

CHAPTER 5
FIRE MARSHAL

[Ch 5 as appeared in July 1974 IDR Supplement, rescinded June 30, 1975]
[Prior to 4/20/88, Public Safety Department [680] Ch 5]

GENERAL PROVISIONS

661—5.1(100) Description. This division's charter is to prevent fires. Fire causes are determined and communicated to the public by various means including the division's annual report. The division requires building standards necessary for fire safety and apprehends those who violate such standards or fire-related criminal statutes.

5.1(1) The division's administrator is entitled the state fire marshal. The fire marshal has one assistant. The nonclerical employees of this division are peace officers designated as special agents, fire prevention inspectors, fire prevention specialists, and designated subordinates.

5.1(2) Special agents examine a fire or a fire scene to determine its cause, and arrest any who unlawfully cause fires or violate fire-related laws.

5.1(3) Inspectors examine buildings to determine the compliance of its system with applicable laws or rules.

5.1(4) A fire prevention specialist examines blueprints and specifications of proposed buildings.

5.1(5) Variance from rules. Rescinded IAB 10/31/01, effective 1/1/02.

661—5.2(17A,80,100,101,101A) Definitions. The following definitions apply generally to the provisions of this chapter unless a specific exception is made with reference to a particular rule or sequence of rules within the chapter.

"Building" is any structure used for or intended for supporting or sheltering any use or occupancy. Each portion of a building separated by one or more area separation walls with a fire-resistive rating of at least two hours may be considered a separate building.

"Fire" includes explosions in which fire, combustion or rapid oxidation is an element but does not include explosions caused by nonflammable gases, liquids or other materials.

"Fire marshal" means the fire marshal, the assistant fire marshal, fire prevention inspectors, special agents, fire prevention specialist and designated subordinates.

"Fire marshal's office" means the headquarters of the fire marshal.

"NFPA" means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form "NFPA xx," where "xx" is a number, refer to the NFPA standard or pamphlet of the corresponding number.

"Owner" (For service of notice, criminal sanctions and penalties.) If a building is owned by a corporation, the chairperson or president of the board of directors is considered the owner. If a building is owned by an organization governed by a board of trustees, the president or chairperson of the board is considered the owner. If a partnership is shown to be the owner of a building, any partner is considered the owner. If an individual is shown to be the owner, the individual, or the guardian or conservator of such individual is considered to be the owner. If the building is shown to be owned by a trade name, the person who registered the trade name is considered the owner.

661—5.3(17A) Building plan approval. The proposed construction of some buildings or additions, alterations or changes to existing buildings need the approval of the fire marshal and the fire marshal's approval may be obtained, if requested, on nonsingle family dwelling buildings. The procedure of this rule will apply unless inconsistent with a procedure in any of the rules which follow.

5.3(1) An initial evaluation or review by the fire marshal may be obtained on preliminary plans by submitting the plan that shows the building outline with rooms, corridors and exits indicated. The fire marshal informally responds to such preliminary plan.

5.3(2) Building plan submittals.

a. Working plans and specifications. When approval of building construction projects is required by this chapter or when requested by the submitter for other building construction projects covered by this chapter, one complete set of the final working plans and specifications shall be submitted to the fire marshal's office. The submittal shall comply with Iowa Code chapters 542B and 544A. The submittal is examined and submitter is notified of the findings. If the working plans and specifications comply with this chapter, an approval letter shall be sent to the submitter.

b. Shop drawings. Shop drawings, equipment specifications and supporting documentation for fire alarm and sprinkler systems may be submitted for review and approval. If the system is being installed as part of a project which has been designed by an engineer or architect, the submittal shall be approved by the responsible architect or engineer prior to submittal to the fire marshal. The submittal is examined and submitter is notified of the findings. If the submittal complies with the applicable standards, all copies are stamped approved and one copy is retained and the other copies, if any, are returned to the submitter. If only one copy of shop drawings, equipment specifications and supporting documentation is received, a letter shall be sent to the submitter in lieu of returning approved shop drawings.

c. Changes. No changes shall be made to the approved final working plans and specifications or shop drawings unless the changes are submitted to and approved by the fire marshal's office.

EXCEPTION: Submittal of working plans and specifications or shop drawings is not required when the plans and specifications or shop drawings have been reviewed for compliance with this chapter by the chief, or an employee authorized by the chief, of a fire department organized under Iowa Code chapter 400.

NOTE: Building, planning and design services are required to be in conformance with Iowa Code chapters 542B and 544A.

5.3(3) If the blueprints and specifications are not acceptable, the fire marshal's office specialist notifies the submitter of the deficiencies and requests that the submitter either forward changes or request a review of the blueprints and specifications with the specialist.

5.3(4) If, after such review, the submitter disputes the specialist's findings, the submitter may request that the disputed questions be referred to the national fire protection association or other similar generally recognized authority, at the submitter's expense, and the specialist submits the blueprints and specifications to the national fire protection association or other similar generally recognized authority for their analysis.

5.3(5) If the submitter disputes the findings of the national fire protection association, the submitter may appeal to the fire marshal under the procedures of 661—Chapter 10.

661—5.4(17A,100,101,101A) Inspections. Certain buildings as designated in the Iowa Code shall comply with the Iowa Code and fire safety rules. The fire marshal determines and enforces such compliance. To do so, the fire marshal may enter such building or premises at any time without notice to inspect it.

5.4(1) Such inspection may be of a particular system in the building. For example, the electrical, heating, exit, valve, piping and venting systems may be inspected. The inspection may include the entire building. For example, the building may be so dilapidated as to be especially liable to fire.

5.4(2) Such inspection is conducted by the fire marshal or by a consultant as requested by the fire marshal. A consultant would be a person with the necessary degree of training, education or experience to examine a system within a building required to be in compliance with the law or rules and determine if such system or systems is in compliance with such requirements.

5.4(3) Inspections are conducted without announcement and occur on a random basis, upon anyone's request, upon any complaint or when fire appears to be possible. For example, the presence of flammable liquids or gases or the odor thereof outside a building storing such gases or liquids may cause an inspection.

5.4(4) When the member or consultant arrives at the building that is to be inspected, the member or consultant usually advises the owner. If a person in such a position cannot be contacted, the inspection commences anyway. If the owner or representative wishes to accompany the member or consultant, they may do so, but the inspection is not delayed.

5.4(5) The member or consultant examines the system or systems being inspected to determine compliance with the laws or rules. To guide the inspection, the member or consultant uses state rules or a manual recommended by the national fire protection association or a similar acceptable fire protection agency.

5.4(6) Upon completion of an inspection, the member or consultant completes written inspection orders. The original is filed in the fire marshal's office by county; a copy is filed in the member's office in a geographical area file; and a copy is left with the fire department having jurisdiction.

5.4(7) Upon completion of the inspection, if the building does not comply with applicable laws or rules, the member or consultant identifies specifically such noncompliance and notifies the owner. The owner may be ordered to correct or repair the deficiency or may order the building removed or demolished.

a. Copies of the notice of deficiencies or order are distributed to the fire marshal's office and the fire department having jurisdiction and a copy is filed in the member's office.

b. The time to comply with the order is determined by the member considering the likelihood of fires, the possibility of personal injury or property loss, the cost, availability of materials and labor to correct, repair, remove or demolish and other reasonable, relevant information.

c. If the owner of the building does not agree with the deficiency findings and order, the owner asks the fire marshal to review the order. The provisions of 661—Chapter 10 are then used.

d. Failure to comply with an order may incur penalties.

661—5.5(100) Certificates and inspection fees.

5.5(1) Certificates for license. Several Iowa statutes provide that a license to conduct certain functions cannot be issued until the fire marshal has approved the building to be used for such function. Upon receipt of a written request, the fire marshal conducts or has conducted an inspection using the procedures contained in the building inspection rule 5.4(17A,100,101,101A). Upon completion of an inspection showing the building to be in compliance, the fire marshal issues a certificate. If the building is found to be in noncompliance, the certificate applicant may file a petition requesting a review and the same procedure is used as if an order were being requested to be reviewed. Upon completion of the review process, if the building is found to be in compliance, a certificate is then issued.

5.5(2) Inspection fees. The following fees shall apply respectively to inspections of the facilities of the types listed where a certificate of inspection from the fire marshal is required in order to obtain licensure or certification under Iowa law. The inspection fee shall be paid by check made payable to "Fire Marshal Division, Iowa Department of Public Safety" prior to the issuance of the certificate provided for in subrule 5.5(1).

a. The inspection fee for a health care facility licensed or seeking licensure pursuant to Iowa Code chapter 135C or a group home licensed or seeking licensure in this state is \$2 per bed.

b. The inspection fee for an elder group home certified or seeking certification pursuant to Iowa Code chapter 231B or an assisted living facility licensed or seeking licensure pursuant to Iowa Code chapter 231C is \$7.50 per bed.

c. The inspection fee for an adult day services program certified or seeking certification pursuant to Iowa Code Supplement chapter 231D is \$50 per facility.

d. The inspection fee for a child care facility licensed or seeking licensure pursuant to Iowa Code chapter 237A is \$20 per facility.

e. When an initial inspection which requires a fee pursuant to paragraphs "a," "b," or "c" of this subrule results in a finding of a deficiency or deficiencies which require a reinspection, the initial reinspection shall be performed without the imposition of any additional fee. If the original deficiency or deficiencies have not been corrected at the time of the initial reinspection, then a fee of \$100 for each additional reinspection after the initial reinspection is required until the original deficiency or deficiencies have been corrected.

f. The fee for a suitability inspection of a prospective site for a facility which may seek licensure or certification from the state of Iowa is \$100.

This rule is intended to implement Iowa Code chapter 100 as amended by 2000 Iowa Acts, House File 2552.

661—5.6(17A,80,100) Fire investigations.

5.6(1) The fire marshal has the authority to investigate any fire in the state of Iowa.

5.6(2) City and township officers have the primary responsibility to and shall investigate fires. The city or township officer shall file a report of each fire with the fire marshal's office within one week of the fire even if the fire marshal's division participated in, assisted with, directed or supervised the fire investigation. Upon written request, the fire marshal may grant an extension of the time for filing this report for a period not to exceed 14 days. The request shall set forth compelling reasons for such extension.

5.6(3) The city or township officer shall immediately report a fire that involves death or suspected arson and does so by contacting the member assigned to that area or, if not available, the fire marshal's office or the fire marshal or assistant or, if no such contact can be made, the officer asks the county sheriff to relay the information to the Iowa police radio or teletype system (patrol communications division). The officer's report will be recorded or logged.

5.6(4) The notice of a fire involving death or arson contains the following information, if known:

a. If death has occurred or is suspected, the name, age and address of person or persons deceased or missing; the date, time and address of the fire; and the suspected cause of fire.

b. If arson is suspected, the date, time, address of the fire; the reasons for suspecting arson; whether there is obvious evidence of arson and if there is an arson suspect.

c. Whether an explosion occurred.

5.6(5) If Iowa police radio has been so notified, it immediately notifies the fire marshal or the nearest available member of the fire marshal's division.

5.6(6) The fire marshal may, while investigating the cause of a fire, compel witnesses and others to testify under oath and to submit books, records and other documents.

a. This is in the discretion of the fire marshal and may be exercised anytime, including fires that involve an extensive loss, a death, arson or explosion, or suspected arson.

b. The fire marshal may allow a person to submit to a polygraph examination.

5.6(7) The fire marshal notifies the person compelled to give testimony or information.

5.6(8) The fire marshal may assist a local officer in the investigation of any fire. The fire marshal may superintend, direct or conduct the investigation of a fire and may request the participation of a consultant when:

- a.* Requested by state or local authority to do so.
- b.* A death has occurred, an extensive amount of property has been destroyed, arson is suspected or an explosion has occurred.
- c.* A person is identified as an arson suspect.
- d.* There is obvious physical evidence of arson.
- e.* The fire marshal deems it necessary.

5.6(9) The fire marshal, when participating in the investigation of a fire, may request the person in control of the premises to execute a consent to search.

661—5.7(17A,101A) Explosive materials. Those wishing to receive an explosive materials commercial license may obtain a copy of the required application by contacting the fire marshal's office, sheriff's office or the office of the chief of police in cities of over 10,000 people.

5.7(1) Such application is submitted to the sheriff's office or office of the chief of police. That agency reviews the application, investigates the applicant, inspects the buildings, if necessary, and completes the application, then forwards it to the fire marshal.

- a.* If the application is approved, the fire marshal enters approval thereon, notifies the local agency, and issues the license.
- b.* Explosive materials commercial license expires on December 31 of each year and may be renewed.
- c.* If an application is denied, the applicant may appeal under 661—Chapter 10.

5.7(2) A person wishing to purchase, possess, transport, store or detonate explosive materials shall obtain a permit to do so from the county sheriff or the chief of police.

5.7(3) When a sheriff confiscates explosive materials, the sheriff shall give notice to the state fire marshal's office as soon as reasonably possible.

661—5.8(100,101,101A) Fire drills. All public and private school officials and teachers shall conduct fire drills in all school buildings as specified in Iowa Code section 100.31 when school is in session. All doors and exits of their respective rooms and buildings shall remain unlocked during school hours or when such areas are being used by the public at other times.

661—5.9(17A,100) Fire escapes. Upon receipt of a written communication from an owner appealing the action or requirement of any fire escape inspector that sets forth such action or requirement and the objections the owner has to the action or requirement of such inspector, the provisions of 661—Chapter 10 will apply.

661—5.10(17A,22,100,692) Public inspection of fire marshal files and fire records. The fire marshal's office keeps a record on file of every reported fire in Iowa. All other important written information gathered by the fire marshal also is filed. Most of the contents of these documents are available to the public. Some of the information contained in these files, such as intelligence data or criminal history data, as defined in Iowa Code chapter 692, is not a public record. Requests for information should be addressed to the State Fire Marshal, Wallace State Office Building, Des Moines, Iowa 50319.

5.10(1) A person may obtain a copy of a public record by either visiting the fire marshal's office or submitting a request in writing. Before visiting this office to examine these records, one should contact the office first to determine if personnel will be available to assist them. Such examination may take place during reasonable business hours and public records may be copied.

5.10(2) If a person wishes a copy of the record of a particular fire, it may be copied in the fire marshal's office or that person may so request by writing to the fire marshal's office setting forth the date, time and address, including county, of the fire. The fire marshal will forward a copy of the public record and may request reimbursement for the actual cost of copying and mailing the information.

661—5.11(17A,80,100) Information requested before inspection. Persons requesting the inspection of a building that is alleged to require repair, removal or demolition under Iowa Code section 100.13 shall provide the following information, if known: the address of the building; the name and address of the building's owner; the requester's name, address and telephone number; and a general description of the alleged deficiencies which the requester seeks remedied.

5.11(1) Initial determination. The fire marshal, upon receipt of the information, shall make an initial determination whether there are sufficient allegations to warrant an inspection.

a. If, in the fire marshal's opinion, the complaint fails to warrant conducting an inspection, the fire marshal shall then so advise the complainant.

b. If the fire marshal determines that an inspection is warranted, the fire marshal will so advise the county attorney, the requester and person(s) identified as the owner(s).

5.11(2) Cause to be inspected. The fire marshal shall then cause the inspection of the building to determine if:

a. By want of proper repair, or by reason of age and dilapidated condition, it is especially liable to fire and is so situated as to endanger other buildings, property or persons, or

b. It contains combustibles, explosives or flammable materials dangerous to the safety of any buildings, premises or persons.

5.11(3) Final decision. Upon completion of the inspection the fire marshal shall then decide if the building needs to be removed or repaired.

a. If the building complies with applicable laws or rules and no deficiencies are found, the fire marshal shall accordingly notify the county attorney, the owner and the requester.

b. If any deficiencies are found, and the building is within the corporate limits of a city, the fire marshal shall then notify the mayor and clerk of said city of the deficiencies and the need for repairs or removal.

c. If any deficiencies are found, and the building is within the corporate limits of a city, the fire marshal shall then identify specifically such deficiencies and prepare an order to correct or repair the deficiencies or remove or demolish the building. Such notice and order should be sent to the county attorney with a request that the notice and order be examined by the county attorney.

5.11(4) Verification of legal description. The county attorney shall, upon receipt of the fire marshal's notice and order, verify the legal description and identification of the property owner and shall advise the fire marshal how to properly serve the order.

5.11(5) Contents of order. This order shall notify the owner of the building that the order becomes effective upon its receipt or issuance. The order shall also notify the owner that, within five days after the order's effective date, the owner may file a petition for review of the order in accordance with Iowa Code section 100.14.

5.11(6) *Who shall be served.* If the county attorney deems it appropriate, any occupants, lienholders or lessees shall be served with a copy of the order.

5.11(7) *Reasonable time to comply.* The order shall give the owner a reasonable time to comply with its mandate(s). The fire marshal shall determine what constitutes a reasonable time by considering the likelihood of fires, the possibility of personal injury or property loss, the cost, availability of materials and labor to correct, repair, remove or demolish the building and other reasonable, relevant information.

5.11(8) *Reinspection.* If the owner of the building elects not to challenge the fire marshal's order, the fire marshal shall then, at the end of the period during which compliance was required, conduct another inspection of the building.

a. If the fire marshal finds that the order has been complied with, the fire marshal shall notify the county attorney, owner and requester of this fact.

b. If the fire marshal finds that the order has not been complied with, the fire marshal will notify the county attorney of noncompliance.

