ceed one hundred dollars (\$100.00) and imprisoned not to exceed thirty days.

SEC. 14. The State Fire Marshal shall receive an annual salary of three thousand dollars
2 (\$3,000.00) and the first deputy fire marshal eighteen hundred dollars (\$1,800.00), and the
3 second deputy fire marshal fifteen hundred dollars (\$1,500.00). Said State Fire Marshal may
4 employ additional deputies, clerks and assistants and incur such other expense as may be nec-
5 essary in the performance of the duties of the office, not to exceed, including salaries, such
6 sum as may be paid into the State treasury in the manner hereinafter provided.

SEC. 15. For the purpose of maintaining the department of State Fire Marshal, and paying
2 the expenses incident thereto, the Treasurer of the State shall set aside each year out of the

3 taxes paid by fire insurance companies to the State, a special fund of not less than twenty-
4 five thousand dollars (\$25,000.00). The State Fire Marshal shall keep on file in his office an
5 itemized statement of all expenses incurred by his department, and shall approve all vouch-
6 ers issued therefor, before the same are submitted to the State Auditor for payment, which
7 said vouchers shall be allowed and paid in the same manner as are other claims against the
8 State.

SEC. 16. The State Fire Marshal shall not engage in any other business and he or one of
2 his deputies shall at all times be at the office of the State Fire Marshal ready for such duties
3 as are required by this act.

SEC. 17. The State Fire Marshal shall submit annually, as early as consistent with full
2 and accurate preparation, and not later than the fifteenth of January of each year, a detailed
3 report of his official action to the Insurance Department of the State.

SEC. 18. There shall be paid to the chiefs of fire department, and to mayors of incorpo-
2 rated villages, who do not receive compensation for their services as such chiefs and mayors,
3 and to the township clerk of every organized township, who are by this act required to report
4 fires to the State Fire Marshal, the sum of fifty cents for each fire so reported to the satisfac-
5 tion of the State Fire Marshal, and in addition thereto mileage at the rate of fifteen cents
6 per mile for each mile traveled to the place of fire. Said allowance shall be paid by the State
7 Fire Marshal out of any funds appropriated for the use of the office of said State Fire Mar-
8 shal.