5.11(9) *Failure to comply.* Upon receipt from the fire marshal of the owner's failure to comply, the county attorney shall:

a. Institute the procedure necessary to subject the owner to a penalty of \$10 for each day the owner fails to comply, and

b. Confirm the legal description of the property, the owner's name and address, the alleged deficiencies of the building, that an inspection was conducted, that some deficiency was found, that the owner was properly served, notified and given an adequate opportunity to repair the deficiency, and that the deficiency has not been remedied and may, therefore, advise the fire marshal that the destruction is appropriate at this time.

5.11(10) *Final action taken.* The fire marshal, upon the advice of the county attorney, may repair, remove or destroy the building. Such destruction may occur by:

a. Permitting the local fire service to burn the building as a training exercise;

b. Asking for public bids on the building;

c. If significant costs are anticipated, the fire marshal may request funds from the Iowa executive council.

661—5.12(17A,80,100A) Sharing of insurance company information with the fire marshal. Insurance companies shall provide the specified information to the fire marshal as follows:

5.12(1) Whenever an insurance company has reason to believe that a fire loss insured by the company was caused by something other than an accident, said insurance company shall provide to the fire marshal, or some other agency authorized to receive such information under Iowa Code chapter 100A, all information and material possessed by said company relevant to an investigation of the fire loss or a prosecution for arson.

5.12(2) Whenever the fire marshal, or an agent or employee of the fire marshal, requests in writing that an insurance company provide information in its possession regarding a fire to the fire marshal, the insurance company shall provide all relevant information requested. Relevant information may include, but need not be limited to:

a. Insurance policy information relating to a fire loss under investigation including information on the policy application.

b. Policy premium payment records.

c. History of previous claims made by the insured.

d. Material relating to the investigation of the loss, including the statement of any person, proof of loss, and other information relevant to the investigation.

5.12(3) Unless otherwise expressly limited any request for information under this rule shall be construed to be a request for all information in the possession of an insurance company. Any information in the custody or control of any agent, employee, investigator, attorney or other person engaged by an insurance company, on a permanent or temporary basis, in the person's professional relationship to the insurance company shall be considered to be in the possession of the insurance company subject to this rule.

661—5.13(17A,80,100A) Release of information to an insurance company. An insurance company which has provided fire loss information to an authorized agency pursuant to Iowa Code section 100A.2 may request information relevant to said fire loss investigation from the fire marshal. If the insurance company has provided information to an authorized agency other than the fire marshal, the request shall include proof that information was provided. For purposes of this rule the term insurance company shall include an attorney, adjustor or investigator engaged by the company in reference to the particular fire loss involved in the request even though the attorney, adjustor or investigator is not a full-time employee of the insurance company. The attorney, adjustor or investigator shall provide the fire marshal with proof of authorization from the insurance company to act as its representative relative to the loss.

661—5.14(17A,80,100A) Forms. These rules require the use of the following forms that are available from the commissioner or the state fire marshal.

5.14(1) When an insurance company has reason to believe that a fire loss has occurred, the company shall notify the fire marshal on the form entitled "Insurance Form Number One."

5.14(2) Requests for information by the fire marshal, the fire marshal's agents or employees from an insurance company pursuant to Iowa Code section 100A.2 shall comply with the form entitled "Insurance Form Number Two."

5.14(3) Material requested on Insurance Forms Number One and Two shall carry a cover form which complies with "Insurance Form Number Three."

5.14(4) Request for information by an insurance company from the fire marshal shall comply with "Insurance Form Number Four."

661—5.15(17A,100) Waivers, variances, and exceptions. This rule outlines generally applicable standards and a uniform process for the granting of individual waivers from rules of the state fire marshal in situations where no other more specific procedure provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this rule with respect to any waiver from that rule.

"*Rules of the state fire marshal*" include any rules contained in 661—Chapters 5, 51, 53, 54, 55, and 59.

"*Waiver*" or "*variance*" means an action by the fire marshal which suspends, in whole or in part, the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. For simplicity, the term "waiver" shall include both a "waiver" and a "variance."

5.15(1) Applicability of rule. The fire marshal may grant a waiver from a rule only if the fire marshal has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. The fire marshal may not waive requirements created or duties imposed by statute.

5.15(2) Criteria for waiver or variance. In response to a petition completed pursuant to this rule, the fire marshal may, in the fire marshal's sole discretion, issue an order waiving, in whole or in part, the requirements of a rule if the fire marshal finds, based on clear and convincing evidence, all of the following:

- a.* The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
- b.* The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
- c.* The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
- d.* Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

5.15(3) Filing of petition. A petition for a waiver must be submitted in writing to the fire marshal as follows:

- a. License application.* If the petition relates to a license application, the petition shall be made in accordance with the filing requirements for the license in question.
- b. Contested cases.* If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case.
- c. Other.* If the petition does not relate to a license application or a pending contested case, the petition shall be submitted using a caption indicating the name of the entity or person for whom the waiver is requested and the location of property to which the proposed waiver would apply, if any.
- d. File petition.* A petition is deemed filed when it is received in the office of the state fire marshal. A petition should be sent or delivered to the Iowa State Fire Marshal, 621 East 2nd Street, Des Moines, Iowa 50309.

5.15(4) Content of petition. A petition for waiver shall include the following information where applicable and known to the requester:

- a.* The name, address, and telephone number of the entity or person for whom a waiver is being requested; the case number of or other reference to any related contested case; and the name, address, and telephone number of the petitioner's legal representative, if any.
- b.* A description of and citation to the specific rule from which a waiver is requested.
- c.* The specific waiver requested, including the precise scope and duration.
- d.* The relevant facts that the petitioner believes would justify a waiver under each of the four criteria described in subrule 5.15(2). This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver.
- e.* A history of any prior contacts between the department of public safety or any other agency of the state of Iowa or political subdivision and the petitioner relating to the regulated activity or license affected by the proposed waiver, including a description of each affected license or certificate held by the requester, any formal charges filed, notices of violation, contested case hearings, or investigations relating to the regulated activity or license within the last five years.
- f.* Any information known to the requester regarding actions of the fire marshal in similar cases.

g. The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.

h. The name, address, and telephone number of any entity or person who would be adversely affected by the granting of a petition.

i. The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

j. Signed releases of information authorizing persons with knowledge regarding the request to furnish the department with information relevant to the waiver.

5.15(5) Additional information. Prior to issuing an order granting or denying a waiver, the fire marshal may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the fire marshal may, on the fire marshal's own motion or at the petitioner's request, schedule a telephonic or in-person meeting between the petitioner and a representative or representatives of the fire marshal related to the waiver request.

5.15(6) Notice. The fire marshal shall acknowledge a petition upon receipt. The fire marshal shall ensure that, within 30 days of receipt of the petition, notice of the pending petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law, including the petitioner. In addition, the fire marshal may give notice to other persons. To accomplish this notice provision, the fire marshal may require the petitioner to serve the notice on all persons to whom notice is required by any provision of law, and provide a written statement to the department attesting that notice has been provided.

5.15(7) Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply to any petition for a waiver filed within a contested case, and shall otherwise apply to department proceedings for a waiver only when the department so provides by rule or order or is required to do so by statute.

5.15(8) Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person or legal entity and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and duration of the waiver if one is issued.

a. *Fire marshal discretion.* The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the fire marshal, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the fire marshal based on the unique, individual circumstances set out in the petition.

b. *Burden of persuasion.* The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the fire marshal should exercise discretion to grant a waiver of a rule.

c. *Narrowly tailored.* A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

d. *Administrative deadlines.* When the rule from which a waiver is sought establishes administrative deadlines, the fire marshal shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

e. *Conditions.* The fire marshal may place on a waiver any condition that the fire marshal finds desirable to protect the public health, safety, and welfare.

f. *Time period of waiver.* A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the fire marshal, a waiver may be renewed if the fire marshal finds that grounds for a waiver continue to exist.

g. Time for ruling. The fire marshal shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the fire marshal shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

h. When deemed denied. Failure of the fire marshal to grant or deny a petition within the required time period shall be deemed a denial of that petition by the fire marshal. However, the fire marshal shall remain responsible for issuing an order denying a waiver.

i. Service of order. Within seven days of its issuance, any order issued under this rule shall be transmitted to the petitioner or the person to whom the order pertains, and to any other person entitled to such notice by any provision of law.

5.15(9) All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information the fire marshal is authorized or required to keep confidential. The department may accordingly redact confidential information from petitions or orders prior to public inspection.

5.15(10) Summary reports. The fire marshal shall provide information regarding requests for waivers received pursuant to this rule to the agency rules administrator for inclusion in summary reports of requests for waivers as provided for in 661—subrule 10.222(10).

5.15(11) Cancellation of a waiver. A waiver issued by the fire marshal pursuant to this rule may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the fire marshal issues an order finding any of the following:

a. The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

b. The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

c. The subject of the waiver order has failed to comply with all conditions contained in the order.

5.15(12) Violations. Violation of a condition in a waiver order shall be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this chapter who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

5.15(13) Defense. After the fire marshal issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein only for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

5.15(14) Appeals. Decisions of the fire marshal pursuant to this rule may be appealed to the commissioner of public safety. Provision for appeals of proposed decisions in contested case proceedings shall apply, as provided in rule 661—10.327(17A).

5.15(15) Judicial review. Judicial review of the department's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A.

5.15(16) Sample petition for waiver. A petition for waiver filed in accordance with this chapter must meet the requirements specified herein and must substantially conform to the following form:

BEFORE THE IOWA DEPARTMENT OF PUBLIC SAFETY,
STATE FIRE MARSHAL DIVISION

Petition by (name of petitioner) for the waiver/variance of (insert rule citation) relating to (insert the subject matter).



PETITION FOR
WAIVER/VARIANCE

1. Provide the name, address, and telephone number of the petitioner (person asking for a waiver or variance). Also provide the name, address, and telephone number of the petitioner’s legal representative, if applicable, and a statement indicating the person to whom communications concerning the petition should be directed.

2. Describe and cite the specific rule from which a waiver is requested.

3. Describe the specific waiver requested, including the precise scope and time period for which the waiver will extend.

4. Explain the relevant facts and reasons that the petitioner believes justify a waiver. Include in the answer all of the following:

- Why applying the rule would result in undue hardship to the petitioner;
- Why waiving the rule would not prejudice the substantial legal rights of any person;
- Whether the provisions of the rule subject to the waiver are specifically mandated by statute or another provision of law; and
- How substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

5. Provide a history of any prior contacts between the department, other departments or agencies of the state of Iowa, or political subdivisions and petitioner relating to the regulated activity or license that would be affected by the waiver. Include a description of each affected license held by the petitioner, any formal charges filed, any notices of violation, any contested case hearings held, or any investigations related to the regulated activity, license, registration, certification, or permit.

6. Provide information known to the petitioner regarding the fire marshal’s action in similar cases.

7. Provide the name, address, and telephone number of any public agency or political subdivision that also regulates the activity in question or that might be affected by the granting of the petition.

8. Provide the name, address, and telephone number of any person or entity that would be adversely affected by the granting of the waiver.

9. Provide the name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

10. Provide signed releases of information authorizing persons with knowledge regarding the request to furnish the fire marshal with information relevant to the waiver.

I hereby attest to the accuracy and truthfulness of the above information.

Petitioner’s signature

Date

This rule is intended to implement Iowa Code section 17A.22.

661—5.40(17A,80,100) Portable fire extinguishers—generally. The standard for “Portable Fire Extinguishers,” No. 10, 1988 edition of the National Fire Protection Association, together with its reference to other specific standards referred to and contained within the volumes of the National Fire Code, 1988 edition of the National Fire Protection Association published in 1988, shall be the rule governing portable fire extinguishers in the state of Iowa.

5.40(1) Portable halogenated fire extinguishers. Approved portable halogenated fire extinguishers may be permitted for use in electrical, telephone, or computer equipment areas in public buildings referred to in Iowa Code section 100.35.

5.40(2) Reserved.

661—5.41(17A,80,100) Halon fire extinguishing systems—generally. The standards on “Halon 1301 Fire Extinguishing Systems,” No. 12A, 1987 edition of the National Fire Protection Association, and “Halon 1211 Fire Extinguishing Systems,” No. 12B, 1985 edition of the National Fire Protection Association together with its reference to other specific standards referred to and contained within the volumes of the National Fire Code, 1988 edition of the National Fire Protection Association, published in 1988, shall be the rules governing Halon fire extinguishing systems in the state of Iowa.

661—5.42(100) Cellulose insulation. This rule shall apply to all cellulose insulation loose-fill or spray applied which is used, sold or offered for sale in Iowa after December 8, 1988.

Cellulose insulation shall consist of virgin or recycled wood-based cellulosic fiber and may be made from related paper or paperboard stock, excluding contaminated materials and extraneous foreign materials such as metals and glass which may reasonably be expected to be retained in the finished product. Suitable chemicals may be introduced to improve flame resistance processing and handling characteristics. The particles shall not be so fine as to create a dust hazard, and the added chemicals shall not create a health hazard. The materials used must be capable of proper adhesion to the additive chemicals.

5.42(1) Cellulose insulation shall comply with the requirements of the Consumer Product Safety Commission, Interim Safety Standard for Cellulose Insulation, 16 CFR Part 1209 (1-1-87 edition).

5.42(2) Notwithstanding the requirements of 16 CFR 1209.33, the manufacturer shall contract with an independent National Voluntary Laboratory Accreditation Program (NVLAP) laboratory, administered by the United States Department of Commerce, National Bureau of Standards, which is approved to perform the tests necessary for compliance with the standards.

a. The manufacturer shall include in the laboratory service a follow-up inspection program which will include at least six unannounced inspections per year.

b. The testing laboratory shall obtain enough samples from production and inventory and may also purchase sufficient bags to ensure that the samples are a representative cross section of the material being tested.

c. In the event that samples obtained by the testing laboratory fail to meet the test standards, the manufacturer, with the approval of the testing laboratory, shall take whatever action is necessary to correct the production process and bring the product into compliance.

5.42(3) In addition to the labeling requirements of 16 CFR 1209.9, the containers of cellulose insulation shall indicate that a follow-up inspection program is being carried out.

661—5.43 to 5.49 Reserved.

These rules are intended to implement Iowa Code chapters 100 and 100A.

[Filed 6/30/75]

[Filed 2/16/77, Notice 1/12/77—published 3/9/77, effective 4/13/77]

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[Filed 9/24/03, Notice 5/28/03—published 10/15/03, effective 12/1/03]

MEANS OF EXIT

661—5.50(100) Rescinded IAB 10/15/03, effective 12/1/03.

661—5.51(100) Exits. NFPA 101, 2000 edition, Chapter 7, is adopted as the general rules establishing exit requirements.

NOTE: When exit requirements for a specific form of occupancy are in conflict with this rule, the requirements for the specific occupancy apply.

This rule is intended to implement Iowa Code section 100.35.

661—5.52(100) to 5.65(100) Rescinded IAB 10/15/03, effective 12/1/03.

661—5.66 to 5.99 Reserved.

[Filed 11/25/55]

[Filed 12/19/56]

[Filed 6/30/61]

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[Filed 9/24/03, Notice 5/28/03—published 10/15/03, effective 12/1/03]

LIFE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

661—5.100(100) Exits and escapes.

5.100(1) General. All buildings must meet the requirements set forth in General Rules and Regulations for Means of Exit with the following exceptions permitted for existing buildings. The purpose of rules 5.100(100) to 5.105(100) is to provide a reasonable degree of safety to persons occupying existing buildings that do not conform with the minimum requirements of this code by providing for reasonable and equivalent safety.

EXCEPTION: One- and two-family dwellings, private garages, carports, sheds and agricultural buildings.

5.100(2) Effective date. Existing buildings will be classified as those constructed prior to the effective date of these rules.

5.100(3) Change of occupancy classification. A change from one occupancy classification to another, in any building or structure, whether necessitating a physical alteration or not, may be made only if such building or structure conforms with the requirements of rules applying to new buildings or the proposed new use.

5.100(4) Provisions of this chapter shall apply to existing buildings as well as new, except that the authority having jurisdiction may permit conditions legally in existence at the time of the adoption of these rules.

Those buildings, structures or facilities not legally in existence or not meeting these rules at the time of their adoption shall within a reasonable period designated by the state fire marshal or the authority having jurisdiction complete the work necessary.

5.100(5) Rescinded IAB 9/16/92, effective 11/1/92.

5.100(6) The requirements of subrule 5.52(6) for automatic sprinkler systems shall not apply to buildings constructed prior to the effective date of these rules unless required by specific occupancies enforced by the state fire marshal under the state fire marshal's jurisdiction.

This rule is intended to implement Iowa Code section 100.35.

661—5.101(100) Exits.

5.101(1) Number of exits. Every floor above the first story used for human occupancy shall have access to at least two separate exits, one of which may be an exterior fire escape. Subject to the approval of the authority having jurisdiction, an approved ladder device may be used in lieu of a fire escape when the construction feature or location of the building on the property make the installation of a fire escape impracticable.

An exit ladder device may be used only when:

- a. It serves an occupant load of ten or less or a single dwelling unit or guest room.
- b. The building does not exceed three stories in height.
- c. The access is adjacent to an opening as specified for emergency egress or rescue from a balcony.
- d. It does not pass in front of any building opening below the unit being served.
- e. The availability of activating the device for the ladder is accessible only from the opening or balcony served.
- f. It is so installed that it will not cause a person using it to be within 6 feet of exposed electrical wiring.
- g. All load-bearing surfaces and supporting hardware shall be of noncombustible materials. Exit ladder devices shall have a minimum width of 12 inches when in the position intended for use. The design load shall be not less than 400 pounds for 16-foot length and 600 pounds for 25-foot length.
- h. Exit ladder devices shall be capable of withstanding an applied load of four times the design load when installed in the manner intended for use. Test loads shall be applied for a period of one hour.

5.101(2) Stair construction. All required stairs shall have a minimum run of 9 inches and a maximum rise of 8 inches and shall have a minimum width of 30 inches exclusive of handrails. Every stairway shall have at least one handrail. A landing having a minimum 30-inch run in the direction of travel shall be provided at each point of access to the stairway. Exterior stairs shall be of noncombustible construction.

EXCEPTION: Fire escapes as provided for in this section.

EXCEPTION: On buildings of types III, IV, V, provided the exterior stairs are constructed of wood not less than 2 inches nominal thickness.

5.101(3) Corridors. Corridors serving as required exit for an occupant load of 30 or more shall have walls and ceilings of not less than one-hour fire-resistive construction as required by this chapter.

Existing walls surfaced with wood lath and plaster in good condition or ½ inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20 minute fire assemblies or solid wood doors not less than 1¾ inches thick. Where the existing frame will not accommodate the 1¾-inch-thick door, a 1 3/8-inch-thick solid bonded wood core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic-closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with subrule 5.54(9) of this code or shall be covered with a minimum of 5/8-inch gypsum wallboard or equivalent material on both sides. Transoms shall be fixed in a closed position.

EXCEPTION: Existing corridor walls, ceilings and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure.

5.101(4) Fire escapes.

a. Existing fire escapes which in the opinion of the authority having jurisdiction comply with the intent of this section may be used as one of the required exits. The location and anchorage of fire escapes shall be of approved design and construction.

b. Fire escapes shall comply with the following:

(1) Access from a corridor shall not be through an intervening room.

(2) All openings within 10 feet shall be protected by three-fourth-hour fire assemblies. When located within a recess or vestibule, adjacent enclosure walls shall be of not less than one-hour fire-resistive construction.

(3) Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access shall be at the floor of the building or balcony.

(4) Fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot and shall be provided with a top and intermediate handrail on each side. The pitch of the stairway shall not exceed 60 degrees with a minimum width of 18 inches. Treads shall be not less than 4 inches in width and the rise between treads shall not exceed 10 inches. All stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot of railings.

(5) Balconies shall be not less than 44 inches in width with on floor opening other than the stairway opening greater than 5/8 inch in width. Stairway openings in such balconies shall be not less than 22 inches by 44 inches. The balustrade of each balcony shall be not less than 36 inches high with not more than 9 inches between balusters.

(6) Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with less than 4:12 slope. Approved gooseneck ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot, each rung shall support a concentrated load of 500 pounds placed anywhere on the rung. All ladders shall be at least 15 inches wide, located within 12 inches of the building and shall be placed flatwise relative to the face of the building. Ladder rungs shall be at least ¾ inch in diameter and shall be located 12 inches on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches.

(7) The lowest balcony shall be not more than 18 feet from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

(8) Fire escapes shall not take the place of stairways required by the codes under which the building was constructed.

(9) Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.

(10) All fire escapes shall have walls or guards on both sides, with handrails not less than 30 inches nor more than 42 inches high measured vertically from a point on the stair tread 1 inch back from the leading edge.

(11) All supporting members for balconies and stairs that are in tension and are fastened directly to the building shall pass through the wall and be securely fastened on the opposite side or they shall be securely fastened to the framework of the building. Where opposite metal members pass through walls, they shall be protected effectively against corrosion.

(12) Tread construction must be solid, with ½-inch diameter perforations permitted.

5.101(5) Exit and fire escape signs. Exit signs shall be provided as required by rule 5.62(100).

EXCEPTION: The use of existing exit signs may be continued when approved by the authority having jurisdiction.

All doors or windows providing access to a fire escape shall be provided with fire escape signs.

661—5.102(100) Enclosure of vertical shafts.

5.102(1) Interior vertical shafts, including but not limited to stairways, elevator hoistways, service and utility shafts, shall be enclosed by a minimum of one-hour fire-resistive construction. All openings into such shafts shall be protected with one-hour fire assemblies which shall be maintained self-closing or be automatic closing by smoke detection. All other openings shall be fire protected in an approved manner.

EXCEPTIONS:

1. An enclosure will not be required for openings serving only one adjacent floor, unless otherwise required by specific occupancies.

2. Stairways need not be enclosed in a continuous vertical shaft if each story is separated from other stories by one-hour fire-resistive construction or approved wired glass set in steel frames.

3. Vertical openings need not be protected if the building is protected by an approved automatic sprinkler system, and does not exceed three stories.

5.102(2) Reserved.

661—5.103(100) Standpipes.

5.103(1) Any buildings over four stories in height shall be provided with an approved Class I or III standpipe system.

5.103(2) Reserved.

661—5.104(100) Separation of occupancies.

5.104(1) Occupancy separations shall be provided as required by the authority having jurisdiction, with a minimum of one hour either vertically or horizontally or both. When approved by the authority having jurisdiction, existing wood lath and plaster in good condition or ½-inch gypsum wallboard may be acceptable where one hour occupancy separations are required.

5.104(2) Reserved.

661—5.105(100) Dead-end corridors.

5.105(1) In existing buildings, when correction of a dead-end corridor is impractical, dead-end corridor length of specific occupancies may be extended, provided additional smoke detection and safeguards are installed, as determined by the authority having jurisdiction. Occupancy and dead-end corridor lengths are as follows:

Residential	35 feet	Business (Office)	50 feet
Mercantile	50 feet	Industrial	50 feet

5.105(2) Reserved.

TABLE NO. 5 — A — MINIMUM EGRESS AND ACCESS REQUIREMENTS

USE	MINIMUM OF TWO EXITS OTHER THAN ELEVATORS ARE REQUIRED WHERE NUMBER OF OCCUPANTS IS AT LEAST	OCCUPANT LOAD FACTOR
1. Aircraft Hangars (no repair)	10	500
2. Auction Rooms	30	7
3. Assembly Areas, Concentrated Use (without fixed seats) Auditoriums Bowling Alleys (Assembly areas) Churches and Chapels Dance Floors Lodge Rooms Reviewing Stands Stadiums	50	7
4. Assembly Areas, Less-concentrated Use Conference Rooms Dining Rooms Drinking Establishments Exhibit Rooms Gymnasiums Lounges Stages	50	15
5. Children's Homes and Homes for the Aged	6	80
6. Classrooms	50	20
7. Dormitories	10	50
8. Dwellings	10	300
9. Garage, Parking	30	200
10. Hospitals and Sanitariums — Nursing Homes	6	80
11. Hotels and Apartments	10	200
12. Kitchen — Commercial	30	200
13. Library Reading Room	50	50
14. Locker Rooms	30	50
15. Mechanical Equipment Room	30	300
16. Nurseries for Children (Day-care)	7	35
17. Offices	30	100
18. School Shops and Vocational Rooms	50	50
19. Skating Rinks	50	50 on the skating area; 15 on the deck
20. Stores — Retail Sales Rooms Basement Ground Floor Upper Floors	7 50 10	20 30 50
21. Swimming Pools	50	50 for the pool area; 15 on the deck
22. Warehouses	30	300
23. Lobby Accessory to Assembly Occupancy	50	7
24. Malls	50	30
25. All others	50	100

TABLE NO. 5 -B- TYPES OF CONSTRUCTION — FIRE-RESISTIVE REQUIREMENTS
(In Hours)
For Details see Chapters under Occupancy and Types of Construction

BUILDING ELEMENT	TYPE I		TYPE II		TYPE III		TYPE IV		TYPE V	
	NONCOMBUSTIBLE				COMBUSTIBLE					
	Fire-Resistive	Fire-Resistive	1-Hr.	N	1-Hr.	N	H.T.	1-Hr.	N	
Exterior Bearing Walls	4	4	1	N	4	4	4	1	N	
Interior Bearing Walls	3	2	1	N	1	N	1	1	N	
Exterior Nonbearing Walls	4	4	1	N	4	4	4	1	N	
Structural Frame ¹	3	2	1	N	1	N	1 or H.T.	1	N	
Partitions — Permanent	1 ²	1 ²	1 ²	N	1	N	1 or H.T.	1	N	
Shaft Enclosures	2	2	1	1	1	1	1	1	1	
Floors	2	2	1	N	1	N	H.T.	1	N	
Roofs	2	1	1	N	1	N	H.T.	1	N	

N—No general requirements for fire resistance H.T.—Heavy Timber

¹Structural frame elements in the exterior wall shall be protected against external fire exposure as required for exterior bearing walls or the structural frame, whichever is greater.

²Fire retardant treated wood may be used in the assembly, provided fire-resistance requirements are maintained.

TABLE NO. 5-C Interior Wall and Ceiling Finish Ratings

Occupancy	Exits	Access to Exits	Other Spaces
Assembly—New	A	A or B	A or B
Assembly—Existing	A	A or B	A, B, or C
Educational—New	A	A or B	A or B
Educational—Existing	A	A or B	A, B, or C
Day Care Centers—New	A	A	A or B
Day Care Centers—Exist.	A or B	A or B	A or B
RCF/Care Homes Lodging	A or B	A, B, or C	A, B, or C
Health Care (ICF/SNF) —New	A	A	A, (B in small individual room)
Health Care (ICF/SNF) —Existing A or B	A or B	A or B	A or B
Residential, Hotels, Apartment & Dormitories	A	A or B	A, B, or C

Exposed portions of structural members complying with the requirements for heavy timber construction may be permitted.

Automatic Sprinklers—where a complete standard system of automatic sprinklers is installed, interior wall and ceiling finish with flame spread rating not over Class C may be used in any location where Class B is required and a rating of Class B in any location where Class A is required.

Any carpet installed on walls or ceilings shall be Class A and installed only where automatic sprinkler protection is provided.

Class A Interior Finish—Flame spread 0-25, smoke developed 0-450;

Class B Interior Finish—Flame spread 26-75, smoke developed 0-450;

Class C Interior Finish—Flame spread 76-200, smoke developed 0-450 when tested in accordance with National Fire Protection Association Standard No. 225, 1988.

TABLE NO. 5-D Carpet Specifications

The following applies to all newly applied carpet installed as floor covering in new and existing buildings. Carpet which was in compliance with the regulations in effect when it was installed may remain. These carpet specifications supersede all previously issued carpet specifications.

Occupancy	Exits	Access to Exits
Assembly	NR	NR
Educational	NR	NR
Day Care	I or II	I or II
Health Care	I	I
Residential — Hotels, Apartments, Dormitories	I or II	I or II

I = Class I Interior Floor Finish: minimum 0.45 watts per square centimeter (See Radiant Panel Test, NFPA 253 or ASTM E-648).

II = Class II Interior Floor Finish: minimum 0.22 watts per square centimeter Critical Radiant Flux (See NFPA 253 or ASTM E-648).

NR = Non-rated

In a building which is completely protected by an automatic fire sprinkler system Class II may be used in lieu of Class I and Non-rated carpet may be used in lieu of Class II.

These specifications apply only to carpet installed on floors. Any carpet installed on walls or ceilings shall have a Class A finish rating when tested in accordance with NFPA Standard No. 225 of ASTM E-84 and be installed only where automatic sprinkler protection is provided.

NOTE: The floor radiant panel provides a measure of a floor covering's tendency to spread flames when located in a corridor and exposed to the flame and hot gases from a room fire. The Flooring Radiant Panel Test method is to be used as a basis for estimating the fire performance of a floor covering installed in the building corridor. Floor coverings in open building spaces and in rooms within buildings merit no further regulation, providing it can be shown that the floor covering is at least as resistant to spread of flame as a material that will meet the federal flammability standard, FFI-70, Standard for the Surface Flammability of Carpets and Rugs (Pill Test). All carpeting sold in the U.S. since 1971 is required to meet this standard and, therefore, is not likely to become involved in a fire until a room reaches or approaches flashover. Therefore, no further regulations are necessary for carpet other than in exitways and corridors.

It has not been found necessary or practical to regulate interior floor finishes on the basis of smoke development.

661—5.106 to 5.229 Reserved.

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[Filed 8/25/92, Notice 5/13/92—published 9/16/92, effective 11/1/92]

661—5.230(100) High-rise buildings. This rule establishes requirements relating to the installation of an automatic fire extinguishing system in high-rise buildings that are required by Iowa Code section 100.39.

5.230(1) Definitions. “Automatic fire extinguishing system” is an approved system of devices and equipment which automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of a fire.

5.230(2) Compliance. Buildings that are required to be equipped with an automatic fire extinguishing system shall meet the standard for the “Installation of Sprinkler Systems,” No. 13, 1987 edition of the National Fire Protection Association, together with its reference to other specific standards referred to and contained within the volumes of the National Fire Code, 1988 edition of the National Fire Protection Association, published in 1988.

A copy of these standards is available for review in the state fire marshal’s office or may be obtained from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

5.230(3) Approval. Plans for a building required to have an automatic fire extinguishing system shall be approved prior to construction. Approval shall be obtained from the fire marshal, a designee of the state fire marshal or the authority having jurisdiction.

Subject to the approval of the fire marshal, automatic fire extinguishing systems that use water may be omitted in rooms or areas where they are considered undesirable because of the nature of the contents. The fire marshal may require the use of another automatic extinguishing agent or the installation of an automatic detection system.

5.230(4) Existing buildings. Buildings or structures to which additions, alterations, or repairs are made shall comply with all of the requirements for new buildings or structures. Buildings in existence at the time of adoption of this code may have their existing use or occupancy continued, if this occupancy was legal at the time of the adoption of this code, and provided such continued use is not dangerous to life.

5.230(5) Parking garages. Open parking garages over four stories in height are exempt from automatic fire extinguishing requirements, provided they are of noncombustible construction and house no occupancy above the open parking garage.

NOTE: An open parking garage shall meet the definition and requirements as spelled out in the Uniform Building Code (1988 Edition), Section 709(b).

Any level which does not qualify as an open parking garage and all levels below shall have an approved automatic fire extinguishing system.

All other parking structures shall comply with the standards for “Parking Structures” No. 88A, 1985 Edition of the National Fire Protection Association.

This rule is intended to implement Iowa Code section 100.39.

661—5.231 to 5.249 Reserved.

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LIQUEFIED PETROLEUM GASES

Rescinded IAB 11/27/02, effective 1/1/03. See 661—Chapter 51.

661—5.250 to 5.274 Reserved.

LIQUEFIED NATURAL GAS

Rescinded IAB 11/27/02, effective 1/1/03. See 661—Chapter 51.

661—5.275 to 5.299 Reserved.

FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE

Rescinded IAB 11/27/02, effective 1/1/03. See 661—Chapter 51.

661—5.300 to 5.349 Reserved.

OIL BURNING EQUIPMENT

Rescinded IAB 11/27/02, effective 1/1/03. See 661—Chapter 51.

661—5.350 to 5.399 Reserved.

STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND
ISOLATED CONSTRUCTION PROJECTS

Rescinded IAB 11/27/02, effective 1/1/03. See 661—Chapter 51.

661—5.400 to 5.449 Reserved.

TRANSPORTATION AND DELIVERY OF FLAMMABLE AND COMBUSTIBLE LIQUIDS
BY TANK VEHICLES

Rescinded IAB 11/27/02, effective 1/1/03. See 661—Chapter 51.

661—5.450 to 5.499 Reserved.

CHILD CARE CENTERS

661—5.500(100) Definitions. The following definitions apply to rules 661—5.500(100) to 661—5.509.

“*Approved*” is defined as being acceptable to the state fire marshal.

“*Approved equipment and material*” shall mean any equipment or material tested and listed by a nationally recognized testing laboratory.

“*Approved standards*” shall mean any standard or code prepared and adopted by a nationally recognized association.

“*Attic*,” when used in these standards, shall mean the space between the ceiling beams of the top habitable story and the roof rafters.

“*Automatic*,” as applied to a door, window or other protection for an opening shall mean that such door, window or other protection is so constructed and arranged that if open it will close when subjected to a predetermined temperature or rate of temperature rise.

“*Automatic sprinkler system*” shall mean an arrangement of piping and sprinkler designated to operate automatically by the heat of fire and to discharge water upon the fire, according to the standards of the National Fire Protection Association.

“*Basement*” or cellar for these regulations shall mean that part of a building where the finish floor is more than 30 inches below the finish grade at the building.

“*Child occupied areas*” used in this regulation for purposes of area separation, means of egress and use, as that area used for sleeping, dining, activity and educational purposes and other areas subject to occupancy by children.

“*Combustible*” shall mean capable of undergoing combustion.

“*Combustible or hazardous storage area of room*” shall mean those areas containing heating apparatus and boiler rooms, basements or attics used for the storage of combustible material, flammable liquids, workrooms such as kitchen, laundry, handicraft shops, carpenter shops, paint shops, and upholstery shops, central storerooms such as furniture, mattresses and miscellaneous storage, and similar occupancies intended to contain combustible material which will either be easily ignited, burn with an intense flame or result in the production of dense smoke and fumes.

“*Existing center*” is that which is already in existence at the date these rules go into effect.

“*Exit*” is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in these regulations to provide a protected way of travel to the exit discharge.

“*Exit access*” is that portion of a means of egress which leads to an entrance to an exit.

“*Exit discharge*” is that portion of a means of egress between the termination of an exit and a public way.

“*Fire door*” shall mean a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire, equal to surrounding construction.

“*Fire extinguisher rating*” shall be as stated in National Fire Protection Association pamphlet No. 10.

“*Fire marshal*” means the state fire marshal, any of the state fire marshal’s staff, or assistant state fire inspectors, carrying authorized cards signed by the state fire marshal.

“*Fire partition*” shall mean a partition which subdivides a story of a building to provide an area of refuge or to restrict the spread of fire for a minimum of one hour.

“*Fire-resistance rating*” shall mean the time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by fire tests conducted in compliance with approved standards.

“*Fire resistive*” shall mean that property of materials or assemblies which prevents or retards the passage of excessive heat, hot gases or flames under condition of use. The term “fire resistive” shall mean the same as “fire resistance.”

“*Fire wall*” shall mean a wall of brick or reinforced concrete having adequate fire resistance and structural stability under fire conditions to accomplish the purpose of completely subdividing a building or of completely separating adjoining building to resist the spread of fire. A fire wall shall extend continuously through all stories from foundation to or above the roof.

“*Floor area net*” shall be the actual occupied area not including accessory unoccupied areas or thickness of walls.

“*Interior finish material*” shall be classified in accordance with the method of tests of surface burning characteristics of building material National Fire Protection Association Standard No. 255, Test Methods, Surface Burning—Building Materials, 1969. Classification of interior finish material shall be in accordance with tests made under conditions simulating actual installations, provided that the state fire marshal may by rule establish the classification of any material on which a rating by standard test is not available. Interior finish material shall be grouped in the following classes in accordance with their flame spread and related characteristics.

Class A. Interior finish flame spread 0-25.

Class B. Interior finish flame spread 25-75.

Class C. Interior finish flame spread 75-100.

“*Mixed occupancy*” shall mean when the building is used for more than one occupancy purpose.

“*Panic hardware*” shall cause the door latch to release when pressure of not to exceed 15 pounds is applied to the releasing devices in the direction of exit travel. Such releasing devices shall be bars or panels extending not less than two-thirds of the width of the door and placed at height not less than 30 nor more than 44 inches above the floor. Only approved panic hardware shall be used on exit doors.

“*Self-closing*” shall mean to be equipped with an approved device which will ensure closing after having been opened.

“*Sprinklered*” shall mean to be completely protected by an approved system of automatic sprinklers installed and maintained in accordance with approved standards.

“*State fire marshal*” shall mean the chief officer of the division of fire protection as described in Iowa Code section 100.1 or one authorized to act in the state fire marshal’s absence.

“*Story*” shall mean that part of a building comprised between a floor and ceiling or roof next above. The first story shall be that story which is of such height above the ground that it does not come within the definition of a basement or cellar.

“*Types of construction*” shall be defined in National Fire Protection Association, pamphlet No. 220, published in 1985.

“*Unduly endanger*” shall mean beyond a normal limit bring into danger or peril.

661—5.501(100) Child care centers in mixed occupancies.

5.501(1) “*Application—mixed occupancy.*” All child care centers seeking licenses under Iowa Code chapter 237A, located in mixed occupancies shall meet the requirements of the primary use and occupancy of the building as promulgated by the state fire marshal. If no such rules exist the following shall be compiled to and the area used for child care shall comply as per number of children occupying the center at any given time.

5.501(2) “*Mixed occupancy.*”

a. “*Not meeting codes.*” In facilities not meeting nationally recognized codes for child care centers the minimum division between the child occupied area and other areas shall be a one-hour fire partition and the perimeter protected with an approved fire detection or automatic extinguishing system as directed by the fire marshal. Less than a one-hour partition may be accepted when the fire marshal approves adequate perimeter protection.

b. “*Meeting recognized codes.*” Where child care centers are located in a building containing mixed occupancies, the separation requirements of a nationally recognized code are satisfied, it shall be considered as complying to the section above.

c. “*Undue danger.*” Child care centers shall not be in buildings of mixed occupancies where the acts of other occupants could unduly endanger the lives of the children in the child care center.

661—5.502(100) Child care centers for seven or more children.

5.502(1) “*Application.*”

a. “*Life safety requirements.*” This section establishes life safety requirements for child care centers in which seven or more children receive care.

b. “*Regulations shall apply to all centers.*” These subrules of the regulations shall apply to all centers. These regulations shall constitute the minimum requirements for centers for approval by the state fire marshal’s office. Further, and more stringent, requirements may be required by other governmental divisions, or subdivisions, as a requirement for participation in various programs, or to comply with local codes and regulations.

c. *"Time for compliance."* In existing childcare centers a reasonable time shall be allowed for compliance with any part of this rule, commensurate with the magnitude of the expenditure and the disruption of services. When alternate protection is installed and accepted the center shall be considered as conforming for the purposes of these regulations.

d. *"Additions or structural alterations."* Additions or structural alterations to existing facilities must have written approval from the state fire marshal, and working plans and specifications must be submitted for review and approval.

5.502(2) "Exit details."

a. *"Number of exits."* Each floor occupied by children shall have not less than two approved remote means of egress. Additional exits shall be determined by the number of occupants.

b. *"Basement exits."* Where children are located below the floor of exit discharge (basement) at least one exit directly to the outside to ground level shall be provided. No center shall be located more than one story below the ground. Any stairway to the floor above shall be cut by a fire barrier containing a rated door of at least 20-minute fire protection or a minimum of 1¾-inch solid bonded wood core. They shall be equipped with a self-closing device and positive latch.

c. *"Types of exits."* Exits shall be of the following types or combinations thereof as defined by the National Fire Protection Association. At least two exits of the below types, remote from each other, shall be provided for every story or section of the building. At least one exit in every story or section shall be of type 2, 3, 4, 5, or 6 as listed below. Exterior fire escape stairs, minimum of 44 inches in width, may be accepted as a second means of exit.

- (1) Horizontal exits.
- (2) Doors leading directly outside the buildings (without stairs).
- (3) Ramps.
- (4) Stairways, or outside stairs.
- (5) Seven-foot spiral slides. Approved only where installed prior to effective date of these regulations.
- (6) Smoke towers.

d. *"Direct exits."* At least one required exit from each floor shall lead directly or through an enclosed corridor, to the outside. A second or third required exit, where a more direct exit is impractical, may lead to a first floor lobby having ample and direct exit to the outside.

e. *"Exit doors shall not be locked."* Exit doors shall not be locked against egress by bolt, key locks, hooks or padlocks. A latch type lock is permissible that locks against the outside entrance.

5.502(3) "Doors."

a. *"Size."* Each door in a means of egress shall not be less than 30 inches wide, 6 feet in height and reasonably covering the opening. If a door has a latch and is used by more than 50 people it shall be equipped with panic hardware.

b. *"Closet doors."* Every closet door latch shall be such that children can open the door from the inside of the closet.

c. *"Emergency unlocking."* Every door lock, except exit discharge, shall be designed to permit opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

d. *"Doors protecting vertical openings."* The doorway between the floor of exit discharge and any floor below shall be equipped with a self-closing labeled door of at least a 20-minute fire protection rating or a 1¾-inch solid bonded wood core door.

5.502(4) "Interior finish." Interior finish in exits in child occupied spaces in the center shall be Class A in new centers and A or B in existing centers. See Table No. 5-C following 5.105(100).

5.502(5) *“Detection and extinguishing systems when needed.”* Detection and extinguishing systems shall comply to the following chart in regard to construction and number of stories.

a. *“Chart for detection and extinguishing systems—when needed.”*

Type of Construction	Number of Children	Number of stories				
		1	2	3	4	5 or more
Fire Resistive and Protected	7-15	4	2	2	2	2
Noncombustible	16 or more	3	2	2	2	2
Protected Wood Frame and Protected Ordinary	7-15	4	2	1	NP	NP
	16 or more	3	2	1		
Heavy Timber	7-15	4	2	1	NP	NP
	16 or more	3	2	1		
Unprotected Noncombustible	7-15	4	2	1	NP	NP
	16 or more	3	2	1		
Unprotected Wood Frame and Unprotected Ordinary	7-15	4	NP	NP	NP	NP
	16 or more	2				

Note 1—Sprinkler; Note 2—Complete Automatic Detection; Note 3—Manual Alarm; Note 4—Single Station Smoke Detection; Note 5—NP Not Permitted

“EXCEPTION:” Buildings where classrooms have a direct exit door to the outside are not required to have complete automatic detection. A manual alarm or single-station detector will be satisfactory.

b. *“Approved sprinkler system.”* Any required automatic sprinkler system shall be in accordance with approved standards for systems in light hazard occupancies, and shall be electrically interconnected with the manual fire alarm system. The main sprinkler control valve shall be electrically supervised so that at least a local alarm will sound when the valve is closed.

c. *“Complete automatic detection system.”* Requirements for automatic fire detection systems shall meet the following standards.

- (1) Automatically detect a fire.
- (2) Sound alarm signal throughout the premises for evacuation purposes.
- (3) Provide assurance the system is in operating condition by electric supervision.
- (4) Underwriters Laboratories listed equipment to be used throughout the system.
- (5) Provide a manual test switch and tested monthly and noted for inspection purposes.
- (6) Installation of equipment and wiring shall be in a neat and workmanship like manner.
- (7) To include smoke, or products of combustion, detection devices when required by the fire marshal.
- (8) Properly located manual alarm stations.
- (9) Where fire detection systems are installed to meet the requirements of this regulation, they shall be approved electrically supervised systems. Detectors shall be approved combined rate of rise and fixed temperature type detectors 135°F, or smoke, or products of combustion type, and properly installed. In spaces where high temperature is normal, devices having a higher operating point may be used. Operation of a detection or alarm shall cause an alarm which is audible throughout the center. In existing centers where “fixed temperature only detectors” are already installed, they need not be replaced until such time that a new head needs to be installed. Detector units shall be installed in every room and concealed area of the child care center.

d. *“Single station detectors.”* Every single station detector of product of combustion other than heat shall be mounted on the ceiling or wall at a point of central location in the corridor or in child occupied areas. No detector shall be mounted less than 12 inches of ceiling level. Care shall be exercised to ensure the installation will not interfere with the operating characteristics of the detectors. When activated the detector shall provide an alarm. The detectors shall be tested monthly by the operator of the center or the operator’s designee and a record kept for inspection purposes.

e. *“Manual fire alarms.”*

(1) *“Installation.”* Manual fire alarm stations shall be provided on each floor and so located that the alarm station is not more than 75 feet from any area within the building. Horns or bells that provide a distinctive sound different from any other bell system shall be provided that will give audible warning to all occupants of the building in case of a fire or other emergency. A test system shall be provided for the purpose of conducting fire drills and tests of the alarm system.

(2) *“Approval of systems.”* Factory Mutual or Underwriters Laboratories, Inc., equipment and component parts shall be used in the installation of the fire alarm system. The electrical energy for the fire alarm system shall be on a separate circuit and shall be taken off the utility service to the center building ahead of the entrance disconnect.

(3) *“Extension of system.”* Whenever the fire marshal determines it advisable, it may be required that the fire alarm system be extended or designed to provide automatic fire detection devices in unsupervised areas, boiler rooms, storerooms and shop areas.

(4) *“Mounting.”* Each station shall be securely mounted. The bottom of each station will be not less than 4½ feet and not more than 6 feet above the floor level.

(5) *“Location.”* Manual fire alarm boxes shall be distributed throughout the protected area so that they are unobstructed, readily accessible, and located in the normal path of exit from the area.

5.502(6) *“Fire drills.”* Fire drills shall be held at least once a month and recorded. A fire emergency plan shall be written and posted in a conspicuous place.

5.502(7) *“Extinguishers.”* Each child occupied area shall be protected by a Class “A” fire extinguisher 2A rating, and in areas where heating or cooking units are used there shall be a “5” lb. BC extinguisher 2B rating.

5.502(8) *“Heating equipment.”*

a. *“Location.”* No furnace, space heater or portable heater shall be located in child occupied areas. EXCEPTION: Approved suspended unit heaters may be used, except in means of egress and sleeping areas, provided such heaters are located high enough to be out of the reach of persons using the area and provided they are equipped with the proper safety devices. Fireplaces may be used providing the fireplace is equipped with a heat tempered glass fireplace enclosure guaranteed against breakage up to a temperature of 650°F. If, in the opinion of the fire marshal, special hazards are present, a lock on the enclosure and other safety precautions may be required.

b. *“Combustion air.”* If solid partitions are used to provide the separation of the furnace room from other areas, provision for outside air shall be made to assure adequate combustion for the heating unit.

5.502(9) “*Floor coverings.*” For carpet see Table No. 5-D following 5.105(100). Wall hangings and window treatments shall be flame-retardant or rendered flame-retardant.

5.502(10) “*Maintenance.*”

a. “*Regular and proper maintenance.*” Regular and proper maintenance of electric service, heating plants, alarm systems, sprinkler systems, fire doors and exit facilities shall be accomplished.

b. “*Storerooms.*” Storerooms shall be maintained in a neat and proper manner at all times.

c. “*Excessive storage.*” Excessive storage of combustible materials such as paper cartons, magazines, paints, sprays, old clothing, furniture and similar materials shall be prohibited at all times.

661—5.503 to 5.509 Reserved.

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ADULT DAY SERVICES PROGRAMS

661—5.510(231D) **Adult day services.**

5.510(1) *Definitions.* The following definitions apply to rule 661—5.510(231D).

“*Existing adult day services program*” means an adult day services program certified or seeking certification from the department of inspections and appeals pursuant to the provisions of Iowa Code Supplement chapter 231D and which has been in continuous operation in the same facility since May 31, 2004, or before and which has operated continuously since May 31, 2004, in a facility which has not undergone major renovation or remodeling since May 31, 2004.

“*New adult day services program*” means an adult day services program certified or seeking certification from the department of inspections and appeals pursuant to the provisions of Iowa Code Supplement chapter 231D which has not been in continuous operation since May 31, 2004, or which operates in a facility which has undergone major renovation or remodeling since June 1, 2004.

“*NFPA*” means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

5.510(2) *Fire safety requirements for existing adult day services programs.* NFPA 101, Life Safety Code, 2003 edition, Chapter 17, “Existing Day Care Occupancies,” is adopted by reference as the rules establishing fire safety requirements for existing adult day services programs. Any existing adult day services program shall comply with the provisions of NFPA 101, Life Safety Code, 2003 edition, Chapter 17, “Existing Day Care Occupancies,” by June 1, 2005.

EXCEPTION: If the fire marshal finds that a violation of any provision of NFPA 101, Life Safety Code, 2003 edition, Chapter 17, “Existing Day Care Occupancies,” presents an imminent threat to the safety of clients or staff, the fire marshal may require correction of the condition or conditions which are in violation as a condition of approval of the facility for use by an adult day services program.

5.510(3) *Fire safety requirements for new adult day services programs.* NFPA 101, Life Safety Code, 2003 edition, Chapter 16, “New Day Care Occupancies,” is adopted by reference as the rules establishing fire safety requirements for new adult day services programs.

This rule is intended to implement Iowa Code Supplement section 231D.15.

661—5.511 to 5.606 Reserved.

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RESIDENTIAL FACILITIES

661—5.607(100) Scope. Group home facilities include those facilities for persons with drug and alcohol rehabilitation, halfway houses, juvenile detention, birthing centers or any residential-type facility requiring fire marshal approval or inspection for licensing or occupancy but not licensed under Iowa Code chapter 135C.

5.607(1) Application. These rules shall apply to those facilities, classified as group homes in rule 5.607(100), which provide sleeping accommodations for six or more persons, including buildings in which separate sleeping rooms are provided on either a transient or permanent basis, with or without meals but without separate cooking facilities for individual occupants.

5.607(2) The requirements of these rules are applicable to new buildings, and to existing or modified buildings for use as described in 5.607(100).

NOTE: These rules are minimum requirements. There may be more restrictive regulations locally.

5.607(3) Equivalency concepts. Nothing in these rules is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by these rules, providing technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

5.607(4) The specific requirements of these rules may be modified by the authority having jurisdiction to allow alternative arrangements that will secure as nearly equivalent safety to life from fire as practical, but in no case shall the modification afford less safety to life than, in the judgment of the authority having jurisdiction, that which would be provided with compliance with the corresponding provisions contained in the rules.

5.607(5) Buildings with alternative fire protection features accepted by the authority having jurisdiction shall be considered as conforming with the rules.

5.607(6) In the case of building with mixed occupancies where two or more classes of occupancy occur in the same building or structure and are so intermingled that separate safeguards are impractical, means of egress facilities, construction, protection, and other safeguards shall comply with the most restrictive life safety requirements of the occupancies involved.

5.607(7) Definitions.

“Hazardous area.” A hazardous area is any space that contains storage or other activity having fuel conditions exceeding that of a one- or two-family dwelling and possessing the potential for a fully involved fire. Hazardous areas include, but are not limited to, areas for cartoned storage, food or household maintenance items in wholesale or institutional-type quantities and concentrations, or massed storage of residents’ belongings. Areas containing approved, properly installed and maintained furnaces and heating equipment, and furnace rooms, cooking, and laundry facilities are not classed as hazardous areas on the basis of such equipment.

5.607(8) Minimum construction requirements. No special requirements.

5.607(9) Occupant load. Six or more persons, 200 square feet gross floor area per person. Exit doors shall swing with egress (outward) when the occupant load is over 50 persons.

5.607(10) Interior finish. All interior finish in enclosed vertical exitways shall be Class A. See Table No. 5-C following 661—5.105(100).

EXCEPTION 1: In buildings protected throughout by a complete automatic sprinkler system in accordance with National Fire Protection Association Standard No. 13D, 1984 edition, interior finish shall be at least Class C throughout.

EXCEPTION 2: The state fire marshal may accept nonapproved finish materials applied directly over noncombustible surfaces in existing buildings only.

661—5.608(100) Means of escape.

5.608(1) Number and means of escape. Every sleeping room shall have access to a primary means of escape so located as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening. Where the sleeping room is above or below the level of exit discharge, the primary means shall be an enclosed interior stair, an exterior stair, a horizontal exit, or an existing fire escape stair.

5.608(2) The second means of escape or alternate protection shall be one of the following:

a. A door, stairway, passage or hall providing a way, independent of and remote from the primary means of escape, of unobstructed travel to the outside of the dwelling at street or ground level.

b. A passage through adjacent nonlockable spaces independent of and remote from the primary means of escape to any approved means of escape.

c. The bedroom or living area shall be separated from all other parts of the living unit by construction having a fire-resistance rating of at least 20 minutes and shall be equipped with a door that will resist passage of fire for at least 20 minutes, and is designed and installed to minimize smoke leakage.

EXCEPTION 1: If the bedroom has a door leading directly outside the building with access to grade or to a stairway that meets the requirements for exterior stairs in 5.608(1), that exit shall be considered as meeting all of the exit requirements for that sleeping room.

EXCEPTION 2: If the dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, or NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Mobile Homes, as applicable.

EXCEPTION 3: Existing approved means of escape may be continued in use.

5.608(3) Interior stairways shall be enclosed with 20-minute fire barriers with all openings protected with smoke-actuated automatic or self-closing doors having a fire resistance comparable to that required for the enclosure.

EXCEPTION 1: Stairs connecting two levels only may be open to other than the street floor, if equipped with automatic smoke detectors on each floor interconnected as per National Fire Protection Association Standard No. 74, 1985 edition.

EXCEPTION 2: Stairways may be unprotected in accordance with the exception to 5.609(1).

5.608(4) Winders or circular stairs shall not be used in new construction. Existing winders or circular stairs may be continued in use.

5.608(5) No door or path of travel to a means of egress shall be less than 30 inches (72 cm) wide, clear width (32-inch door).

EXCEPTION: Bathroom doors may be 24 inches (61cm) wide.

5.608(6) Every closet door latch shall be designed to be readily opened from the inside in case of emergency.

5.608(7) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

5.608(8) No door in any means of egress shall be locked against egress when the building is occupied.

EXCEPTION: When additional fire and life safety features have been approved by the state fire marshal, special door locking arrangements may be permitted by the state fire marshal. In buildings in which doors are locked, provisions shall be made for the rapid removal of occupants by such reliable means as the remote controls of locks or by keying all locks to keys readily available to staff who are in constant attendance.

Written permission shall be obtained for any facility using this exception.

5.608(9) Separation of sleeping rooms. All sleeping rooms shall be separated from escape route corridors by walls and doors that are smoke resistant. There shall be no louvers or operable transoms or other air passages penetrating the wall except properly installed heating and utility installations other than transfer grilles. Transfer grilles are prohibited. Doors shall be provided with latches or other mechanisms suitable for keeping the doors closed. No doors shall be arranged so as to prevent the occupant from closing the doors. All sleeping rooms shall have a window for ventilation of not less than 20 inches wide, 24 inches high, and not less than 5.7 square feet area nor more than 44 inches above the floor.

661—5.609(100) Protection of vertical openings.

5.609(1) Vertical openings shall be protected so that no primary exit route is exposed to an unprotected vertical opening. The vertical opening is considered protected if the opening is cut off and enclosed in a manner that provides a smoke and fire resisting capability of not less than 20 minutes. Any door or openings shall have equivalent fire and smoke resisting capability to the enclosure and be automatic-closing on detection of smoke or be self-closing and kept closed.

EXCEPTION: In buildings three stories or less in height, protected throughout by a complete approved automatic sprinkler system in accordance with National Fire Protection Standard No. 13, 1987 edition, or No. 13D, 1984 edition, unprotected vertical openings are permitted. However, in such case, there shall still remain a primary means of exit from each sleeping area that does not require occupants to pass through a portion of a lower floor, unless that route is separated from all spaces on that floor by construction having a 20-minute fire-resistance rating.

5.609(2) Exterior stairs shall be reasonably protected against blockage by a fire that would simultaneously expose both the interior and exterior means of escape.

661—5.610(100) Detection, alarm, and communications.

5.610(1) General. Group home facilities shall be provided with a fire alarm system in accordance with National Fire Protection Association Standard No. 74, 1984 edition.

EXCEPTION 1: Buildings shall have a smoke detection system meeting or exceeding the requirements of National Fire Protection Association Standard No. 74, 1984 edition or Iowa Code section 100.18 and that detection system shall include at least one manual fire alarm station per floor arranged to initiate the smoke detection alarm.

EXCEPTION 2: Buildings protected throughout by a complete approved automatic sprinkler alarm system in accordance with National Fire Protection Association Standard No. 13, 1987 edition, or No. 13D, 1984 edition.

5.610(2) Initiation. Initiation of the required fire alarm system shall be by manual means in accordance with National Fire Protection Association Standard No. 74, 1984 edition.

5.610(3) Notification. Occupant notification shall be provided automatically, without delay, by internal audible alarm in accordance with National Fire Protection Association Standard No. 74, 1984 edition. Presignal systems are prohibited.

5.610(4) Detection. Approved smoke detectors meeting the requirements of National Fire Protection Association Standard No. 74, 1984 edition, shall be provided.

5.610(5) Emergency lighting. Approved battery-operated emergency lighting is required for each occupied floor illuminating exits and routes to them.

661—5.611(100) Hazardous areas. Any hazardous area shall be protected in accordance with the following:

5.611(1) If a hazardous area is on the same floor as, and is in or abuts, a primary means of escape or a sleeping room, the hazardous area shall be protected by either:

a. An enclosure with a fire-resistance rating of at least one hour with a self-closing fire door having a fire-protection rating of at least 20 minutes as per National Fire Protection Association Standard No. 80, 1986 edition, or the equivalent.

b. Automatic sprinkler protection, in accordance with No. 13D, 1984 edition, of the hazardous area and a separation that will resist the passage of smoke between the hazardous area and the exposed sleeping area or primary exit route. Any doors in such separation shall be self-closing or automatic-closing on smoke detection.

5.611(2) Other hazardous areas shall be protected by either:

a. An enclosure with a fire-resistance rating of at least 20 minutes with a self-closing or smoke detector-operated automatic-closing door at least equivalent to a 1¾-inch (4.4cm) solid bonded wood core construction, or

b. Automatic sprinkler protection, in accordance with National Fire Protection Association Standard No. 13, 1987 edition, or No. 13D, 1984 edition, of the hazardous area regardless of enclosure.

661—5.612(100) Building service.

5.612(1) The electrical wiring shall meet the requirements of the National Electrical Code, 1987 edition, as published by the National Fire Protection Association. Extension cords shall not be used in lieu of permanent wiring.

EXCEPTION: Existing buildings as classified in rule 5.607(100) may retain their electrical systems if approved by the authority having jurisdiction.

5.612(2) An approved Class IIA fire extinguisher shall be mounted and accessible on each occupied floor.

661—5.613(100) Evacuation plan and fire drills.

5.613(1) The administration of every facility shall have in effect and available to all supervisory personnel written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. The plan shall include special staff actions including fire protection procedures needed to ensure the safety of any resident.

All employees shall be periodically instructed and kept informed in respect to their duties and responsibilities under the plan. Instruction shall be reviewed by the staff at least annually. A copy of the plan shall be readily available at all times within the facility.

5.613(2) Fire exit drills shall be conducted at least 12 times per year, 4 times a year on each shift with 3 drills during the first month of operation. The drills may be announced in advance to the residents. The drills shall involve the actual evacuation of all residents to a selected assembly point and shall provide residents with experience in exiting through all exits required by the rules. Actual evacuation may not be required where security may be a problem.

Rules 5.607(100) to 5.613(100) are intended to implement Iowa Code section 135G.4.

661—5.614 to 5.619 Reserved.

661—5.620(100,135C) General requirements for small group homes (specialized licensed facilities) licensed pursuant to Iowa Code section 135C.2.

5.620(1) Scope. This rule applies to specialized licensed facilities licensed under the provisions of Iowa Code section 135C.2 having three to five beds and serving persons with mental retardation, chronic mental illness, developmental disabilities, or brain injuries.

5.620(2) Exits.

a. There shall be a minimum of two approved exits from the main level of the home and from each level with resident sleeping rooms.

b. Interior and exterior stairways shall have a minimum clear width of not less than 30 inches.

5.620(3) Windows. Every resident sleeping room shall have an outside window or outside door arranged and located to permit the venting of products of combustion and access to fresh air in the event of an emergency.

a. In new construction, windows shall have a minimum net clear openable area of 5.7 square feet, minimum net clear openable height of 24 inches, minimum net clear openable width of 20 inches and the finished sill height shall be not more than 44 inches above the floor.

b. In existing construction the finished sill height shall be not more than 44 inches above the floor or may be accessible from a platform not more than 44 inches below the window sill.

5.620(4) Interior finish. Interior finish in exit shall be Class A, B or C. See Table No. 5-C, following 661—5.105(100).

5.620(5) Doors. Doors to resident sleeping rooms shall be a minimum of 1 3/8-inch solid core wood or equivalent.

5.620(6) Vertical separations. Basement stairs must be enclosed with one-hour rated partitions and 1¾-inch solid core wood doors equipped with self-closers. These doors must be kept closed unless held open by an approved electromagnetic holder, actuated by an approved smoke detection device located at the top of the stairwell and interconnected with the alarm system.

5.620(7) Fire detection, fire alarms and sprinklers.

a. The home shall have smoke detection installed on each occupied floor including basements in accordance with National Fire Protection Association Standard No. 74. Smoke detectors shall be interconnected so that activation of any detector will sound an audible alarm throughout. The system shall be tested by a competent person at least semiannually with date of test and name noted.

b. Homes in which exiting is restricted by special door locking arrangements that prevent residents from free egress shall be equipped with sprinkler systems meeting the requirements of National Fire Protection Association Standard Number 13D, 1996 edition.

EXCEPTION: Homes in this classification that were licensed prior to November 1, 1999, shall comply with this requirement within a reasonable period of time and, in any event, not later than November 1, 2001.

5.620(8) Fire extinguishers.

a. Approved fire extinguishers shall be provided on each floor, so located that a person will not have to travel more than 75 feet from any point to reach the nearest extinguisher. An additional extinguisher shall be provided in, or adjacent to, each kitchen or basement storage room.

b. Type and number of portable fire extinguishers shall be determined by the fire marshal.

5.620(9) Mechanical, electrical and building service equipment.

a. Air conditioning, ventilating, heating, cooking and other service equipment shall be in accordance with state regulations governing same, or nationally recognized standards such as National Fire Protection Association standards governing the type of equipment, and shall be installed in accordance with the manufacturer's specifications. All hazardous areas normally found in one- and two-family dwellings, such as laundry, kitchen, heating units and closets need not be separated with walls if all equipment is installed in accordance with the manufacturer's listed instructions.

b. Portable comfort heating devices are prohibited.

5.620(10) Attendants, evacuation plan.

a. Every home shall have at least one staff person on the premises at all times while residents are present. This staff person shall be at least 18 years of age and capable of performing the required duties of evacuation. No person other than the management or a person under management control shall be considered as an attendant.

b. Every facility shall formulate a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and from the building when necessary. All employees shall be instructed and kept informed respecting their duties under the plan. This plan is to be posted where all employees may readily study it. Fire drills shall be held at least once a month. Records must be kept available for inspection.

5.620(11) Smoking.

a. There shall be no smoking in resident sleeping areas and smoking and no smoking policies shall be strictly adhered to.

b. Ashtrays shall be constructed of noncombustible material with self-closing tops and shall be provided in all areas where smoking is permitted.

5.620(12) Exit illumination. Approved rechargeable battery-powered emergency lighting shall be installed to provide automatic exit illumination in the event of failure of the normal lighting system.

5.620(13) Occupancy restrictions.

a. Occupancies not under the control of, or not necessary to, the administration of residential care facilities are prohibited therein with the exception of the residence of the owner or manager.

b. Nonambulatory residents shall be housed only on accessible floors which have direct access to grade which does not involve stairs or elevators.

5.620(14) Maintenance.

a. All fire and life safety equipment or devices shall be regularly and properly maintained in an operable condition at all times in accordance with nationally recognized standards. This includes fire extinguishing equipment, alarm systems, doors and their appurtenances, cords and switches, heating and ventilating equipment, sprinkler systems and exit facilities.

b. Storerooms shall be maintained in a neat and proper manner at all times.

c. Excessive storage of combustible materials such as papers, cartons, magazines, paints, sprays, old clothing, furniture and similar materials shall be prohibited at all times.

This rule is intended to implement Iowa Code section 135C.2(5)“b.”

661—5.621 to 5.624 Reserved.

661—5.625(100,231B) Elder group homes. This rule applies to elder group homes certified by the Iowa department of elder affairs.

5.625(1) Definitions. The following definitions apply to rule 661—5.625(100,231B):

“Elder” means a person 60 years of age or older.

“Elder group home” means a single family residence that is the residence of a person who is providing room, board, and personal care to three to five elders who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified as an elder group home by the Iowa department of elder affairs.

5.625(2) Exits. There shall be a minimum of two approved exits from the main level of the home and from each level with resident sleeping rooms. Interior and exterior exit stairways shall have a minimum clear width of not less than 30 inches.

5.625(3) Windows. Each resident sleeping room shall have an outside window or outside door arranged and located to provide ventilation, access to fresh air, and an emergency escape route. New or replacement windows shall have a minimum net clear openable area of 5.7 square feet, minimum net clear openable height of 24 inches, minimum net clear openable width of 20 inches, and the finished sill height shall not be more than 44 inches above the floor.

5.625(4) Interior finish. Interior finish in resident occupied areas shall be Class A or B in accordance with Table 5-C, 661 IAC 5.105(100).

5.625(5) Doors. Door to resident sleeping rooms shall be a minimum of one and three-eighths inches solid core wood or equivalent.

5.625(6) Fire detection. An elder group home shall have smoke detectors installed on each floor, including the basement, and in each sleeping room, in accordance with National Fire Protection Association # 74, Standard for Household Fire Warning Equipment, 1989 edition, and 661 IAC 5.807(100). Smoke detectors shall be interconnected so that activation of any detector will activate detectors throughout the home.

5.625(7) Fire extinguishers. Fire extinguishers shall be provided on each floor and shall be located so that a person will not have to travel any more than 75 feet from any point in the home to reach the nearest extinguisher. An additional extinguisher shall be provided in, or adjacent to, the kitchen. Type, distribution, inspection, maintenance, and recharging of extinguishers shall conform to National Fire Protection Association # 10, Standard for Portable Fire Extinguishers, 1990 edition.

5.625(8) Smoking. There shall be no smoking in resident sleeping rooms. Smoking may be permitted in designated areas only. If an indoor area within an elder group home is designated as a smoking area, that area shall be equipped with ashtrays constructed of noncombustible material and with self-closing tops.

5.625(9) Exit illumination. Approved rechargeable battery-powered emergency lighting shall be installed to provide automatic exit illumination in the event of failure of the normal lighting system.

5.625(10) Maintenance. All fire and life safety equipment or devices shall be U.L. or independent testing laboratory approved, installed according to manufacturer specifications, and regularly and properly maintained at all times in accordance with nationally recognized standards. This includes, but is not limited to, fire extinguishing equipment, alarm systems, doors and their appurtenances, and exit facilities. Flammable and combustible materials shall be properly stored in original, properly labeled containers or approved safety containers. Storerooms shall be maintained in a neat and proper manner at all times. Excessive storage of combustible materials is not permitted.

5.625(11) Equipment. Electrical, heating, and ventilating equipment shall be installed and maintained in accordance with manufacturer's instructions and nationally recognized standards. Portable space heaters are not permitted.

5.625(12) Emergency procedures. Every home shall formulate a plan for the protection of occupants in the event of a fire or other emergency. The plan shall take into consideration areas of refuge within the building as well as evacuation from it. The written plan must be provided to each resident and explained to them at the time they move into the facility and at least annually thereafter.

5.625(13) Compressed gases. If oxygen or other compressed gases are required by residents for respiratory purposes, the applicable standards for use, containers, equipment, maintenance and storage of compressed gases, as set forth in National Fire Protection Association # 99, 1993 edition, shall be adhered to.

5.625(14) Basements. Interior basement stairways, if enclosed, must have walls and ceilings constructed of five-eighths inch gypsum board or material providing equivalent fire protection. Basements must be separated from the first floor by a self-closing one and three-eighths inch solid wood core door or equivalent. If a basement is used by residents, it must have a door leading to the outside or an operational window having a minimum net clear openable area of 5.7 square feet, minimum net clear openable height of 24 inches, minimum net clear openable width of 20 inches, and the finished sill height shall not be more than 44 inches above the floor.

5.625(15) Construction. Unprotected wood frame structures of more than two stories in height, excluding basement, shall not be permitted for use as elder group homes.

EXCEPTION: Unprotected wood frame structures protected throughout by an approved automatic sprinkler system may be used as elder group homes.

This rule is intended to implement Iowa Code chapter 100 and section 231B.2.

661—5.626(231C) Assisted living housing.

5.626(1) Definitions. The following definitions apply to rule 661—5.626(231C):

"Assisted living facility" means a facility that houses a program that is certified or seeking certification pursuant to the provisions of Iowa Code Supplement section 231C.3 or that has been identified by the department of inspections and appeals as a facility housing a program which requires certification pursuant to Iowa Code Supplement section 231C.3 and is not currently certified.

"Existing assisted living facility" means an assisted living facility which has been in continual operation since May 31, 2004, or before.

"New assisted living facility" means an assisted living facility which begins operation on or after June 1, 2004.

"NFPA" means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form "NFPA xx," where "xx" is a number, refer to the NFPA standard or pamphlet of the corresponding number.

5.626(2) New assisted living facilities. NFPA 101, Life Safety Code, 2003 edition, Chapter 32, "New Residential Board and Care Occupancies," is hereby adopted by reference as the rules governing new assisted living facilities.

5.626(3) Existing assisted living facilities. NFPA 101, Life Safety Code, 2003 edition, Chapter 33, "Existing Residential Board and Care Occupancies," is hereby adopted by reference as the rules governing existing assisted living facilities.

5.626(4) *Alternative requirements.* In lieu of complying with the requirements established in subrule 5.626(2) or 5.626(3), an assisted living facility may alternatively comply with the requirements established in this subrule, if it meets the respective qualifications stated for the alternative requirement.

a. An assisted living facility that was initially approved by the fire marshal on the basis of compliance with the requirements of the 2000 edition of the Life Safety Code or that is located within or adjacent to a licensed health care facility required to comply with applicable provisions of the 2000 edition of the Life Safety Code may comply with the requirements established in NFPA 101, Life Safety Code, 2000 edition. If the facility was initially approved on the basis of compliance with Chapter 32, “New Residential Board and Care Occupancies,” the facility shall continue to comply with the provisions of that chapter. A facility that was initially approved by the fire marshal on the basis of compliance with Chapter 33, “Existing Residential Board and Care Occupancies,” may continue to comply with that chapter as long as it is in continuous operation and does not undergo major renovation or remodeling. A facility that was initially approved on the basis of compliance with Chapter 33 and whose operation is not continuous or that undergoes major renovation or remodeling shall comply with Chapter 32.

b. An assisted living facility that was certified prior to July 1, 1997, and that has continuously operated under that certification since July 1, 1997, may comply with the requirements of NFPA 101, Life Safety Code, 1994 edition, Chapter 23, “Existing Residential Board and Care Occupancies.”

c. An assisted living facility that was certified on or after July 1, 1997, and before June 1, 2004, and that has continuously operated under that certification since before June 1, 2004, may comply with the requirements of NFPA 101, Life Safety Code, 1994 edition, Chapter 22, “New Residential Board and Care Occupancies.”

5.626(5) *Evacuation capability.* For any provision of subrules 5.626(1) through 5.626(4) which is contingent upon evacuation capability, facilities may:

a. Comply with requirements for an evacuation capability rating of “impractical.”

b. Comply with requirements which are contingent upon evacuation ratings of “slow” or “prompt,” provided that the residents and staff of the facility have undergone evacuation rating evaluations performed by a health care professional and that all residents and staff are rated capable of “slow” or “prompt” evacuation, respectively. The evacuation capability ratings shall be updated each time a new resident arrives at the facility, a new staff person is assigned to the facility, or the physical condition or capacity for mobility of a resident or staff member changes significantly. Evacuation capability ratings shall be performed at the expense of the facility and any records supporting the ratings shall be made available to a fire inspector or personnel of the department of inspections and appeals upon request.

This rule is intended to implement Iowa Code Supplement section 231C.4.

661—5.627 to 5.649 Reserved.

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FIRE SAFETY RULES FOR SCHOOL AND COLLEGE BUILDINGS

661—5.650(100) General requirements and definitions.

5.650(1) Every building or structure designed for school or college occupancy shall be provided with exits sufficient to permit the prompt escape of students and teachers in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life in case of fire or other emergencies will not depend solely on any single safeguard; additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

5.650(2) Every building or structure shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

5.650(3) Exits shall be provided of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

5.650(4) Fire escapes, where specified, shall be installed and the design and use of materials shall be in accordance with subrule 5.101(4).

5.650(5) All changes or alterations to be made in any school or college building shall conform with the applicable provisions of rules 661—5.650(100) through 661—5.799 and before any construction of new or additional installation is undertaken, drawings and specifications thereof made to scale shall be submitted to the state fire marshal for approval. Within a reasonable time (normally ten working days) after receipt of the drawings and specifications, the state fire marshal shall cause the same to be examined and if they conform as submitted or modified with the requirements of this division, the state fire marshal shall signify approval of the application either by endorsement thereon or by attachment thereto. If the drawings and specifications do not conform with applicable requirements of this division, the state fire marshal shall notify the applicant accordingly.

5.650(6) Each school building of two or more classrooms, not having a principal or superintendent on duty, shall have a teacher appointed by the school officials to supervise school fire drills and be in charge in event of fire or other emergency. This subrule shall not apply to college buildings.

5.650(7) Compliance with these rules shall not be construed as eliminating or reducing the necessity for other provisions for fire safety of persons using a school or college building under normal occupancy conditions nor shall any provision of these rules be construed as requiring or permitting any conditions that may be hazardous under normal occupancy conditions.

5.650(8) Drills. Each school and college shall conduct fire and tornado drills as required by Iowa Code section 100.31. Each school or college shall conduct four fire and four tornado drills yearly while school is in session, with two drills of each type between July 1 and December 31 and two drills of each type between January 1 and June 30. All drills shall be documented and such documentation shall be made available to the state fire marshal or other authorized person conducting a fire safety inspection of the school or college.

5.650(9) Definitions. The following definitions apply to rules 661—5.650(100) through 661—5.799.

Approved. Approved is defined as being acceptable to the state fire marshal. Any equipment or device which bears the seal of the Underwriters Laboratories, Inc., Factory Mutual Laboratory, American Standards Association, or the American Gas Association shall be accepted as approved.

Basement. A usable or unused floor space not meeting the definition of a story or first story.

Classroom. Any room originally designed, or later suitably adapted, to accommodate some form of group instruction on a day-by-day basis, excluding such areas as auditoriums, gymnasiums, lunch-rooms, libraries, multipurpose rooms, study halls and similar areas. Storage and other service areas opening into and serving as an adjunct to a particular classroom shall be considered as part of that classroom area.

College building. For the purpose of these rules, college buildings are those used for instruction of levels higher than grade 12 by six or more persons for four or more hours per day or more than 12 hours per week and which are not school buildings.

Elementary school. An elementary school shall be those buildings that include prekindergarten through sixth grade.

Existing. Existing shall mean any school or college building or addition in use prior to February 1, 2000, or for which plans have received approval from the state fire marshal prior to February 1, 2000, other than buildings which received approval prior to February 1, 2000, to proceed with construction using the Life Safety Code with amendments as the basis for fire safety.

Exit. An exit is a way to get from the interior of a building or structure to the open air outside at the ground level. It may comprise vertical and horizontal means of travel such as doorways, stairways, ramps, corridors, passageways and fire escapes. An exit begins at any doorway or other point from which occupants may proceed to the exterior of the building or structure with reasonable safety under emergency conditions.

Fire alarm system. A fire alarm system shall be an electrically energized system approved by the state fire marshal, using component parts approved by the Underwriters Laboratories, Inc., and providing facilities of a type to warn the occupants of an existence of fire so that they may escape or to facilitate the orderly conduct of fire exit drills.

First story. The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade for more than 50 percent of the total perimeter, or not more than 8 feet below grade at any point.

Interior finish. See Table No. 5-C following 661—5.105(100).

Level of exit discharge. The level or levels with direct access to grade which do not involve the use of stairs or ramps. The level with the fewest steps shall be the level of exit discharge when no level exists directly to grade. In the event of a dispute, the state fire marshal shall determine which level is the level of exit discharge.

New construction. Those buildings for which plans receive approval from the state fire marshal on or after February 1, 2000, or for which approval was granted by the fire marshal prior to February 1, 2000, to proceed with construction using the Life Safety Code with amendments. New construction includes additions to, renovations of, and reconstruction of existing buildings.

NFPA. NFPA means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. Reference to NFPA standards, pamphlets, and appendices are to publications of the National Fire Protection Association.

Portable classroom building. A building designed and constructed so that it can be disassembled and transported to another location, or transported to another location without disassembling.

School buildings. For the purpose of these rules, school buildings are those used for gatherings of groups of six or more persons for more than 12 hours per week or 4 hours in any one day for the purpose of instruction prekindergarten through the twelfth grade. These occupancies are distinguished from other types of occupancies in that the same occupants are regularly present and are subject to discipline and control. School occupancies include: schools, academies, and kindergartens.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

EXISTING SCHOOL BUILDINGS

661—5.651(100) Application. Rules 661—5.651(100) to 661—5.667(100) apply to existing school buildings.

661—5.652(100) Exits and occupancy load.

5.652(1) The occupancy load shall be determined on the following basis:

a. The square feet of floor space for persons in school buildings shall be one person for each 40 square feet of gross area.

b. In the case of individual classrooms in schools, there shall be 20 square feet of classroom space for each student.

c. In gymnasiums and auditoriums, the capacity for seating shall be on the basis of 6 square feet net per person.

5.652(2) Exits shall be provided of kinds, numbers, location and capacity appropriate to the individual building and as required in Table No. 5-A following rule 661—5.105(100).

5.652(3) Exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of every building or structure at all times when the building or structure is occupied. No locks or fasteners to prevent free escape from the inside of any building shall be installed.

5.652(4) Exits shall be clearly visible or routes to reach them shall be conspicuously indicated in such manner that every occupant of every educational building who is physically and mentally capable will readily know the direction of the escape from any point and each path of escape in its entirety shall be so arranged or marked that the way to a place of safety outside is unmistakable.

5.652(5) Where artificial illumination is needed, electric exit signs or directional indicators shall be installed and adequate lighting provided for all corridors and passageways.

5.652(6) Where additional outside stairs or fire escapes are required by law, they shall be 44 inches wide and shall extend to the ground. Platforms for outside stairs or fire escapes shall have a minimum dimension of 44 inches. Outside stairs and fire escapes shall be constructed in accordance with 661—5.101(4). Fire escapes shall not be permitted on new construction.

5.652(7) There shall be a minimum of two means of exit remote from each other from each floor of every school building. The traveled distance from any point to an exit shall not exceed 150 feet measured along the line of travel. In sprinklered buildings, the distance may be increased to 200 feet.

5.652(8) Every room with a capacity of 50 persons or over and having more than 1,000 square feet of floor area shall have at least two doorways as remote from each other as practicable. Such doorways shall provide access to separate exits but may open onto a common corridor leading to separate exits in opposite directions.

5.652(9) Each elementary classroom shall have a secondary avenue of escape. This may be a door leading directly outside the building, a window [see 5.655(100)], another door to an alternate corridor or a connecting door to a second room and thence to a secondary route of escape. In one-room classroom buildings the second exit shall be a door remote from the door used for normal entrance.

5.652(10) Rooms normally occupied by preschool, kindergarten or first grade pupils shall not be located above or below the level of exit discharge. Rooms normally occupied by second grade pupils shall not be located more than one story above the level of exit discharge.

661—5.653(100) Corridors.

5.653(1) Corridors used as means of access to exits, and corridors used for discharge from exits, shall provide a clearance of at least 6 feet in width, except in the case of buildings constructed prior to the effective date of this rule. Room doors or locker doors swinging into corridors shall not, at any point in the swing, reduce the clear effective width of the corridor to less than 6 feet, nor shall drinking fountains or other equipment, fixed or movable, be so placed as to obstruct the required minimum 6-foot width.

5.653(2) Open clothing storage.

a. Where clothes are hung exposed in exit corridors, they shall be separated by partitions of sheet metal or equivalent material. Partitions shall be placed at 6-foot intervals, be a minimum of 18 inches in depth, extend at least 1 foot above the coat hooks and within 8 inches of the floor.

b. Where open clothing is hung in exit corridors as described in paragraph “*a.*,” an automatic fire detection system shall be installed in the corridor. Sprinkler systems may be installed in lieu of the automatic detection system.

5.653(3) Rescinded IAB 12/1/99, effective 2/1/00.

5.653(4) Except as permitted in 5.653(2), no combustible materials shall be stored in exit corridors.

5.653(5) The walls of corridors, used for exit facilities, shall be solid partitions of noncombustible finish material.

5.653(6) Where borrowed light panels of clear glass are used in exit corridors, the requirements of 5.667(100) shall apply, except that clear glass windows in doors and transoms may be permitted in existing buildings when nonhazardous activities are carried on in the classroom.

5.653(7) Any single corridor or combination of corridors having an unbroken length of 300 feet or more shall be divided into sections by smoke barriers consisting of smoke stop doors. Doors may be of ordinary solid wood type not less than 1¾-inch thick with clear wired glass panels. Such doors shall be of self-closing type and may be either single or double. They shall close the opening completely with only such clearance as is reasonably necessary for proper operation. Underwriters Laboratories, Inc., listed electromagnetic holders may be used to hold these doors open provided they are hooked into the fire alarm system and a smoke detector is located at a strategic point near the doors.

5.653(8) There shall be no dead end in any corridor or hall more than 20 feet beyond the exit.

661—5.654(100) Doors.

5.654(1) Building entrance and exit doors and the doors of all classrooms shall open outward.

5.654(2) Doors shall be provided for main exit facilities leading to a platform connecting with either outside stairs or fire escapes. Doors leading to outside stairways or fire escapes shall have a minimum width of 40 inches, except that on existing buildings where it is not practical to install a door of 40-inch width, a narrower door at least 30 inches in width may be installed.

5.654(3) The main exit and entrance doors and doors leading to fire escapes shall be equipped with panic-type latches that cannot be locked against the exit.

5.654(4) Doors protecting stairways and doors leading to fire escapes or outside stairs may have wire glass panes installed providing that the size of any single pane does not exceed 900 square inches.

5.654(5) Doors protecting vertical openings or fire doors installed where protection of hazardous rooms or areas are required shall be equipped with door closers and shall not be blocked open. Underwriters Laboratories, Inc., listed electromagnetic holders may be used to hold these doors open provided they are hooked into the fire alarm system and a smoke detector is located at a strategic point near the doors.

5.654(6) Classroom doors.

a. Classroom doors of not less than 30 inches in width may be used. Replacement doors must be a minimum of 1¾-inch solid core wood.

b. School buildings designed without doors to classrooms shall meet the requirements of rule 661—5.667(100).

5.654(7) Boiler-, furnace- or fuel-room doors, communicating to other building areas, shall be 1½-hour rated doors and frames, normally closed and hung to swing into the boiler room.

5.654(8) Doors to storage of combustibles off corridors shall be at least 1¾-inch solid core wood.

5.654(9) Doors from classrooms to corridors may have closeable louvers up to 24 inches above the floor. No other louvers or openable transoms shall be permitted in corridor partitions.

661—5.655(100) Windows.

5.655(1) Windows below or within 10 feet of an outside stairway or fire escape shall have panes of wire glass.

5.655(2) Emergency rescue or ventilation.

a. Every room or space used for classroom or other educational purposes or subject to normally scheduled student occupancy shall have at least one outside window for emergency rescue or ventilation. Such window shall be openable from the inside without the use of tools and provide a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall be not more than 44 inches above the floor.

EXCEPTION 1: Buildings protected throughout by an approved automatic sprinkler system.

EXCEPTION 2: Rooms or spaces that have a door leading directly to the outside of the building.

EXCEPTION 3: Existing awning or hopper-type windows with a clear opening of 600 square inches may be continued in use.

EXCEPTION 4: Doors that allow travel between adjacent classrooms and, when used to travel from classroom to classroom, provide direct access to exits in both directions or direct access to an exit in one direction and to a separate smoke compartment that provides access to another exit in the other direction.

EXCEPTION 5: Buildings protected by an approved automatic fire detection system.

b. Reserved.

661—5.656(100) Stairway enclosures and floor cutoffs.

5.656(1) In buildings of more than one story, stairs shall be enclosed with protected noncombustible construction except those in accordance with 5.656(2). Doors shall be 1¾-inch solid wood construction, or better, with wire glass allowable.

5.656(2) In buildings of two stories with no basement, where such buildings are fire-resistive construction throughout, or fire-resistive first story and noncombustible or heavy timber second story, the stairs need not be enclosed, provided, (*a*) all exit-way finish is Class A (flame spread rating not exceeding 25), (*b*) no open storage of wardrobe, books, or furniture in exit ways or spaces common to them and (*c*) the stairs from the second floor lead directly to an outside door or vestibule leading to the outside of the building.

5.656(3) Rescinded IAB 12/1/99, effective 2/1/00.

5.656(4) Stairway enclosures or the protection of vertical openings shall be the equivalent of wood studding with gypsum lath and plaster on both sides. The doors shall be at least 1¾-inch solid core wood doors, with maximum 900 square inch glass panels allowable.

5.656(5) Stairways from boiler, furnace or fuel rooms, communicating to other building areas, shall be enclosed at top and bottom. The entire stair enclosure shall be noncombustible construction. The doors (other than to the boiler room) may be 1¾-inch solid wood with a maximum of 900 square inches of wired glass allowable.

5.656(6) Except as provided elsewhere in this section, interior stairways used as exits shall be enclosed. The construction of the enclosure shall be in accordance with the provisions of 5.656(1).

5.656(7) Cutoffs between floors for stairways not used as exit facilities shall use the same type of construction as provided in 5.656(1).

661—5.657(100) Interior finishes.

5.657(1) Interior finish shall be Class A in exit and Class A or B in access to exits. See Table No. 5-C following 661—5.105(100).

5.657(2) Whenever the fire marshal determines the fire hazard is great enough, Class A materials for room finishes shall be used in science laboratories, shop areas and such other areas as the fire marshal shall designate, in addition to those areas designated by 5.657(1).

5.657(3) Ceiling finishes not meeting the requirements of 5.657(1) may be corrected by the use of a fire-retardant treatment.

661—5.658(100) Construction.

5.658(1) Types of construction as defined in the National Fire Protection Association Pamphlet No. 220, Standard Types of Building Construction, 1961.

- a. Fire resistive.
- b. Heavy timber.
- c. Noncombustible.
- d. Ordinary.
- e. Wood frame.

5.658(2) Noncombustible, ordinary or wood frame construction may be modified by using materials giving one-hour or greater fire protection.

5.658(3) Types of construction permitted:

a. One-story buildings and one-story wings on multistory buildings may be any of the types designated in 5.658(1), or combinations thereof, but with ordinary or wood frame construction, protected materials shall be used.

b. One-room portable classroom buildings may be of lesser construction provided the interior finish of the classrooms complies with 5.657(2) and 5.657(3) as use requires. Only noncombustible types of insulation may be used in such instances and each building shall be a minimum of 20 feet from another building.

c. Two-story buildings may be constructed of fire-resistive or protected noncombustible materials throughout, or the first story may be constructed of fire-resistive or protected noncombustible materials with the second story having either heavy timber or noncombustible materials.

d. Buildings of more than two stories shall be fire-resistive throughout.

5.658(4) Construction of the floor located above a basement shall be of fire-resistive or protected noncombustible materials.

5.658(5) Construction of the floor located above a crawl space or a pipe tunnel shall be of fire-resistive or noncombustible materials except in portable one-room classroom buildings an Underwriters Laboratories, Inc., approved fire-retardant paint may be used.

5.658(6) Portable classroom buildings shall maintain a minimum of 20 feet distance from another building if complying with 5.658(3) "b." One-room portable classroom buildings located 20 feet or less between adjacent walls shall have not less than a one-hour, fire-rated separation. All portable classroom buildings with raised floors shall be skirted to the ground with material equal to the siding of the building.

5.658(7) Boiler rooms, furnace rooms or fuel rooms which have no stories located above may be constructed of fire-resistive, noncombustible, protected heavy timber or protected ordinary materials.

5.658(8) Boiler rooms, furnace rooms or fuel rooms with building above shall be of two-hour, fire-resistive construction.

661—5.659(100) Fire alarm systems.

5.659(1) Buildings having two or more classrooms shall be equipped with a fire alarm system. Alarm stations shall be provided on each floor and so located that the alarm station is not more than 75 feet from any classroom door within the building. Minimum detection shall be corridor smoke detection, at a maximum spacing of 30 feet on centers, and heat detection in any hazardous areas. This minimum detection shall be installed by July 1, 2001. Horns or bells that provide a distinctive sound different from other bell systems shall be provided that will give audible warning to all occupants of the building in case of a fire or other emergency. A test device shall be provided for the purpose of conducting fire drills and tests of the alarm system. One-room classroom buildings placed in a complex of other classrooms shall be connected to the central alarm system.

5.659(2) Underwriters Laboratories, Inc., equipment and component parts shall be used in the installation of the fire alarm system. The electrical energy for the fire alarm system shall be on a separate circuit and shall be taken off the utility service to the school building ahead of the entrance disconnect. Fire alarm system shall be maintained in accordance with NFPA Pamphlet 72, National Fire Alarm Code, 1996 edition.

5.659(3) Whenever the fire marshal determines it advisable, the fire marshal may require that the fire alarm system be extended or designed to provide automatic fire detection devices in unsupervised areas, boiler rooms, storerooms or shop areas.

661—5.660(100) Electrical wiring.

5.660(1) Electrical wiring shall have enough circuits to provide adequate service without the need of overfusing the circuits.

5.660(2) The electrical wiring and component parts shall be properly maintained and serviced so as to eliminate the overheating or shorting that could cause a fire.

5.660(3) New or replacement electrical wiring installed after February 1, 2000, shall be in metal raceways.

5.660(4) All exit lights shall be connected ahead of the service disconnect.

661—5.661(100) Heating equipment.

5.661(1) Heating equipment shall be installed, where applicable, in rooms constructed in accordance with 5.658(6) and 5.658(7).

5.661(2) Installation for any heating equipment shall be in accordance with the manufacturer's instruction and conditions of safe operation.

5.661(3) Acceptable evidence for complying with 5.661(2) shall be labeling or listed equipment by Underwriters Laboratories, Inc., The American Gas Association Testing Laboratories, or approval of the state fire marshal.

5.661(4) Oil burning equipment shall be installed, maintained and operated in accordance with rule 661—5.350(101).

5.661(5) All gas burning equipment shall be installed and maintained in accordance with rule 661—5.250(101). Gas piping shall comply with NFPA Standard 54, Natural Fuel Gas Code, 1992 edition. Gas service lines into buildings shall be brought out of the ground before entering the building and shall be equipped with a shutoff valve outside the building. Gas piping shall not run in enclosed space without proper venting.

5.661(6) Floor-mounted flame heating equipment shall not be allowed to be installed in any classroom.

661—5.662(100) Gas piping. Rescinded IAB 12/1/99, effective 2/1/00.

661—5.663(100) Fire extinguishers.

5.663(1) Each building shall be equipped with fire extinguishers, in compliance with NFPA Standard 10, Installation of Portable Fire Extinguishers, 1998 edition.

5.663(2) Rescinded IAB 12/1/99, effective 2/1/00.

661—5.664(100) Basement, underground and windowless classrooms.

5.664(1) Basement classrooms may be used provided there is compliance with either paragraphs “a” and “d,” or compliance with paragraphs “b,” “c,” “d” and “e” below.

- a. Direct approved egress door from classrooms to the outside.
- b. Classroom doors open into a corridor that leads directly outside.
- c. Inside stairs from basement corridors, serving basement classrooms, shall not communicate with other stories above.
- d. Doors from basement classroom corridors, to other areas of the basement, shall be at least 1¾-inch solid core wood and equipped with door closers.

e. Buildings, unless of fire-resistive construction, using the basement area for classroom purposes, shall have sprinkler or automatic alarm systems in the entire basement area.

5.664(2) Underground or windowless school buildings constructed after October 17, 1969, and in use prior to February 1, 2000, or for which plans have been approved by the state fire marshal prior to February 1, 2000, shall be provided with:

- a. Complete approved, automatic sprinkler systems.
- b. Approved automatic smoke venting facilities in addition to automatic sprinkler protection.
- c. An approved-type emergency exit lighting system, if no natural lighting is provided.
- d. Where required exit from underground structures involves upward travel, such as ascending stairs or ramp, such upward exits shall be cut off from main floor areas. If the area contains any combustible contents or combustible interior finish, it shall be provided with outside vented smoke traps or other means to prevent the exit serving as a flue for smoke from any fire in the area served by the exit, thereby making the exit impassable.
- e. Every windowless building shall be provided with outside access panels on each floor level, designed for fire department access from ladders for purposes of ventilation and rescue of trapped occupants.

5.664(3) Reserved.

5.664(4) to 5.664(7) Rescinded IAB 12/1/99, effective 2/1/00.

661—5.665(100) Fire hazard safeguards.

5.665(1) Ventilating ducts discharging into attics of combustible construction shall be blocked off, protected with fire dampers or extended in a standard manner through the roof. Any light and ventilation shaft, chute, or other vertical opening between stories shall be protected as required for stairways.

5.665(2) Cooking ranges and other cooking appliances in food service area kitchens shall be provided with ventilating hoods, grease filters, and shall be vented to the outside in an approved manner.

5.665(3) Discarded furniture, furnishings or other combustible material shall not be stored or allowed to accumulate in attics or concealed spaces. Designated storage space shall be provided for equipment that may be used periodically throughout the school year and necessary to the school operation or curriculum schedule.

5.665(4) Space under stairways shall not be used for storage unless the storage area is lined with material that will provide a one-hour, fire-resistant rating and provided with a tight-fitting door that has a comparable fire-resistant rating. Except when removing or storing stock, the door shall be kept closed and locked.

5.665(5) Wastepaper baling and storage shall be in a room without ignition hazards and separated from other parts of the building by fire-resistant construction. Storage of paint products and flammable liquids shall be in a fire-resistive room or approved metal cabinet.

5.665(6) Decorative materials.

a. No furnishings, decorations, wall coverings, paints, etc., shall be used which are of a highly flammable character or which in the amounts used will endanger egress due to rapid spread of fire or formation of heavy smoke or toxic gases.

b. Highly flammable finishes such as lacquer and shellac are not permitted.

c. Draperies, curtains, loosely attached wall coverings, cloth hangings and similar materials shall be noncombustible or flame-proof in corridor exit ways and assembly occupancies. In other areas up to 10 percent of the wall area may have combustible coverings and hangings.

5.665(7) Spray finishing operations shall not be conducted except in a room designed for the purpose, protected with an approved automatic extinguishing system, and separated vertically and horizontally from such occupancies by construction having not less than two-hour fire resistance. NFPA Standard No. 33, Spray Finishing, 1995 edition, shall apply to construction and operation of all paint spray booths.

661—5.666(100) Automatic sprinklers.

5.666(1) Where automatic sprinkler protection is provided, other requirements of these regulations may be modified to such extent as permitted by other provisions in this section.

5.666(2) Automatic sprinkler systems shall be of standard, approved types so installed and maintained as to provide complete coverage for all portions of the premises protected, except insofar as partial protection is specified in other paragraphs of this section.

5.666(3) Automatic sprinkler systems for schools shall be those designed to protect occupancy classifications that are considered light hazard occupancies.

5.666(4) Automatic sprinkler systems shall be provided with water flow alarm devices to give warning of operation of the sprinkler due to fire, and such alarm devices shall be installed so as to give warning throughout the entire school building. The sprinkler alarm detection may be connected to the fire alarm system required by state law.

5.666(5) Partial automatic sprinkler systems shall provide complete protection in the basement and other hazardous areas. Above the basement area, stairwells and corridors shall be sprinklered. Nonhazardous classrooms are not required to be sprinklered for partial systems.

5.666(6) Water supplies.

a. All automatic sprinklers installed in school buildings shall be provided with adequate and reliable water supplies.

b. Public water supplies for sprinkler systems in schools shall have a minimum of 4-inch service pipe providing a minimum of 500 gallons of water per minute and shall have at least 15 pounds pressure at the highest sprinkler head.

c. Where public water supply is not available and a pressure supply tank is used, the tank shall be a minimum of 6,000 gallons capacity. The pressure tank shall operate at an air pressure adequate to discharge all of the water in the tank.

5.666(7) All automatic sprinkler systems required by these regulations shall be maintained in a reliable operating condition at all times in accordance with NFPA Standard No. 13, Installation of Sprinkler Systems, 1996 edition.

5.666(8) In buildings of ordinary or better construction, stairway enclosures shall not be required if protected by a partial or standard sprinkler system. Basement cutoffs of vertical openings are required. This modification of open stairways is permitted only in buildings that do not exceed a basement and two full stories.

661—5.667(100) Open plan buildings.

5.667(1) An “open plan building” is defined as any building where there are no permanent solid partitions between rooms or between rooms and corridors that are used for exit facilities.

5.667(2) Open plan buildings shall have enclosed stairways and any other vertical openings between floors protected in accordance with 5.666(1).

5.667(3) Open plan buildings shall not exceed 30,000 square feet in undivided area. Solid walls or smoke stop partitions shall be provided at intervals not to exceed 300 feet. Such walls or partitions shall have doors of a type that are at least 1¾-inch solid core wood doors and the partitions shall be the equivalent of one-hour construction.

5.667(4) Any cafeterias, gymnasiums or auditoriums shall be separated from the rest of the building by solid walls and no exits from other parts of the building shall require passing through such assembly areas.

5.667(5) Open plan buildings that do not have a direct exit door from each classroom to the outside shall be protected by a complete automatic fire detection system.

5.667(6) A sprinkler system may be installed in lieu of an automatic fire detection system in an open plan building.

5.667(7) Distance of travel to the nearest exit in an open plan building shall not exceed 100 feet from any point except that in a sprinklered building the distance may be increased to 150 feet.

Rules 5.650(100) to 5.667(100) are intended to implement Iowa Code section 100.35.

[Filed 12/19/60]

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[Filed 11/9/99, Notice 4/21/99—published 12/1/99, effective 2/1/00]

661—5.668 to 5.674 Reserved.

NEW SCHOOL BUILDINGS

661—5.675(100) New school buildings. This rule applies to new school buildings.

5.675(1) Chapters 10-1 through 10-5 of the NFPA Life Safety Code 101, 1994 edition, along with referenced appendices and chapters are hereby adopted by reference as the rules governing school buildings, additions, alterations and renovations for which plans are approved by the fire marshal division on or after February 1, 2000, with the following amendments:

a. Delete 10-1.4.4 and 10-1.4.5.

b. Add 10-1.6.1 as follows:

10-1.6.1 Portable classroom buildings shall be located a minimum distance of 20 feet from another building, or shall have not less than a one-hour, fire-rated separation. All portable classroom buildings with raised floors shall be skirted to the ground with material equal to the siding of the building. Portable classroom buildings placed in a complex of other classrooms shall be connected to the central alarm system.

c. Delete 10-2.2.2.2 and replace it with the following:

10-2.2.2.2 Panic hardware or fire exit hardware. Any door in a required means of egress from an area having an occupant load of 50 or more persons shall be permitted to be provided with a latch or lock only if it is panic hardware or fire exit hardware complying with 5-2.1.7.

d. Add Exception No. 4 to 10-2.11.1 to read as follows:

Exception No. 4: Fire-resistive or noncombustible buildings protected throughout by a complete fire detection system.

e. Delete 10-3.2.3 and replace it with the following:

10-3.2.3 Doors to janitor closets shall be permitted to have ventilating louvers when the room is protected by an automatic sprinkler system in accordance with 7-7.1.2.

f. Delete 10-3.4.1 and replace it with the following:

10-3.4.1 General. Educational occupancies shall be provided with a fire alarm system and partial smoke detection system in accordance with Section 7-6.

g. Delete 10-3.4.2.2 and replace it with the following:

10-3.4.2.2 In buildings provided with smoke detection or automatic sprinkler protection, the operation of the smoke detection or the sprinkler system shall automatically activate the fire alarm system in addition to the initiation means required in 10-3.4.2.1.

h. Add 10-3.5.1 as follows:

10-3.5.1 Portable fire extinguishers shall be provided and located such that the maximum travel distance from any location in the building to a fire extinguisher is 75 feet. Where provided portable fire extinguishers shall be installed and maintained as specified in 7-7.4.1.

5.675(2) Every school building with two or more classrooms shall have a fire and tornado warning system. Equipment must be approved by a nationally recognized testing laboratory and the state fire marshal.

5.675(3) Delete 31-3.1 from LSC.

[Filed 11/9/99, Notice 4/21/99—published 12/1/99, effective 2/1/00]

661—5.676 to 5.699 Reserved.

NEW COLLEGE BUILDINGS

661—5.700(100) to 5.714(100) Rescinded IAB 12/1/99, effective 2/1/00. See 661—5.775(100).

[Filed April 6, 1965; amended October 17, 1969]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]

[Filed 11/9/99, Notice 4/21/99—published 12/1/99, effective 2/1/00]

661—5.715 to 5.748 Reserved.

EXISTING COLLEGE BUILDINGS

661—5.749(100) Application. Rules 661—5.749(100) to 661—5.765(100) apply to existing college buildings.

661—5.750(100) Exits.

5.750(1) Exits shall be provided of kinds, numbers, location and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

5.750(2) The occupancy load, for the purpose of determining the required exits and the required space for classroom use, shall be determined on the following basis.

a. The square feet of floor space for persons in college buildings shall be one person for each 40 square feet of gross area.

b. In gymnasiums and auditoriums, the capacity for seating shall be on the basis of 6 square feet net per person.

5.750(3) Exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of every existing college building or structure at all times when the building or structure is occupied. No locks or fasteners to prevent free escape from the inside of any building shall be installed.

5.750(4) Exits shall be clearly marked, routes to reach them shall be conspicuously indicated and each path of escape in its entirety shall be so arranged or marked so that the way to a place of safety outside is unmistakable.

5.750(5) Where artificial illumination is needed, electric exit signs or directional indicators shall be installed and adequate lighting provided for all corridors and passageways.

5.750(6) Where additional outside stairs or fire escapes are required by law, they shall be 44 inches wide and shall extend to the ground. Platforms for outside stairs or fire escapes shall have a minimum dimension of 44 inches. Outside stairs and fire escapes shall be constructed in accordance with 5.101(4).

5.750(7) There shall be a minimum of two means of exit remote from each other from each floor. The traveled distance from any point to an exit shall not exceed 150 feet measured along the line of travel.

EXCEPTION: In sprinklered buildings, the traveled distance from any point to an exit may be 200 feet measured along the line of travel.

5.750(8) Every room with a capacity of 50 persons or over and having more than 1,000 square feet of floor area shall have at least two doorways as remote from each other as practicable. Such doorways shall provide access to separate exits but may open onto a common corridor leading to separate exits in opposite directions.

5.750(9) Where exits do not comply with the requirements of this rule and in which hazardous conditions exist because of the number, width, construction or location of exits, the fire marshal may order additional exits to ensure adequate safety of the occupants but under no condition may outside fire escapes exceed 50 percent of the required stairs.

661—5.751(100) Corridors.

5.751(1) Corridors used as means of access to exits, and corridors used for discharge from exits, shall provide a clearance of at least 6 feet in width, except in the case of buildings constructed prior to May 6, 1965. Room doors or locker doors swinging into corridors shall not, at any point in the swing, reduce the clear effective width of the corridor to less than 6 feet, nor shall drinking fountains or other equipment, fixed or movable, be so placed as to obstruct the required minimum 6-foot width.

5.751(2) Open clothing storage.

a. Where clothes are hung exposed in exit corridors, they shall be separated by partitions of sheet metal or equivalent material. Partitions shall be placed at 6-foot intervals, be a minimum of 18 inches in depth, extend at least 1 foot above the coat hooks and within 8 inches of the floor.

b. Where open clothing is hung in exit corridors as described above, an automatic fire detection system shall be installed in the corridor. Sprinkler systems may be installed in lieu of the automatic detection system.

5.751(3) Except as permitted in 5.751(2), no combustible materials shall be stored in exit corridors.

5.751(4) The walls of corridors, used for exit facilities, shall be solid partitions of noncombustible finish material.

5.751(5) Where borrowed light panels of clear glass are used in exit corridors, the requirements of 5.765(100) shall apply, except that clear glass windows in doors and transoms may be permitted in existing buildings when nonhazardous activities are carried on in the classroom.

5.751(6) Any single corridor or combination of corridors having an unbroken length of 300 feet or more shall be divided into sections by smoke barriers consisting of smoke stop doors. Doors may be of ordinary solid wood type not less than 1¾ inches thick with clear wired glass panels. Such doors shall be of self-closing type and may be either single or double. They shall close the opening completely with only such clearance as is reasonably necessary for proper operation. Underwriters Laboratories, Inc. listed electromagnetic holders may be used to hold these doors open provided they are hooked into the fire alarm system and a smoke detector is located at a strategic point near the doors.

5.751(7) There shall be no dead end in any corridor or hall more than 20 feet beyond the exit.

661—5.752(100) Doors.

5.752(1) Building entrance and exit doors and the doors of all classrooms shall open outward.

5.752(2) Doors shall be provided for main exit facilities leading to a platform connecting with either outside stairs or fire escapes. Doors leading to outside stairways or fire escapes shall have a minimum width of 40 inches, except that where it is not practical to install a door of 40-inch width, a narrower door at least 30 inches in width may be installed.

5.752(3) The main exit and entrance doors and doors leading to fire escapes shall be equipped with a latching device that cannot be locked against the exit.

5.752(4) Doors protecting stairways and doors leading to fire escapes or outside stairs may have wire-glass panes installed providing that the size of any single pane does not exceed 900 square inches.

5.752(5) Doors protecting vertical openings or fire doors installed where protection of hazardous rooms or areas is required shall be equipped with door closers and shall not be blocked open. Underwriters Laboratories, Inc. listed electromagnetic holders may be used to hold these doors open provided they are hooked into the fire alarm system and a smoke detector is located at a strategic point near the doors.

5.752(6) Classroom doors.

a. Doors of not less than 30 inches in width may be used. Doors must be a minimum of 1¾-inch solid core wood.

b. Buildings designed without doors to classrooms shall meet the requirements of rule 5.765(100).

5.752(7) Boiler, furnace or fuel room doors, communicating to other building areas, shall be 1½-hour rated doors and frames, normally closed and hung to swing into the boiler room.

5.752(8) Doors to storage of combustibles off corridors shall be at least 1¾-inch solid core wood.

5.752(9) Doors from classrooms to corridors may have closeable louvers up to 24 inches above the floor. No other louvers or openable transoms shall be permitted in corridor partitions.

661—5.753(100) Windows. Windows below or within 10 feet of an outside stairway or fire escape shall have panes of wire glass.

661—5.754(100) Stairway enclosures and floor cutoffs.

5.754(1) In buildings of more than one story, stairs shall be enclosed with protected noncombustible construction except those in accordance with 5.754(2). Doors shall be 1¾-inch solid wood construction, or better, with wire glass allowable.

5.754(2) In buildings of two stories with no basement where such buildings are fire-resistive construction throughout, or fire-resistive first story and noncombustible or heavy timber second story, the stairs need not be enclosed, provided:

a. All exit-way finish is Class A (flame spread rating not exceeding 25),

b. There is no open storage of wardrobe, books or furniture in exit ways or spaces common to them, and

c. Stairs from the second floor lead directly to an outside door or vestibule leading to the outside of the building.

5.754(3) Stairway enclosures or the protection of vertical openings shall be the equivalent of wood studding with gypsum lath and plaster on both sides. The doors shall be at least 1¾-inch solid core wood doors, with maximum 900 square inch glass panels allowable.

5.754(4) Stairways from boiler, furnace or fuel rooms, communicating to other building areas, shall be enclosed at top and bottom. The entire stair enclosure shall be noncombustible construction. The doors (other than to the boiler room) may be 1¾-inch solid wood with maximum of 900 square inches of wired glass allowable.

5.754(5) Except as provided elsewhere in this rule, interior stairways used as exits shall be enclosed. The construction of the enclosure shall be in accordance with the provisions of 5.754(1).

5.754(6) Cutoffs between floors for stairways not used as exit facilities shall use the same type of construction as provided in 5.754(1).

5.754(7) Where building layout or construction makes it impractical to comply with rule 5.754(100), the fire marshal shall make an analysis of the building and may then order remedial construction or installation of fire detection or equipment which will correct hazardous conditions.

661—5.755(100) Interior finishes.

5.755(1) Interior finish shall be Class A in exit and Class A or B in access to exits. See Table No. 5-C following 661—5.105(100).

5.755(2) Whenever the fire marshal determines the fire hazard is great enough, Class A materials for room finishes shall be used in science laboratories, shop areas, and such other areas as the fire marshal shall designate, in addition to those areas designated by 5.755(1).

661—5.756(100) Construction. All additions shall comply with rule 661—5.775(100).

661—5.757(100) Fire alarm systems.

5.757(1) All schools having two or more classrooms shall be equipped with a fire alarm system. Alarm stations shall be provided on each floor and so located that the alarm station is not more than 75 feet from any classroom door within the building. Horns or bells that provide a distinctive sound different from other bell systems shall be provided that will give audible warning to all occupants of the building in case of a fire or other emergency. A test device shall be provided for the purpose of conducting fire drills and tests of the alarm system. One-room classroom buildings placed in a complex of other classrooms shall be connected to the central alarm system.

5.757(2) Underwriters Laboratories, Inc. equipment and component parts shall be used in the installation of the fire alarm system. The electrical energy for the fire alarm system shall be on a separate circuit and shall be taken off the utility service to the school building ahead of the entrance disconnect.

5.757(3) Whenever the fire marshal determines it advisable, the fire marshal may require that the fire alarm system be extended or designed to provide automatic fire detection devices in unsupervised areas, boiler rooms, storerooms or shop areas.

661—5.758(100) Electrical wiring.

5.758(1) The electrical wiring of any educational building shall have enough circuits to provide adequate service without the need of overfusing the circuits.

5.758(2) The electrical wiring and component parts shall be properly maintained and serviced so as to eliminate the overheating or shorting that could cause a fire.

5.758(3) New or replacement electrical wiring installed on or after February 1, 2000, shall be in metal raceways.

5.758(4) All exit lights shall be connected ahead of the service disconnect.

661—5.759(100) Heating equipment.

5.759(1) Heating equipment shall be installed, where applicable, in rooms constructed in accordance with the following requirements:

- a.* Boiler rooms, furnace rooms, or fuel rooms which have no stories located above shall be constructed of fire-resistive, noncombustible, protected heavy timber, or protected ordinary materials.
- b.* Boiler rooms, furnace rooms, or fuel rooms with one or more stories above shall be of two-hour, fire-resistive construction.

EXCEPTION: Heating equipment in one- or two-room portable classroom buildings is not required to have fire-rated separation.

5.759(2) Installation for any heating equipment shall be in accordance with the manufacturer's instruction and conditions of safe operation.

5.759(3) Acceptable evidence for complying with subrule 5.759(1) shall be labeled or listed equipment by Underwriters Laboratories, Inc., The American Gas Association Testing Laboratories, or approval of the state fire marshal.

5.759(4) Oil burning equipment shall be installed, maintained and operated in accordance with rule 661—5.350(101).

5.759(5) All gas burning equipment shall be installed and maintained in accordance with rule 661—5.250(101).

5.759(6) Floor-mounted flame heating equipment shall not be allowed to be installed in any classroom.

661—5.760(100) Gas piping.

5.760(1) Gas piping shall be in accordance with rule 661—5.250(101).

5.760(2) All gas service lines into buildings shall be brought out of the ground before entering the building and shall be equipped with a shutoff valve outside the building.

5.760(3) Gas piping cannot run in enclosed space without proper venting.

661—5.761(100) Fire extinguishers.

5.761(1) Each college building shall be equipped with fire extinguishers of a type, size, and number approved by the state fire marshal.

5.761(2) NFPA Standard No. 10, Installation of Portable Fire Extinguishers, 1994 edition, is applicable. Vaporizing extinguishers containing halogenated hydrocarbon extinguishing agents shall not be approved except in accordance with rule 661—5.40(17A,80,100).

661—5.762(100) Basements. Basement classrooms may be used provided there is compliance with paragraph "1" or "2" and compliance with paragraphs "3," "4" and "5":

1. Direct approved egress door from classrooms to the outside.
2. Classroom doors open into a corridor that leads directly outside.
3. Inside stairs from basement corridors, serving basement classrooms, shall not communicate with other stories above unless of fire-resistive construction.
4. Doors from basement classroom corridors, to other areas of the basement, shall be Class B and equipped with door closers except that solid frames and solid core wood doors, not less than 1¾ inches thick, shall be permitted.
5. Buildings, unless of fire-resistive construction, using the basement area for classroom purposes, shall have sprinkler or automatic alarm systems in the entire basement area.

661—5.763(100) Fire hazard safeguards.

5.763(1) Ventilating ducts discharging into attics of combustible construction shall be blocked off, protected with fire dampers or extended in a standard manner through the roof.

5.763(2) Cooking ranges and other cooking appliances in food service area kitchens shall be provided with ventilating hoods, grease filters, and shall be vented to the outside in an approved manner.

5.763(3) Discarded furniture, furnishings or other combustible material shall not be stored or allowed to accumulate in attics or concealed spaces. Designated storage space shall be provided for equipment that may be used periodically throughout the school year and necessary to the college operation or curriculum schedule.

5.763(4) Space used for storage under stairways shall not be allowed unless the storage area is lined with material that will provide a one-hour, fire-resistant rating and provided with a tight-fitting door that has a comparable fire-resistant rating. Except when removing or storing stock, the door shall be kept closed and locked.

5.763(5) Wastepaper baling and storage shall be in a room without ignition hazards and separated from other parts of the building by fire-resistant construction.

5.763(6) Storage of paint products and flammable liquids shall be in a fire-resistive room or approved metal cabinet.

5.763(7) Decorative materials.

a. No furnishings, decorations, wall coverings, paints, etc., shall be used which are of a highly flammable character or which in amounts used will endanger egress due to rapid spread of fire or formation of heavy smoke or toxic gases.

b. Highly flammable finishes such as lacquer and shellac are not permitted.

c. Draperies, curtains, loosely attached wall coverings, cloth hangings and similar materials shall be noncombustible or flameproof in corridor exit ways and assembly occupancies. In other areas up to 10 percent of the wall area may have combustible coverings and hangings.

5.763(8) Spray finishing operations shall not be conducted except in a room designed for the purpose, protected with an approved automatic extinguishing system, and separated vertically and horizontally from such occupancies by construction having not less than two-hour fire resistance. NFPA Standard No. 33, Spray Finishing, 1995 edition, shall be applicable for construction and operation of all paint spray booths.

661—5.764(100) Automatic sprinklers.

5.764(1) Subrules 5.764(2) to 5.764(9) shall apply, if upon inspection by the fire marshal a building or area is deemed hazardous for life safety and a sprinkler system installation is ordered.

5.764(2) Where automatic sprinkler protection is provided, other requirements of these rules may be modified to such extent as permitted by other provisions in 5.764(100).

5.764(3) Automatic sprinkler systems shall be of standard, approved types so installed and maintained as to provide complete coverage for all portions of the premises protected, except insofar as partial protection is specified in other subrules of 5.764(100).

5.764(4) Automatic sprinkler systems for college buildings shall be those designed to protect occupancy classifications that are considered light hazard occupancies.

5.764(5) Automatic sprinkler systems shall be provided with water flow alarm devices to give warning of operation of the sprinkler due to fire, and such alarm devices shall be installed so as to give warning throughout the entire building. The sprinkler alarm detection may be connected to the fire alarm system required by state law.

5.764(6) Partial automatic sprinkler systems shall provide complete protection in basement and other hazardous areas. Above the basement area, stairwells and corridors shall be sprinklered. Non-hazardous classrooms are not required to be sprinklered for partial systems.

5.764(7) Water supplies.

a. All automatic sprinklers installed in college buildings shall be provided with adequate and reliable water supplies.

b. Public water supplies for sprinkler systems in college buildings shall have a minimum of 4-inch service pipe providing a minimum of 500 gallons of water per minute and shall have at least 15 pounds pressure at the highest sprinkler head.

c. Where public water supply is not available and a pressure supply tank is used, the tank shall be a minimum of 6,000 gallons capacity. The pressure tank shall operate at an air pressure adequate to discharge all of the water in the tank.

5.764(8) All automatic sprinkler systems required by these regulations shall be maintained in a reliable operating condition at all times and such periodic inspections and tests as are necessary shall be made to ensure proper maintenance.

5.764(9) In buildings of ordinary or better construction, stairway enclosures will not be required if protected by a partial or standard sprinkler system. Basement cutoffs of vertical openings will be required. This modification of open stairways is permitted only in buildings that do not exceed a basement and two full stories.

661—5.765(100) Open plan buildings.

5.765(1) In buildings where the design of the building lends itself to the classification of an open plan building, the requirements for fire safety of subrules 5.764(2) to 5.764(9) shall apply.

5.765(2) This will include regulations for all buildings where there are no permanent solid partitions between rooms or between rooms and corridors that are used for exit facilities.

5.765(3) Open plan buildings shall have enclosed stairways and any other vertical openings between floors protected in accordance with subrule 5.754(1).

5.765(4) Open plan buildings shall not exceed 30,000 square feet in undivided area. Solid walls or smoke stop partitions shall be provided at intervals not to exceed 300 feet. Such walls or partitions shall have doors of a type that are at least 1¾-inch solid core wood doors and the partitions shall be the equivalent of one-hour construction.

5.765(5) Any cafeterias, gymnasiums or auditoriums shall be separated from the rest of the building by solid walls and no exits from other parts of the building shall require passing through such assembly areas.

5.765(6) Open plan buildings that do not have a direct exit door from each classroom to the outside shall be protected by a complete automatic fire detection system.

5.765(7) A sprinkler system may be installed in lieu of an automatic fire detection system in an open plan building.

5.765(8) Distance of travel to the nearest exit in an open plan building shall not exceed 100 feet from any point.

EXCEPTION: In a sprinklered building, the distance may be increased to 150 feet.

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661—5.766 to 5.774 Reserved.

NEW COLLEGE BUILDINGS

661—5.775(100) New college buildings. Subsection 10-1.1.2 of the NFPA Life Safety Code 101, 1994 edition, along with referenced appendices and chapters, is hereby adopted by reference as the rules governing college buildings, additions, alterations and renovations for which plans are approved by the state fire marshal on or after February 1, 2000, with the following amendments:

1. Add 10-1.1.2.1 to read as follows:

10-1.1.2.1 Panic hardware or fire exit hardware. Any door in a required means of egress from an area having an occupant load of 50 or more persons shall be permitted to be provided with a latch or lock only if it is panic hardware or fire exit hardware complying with 5-2.1.7.

2. Add 10-1.1.2.2 to read as follows:

10-1.1.2.2 Fire alarms. A fire alarm system and partial smoke detector system shall be provided in accordance with Section 7-6.

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661—5.776 to 5.799 Reserved.

FIRE SAFETY RULES FOR RESIDENTIAL OCCUPANCIES

661—5.800(100) General provisions.

5.800(1) Scope. Rules 661—5.801(100) through 661—5.806(100) apply to residential occupancies, except for bed and breakfast inns. In addition, rules 661—5.807(100) through 661—5.809(100) apply to residential occupancies, including bed and breakfast inns, and to all one- and two-family dwellings.

5.800(2) Definitions. The following definitions apply to rules 661—5.801(100) through 661—5.820(100).

“*Apartment house*” is any building or portion thereof which contains three or more dwelling units.

“*Atrium*” is an opening through two or more floor levels other than enclosed stairways, elevators, hoistways, escalator, plumbing, electrical, air conditioning or other equipment which is closed at the top and not defined as a mall.

“*Bed and breakfast home*” means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations, and serves food only to overnight guests. Rule 661—5.820(100) shall not apply to bed and breakfast homes. However, a bed and breakfast home shall have a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

“*Bed and breakfast inn*” is a building or structure equipped, used, or advertised as or held out to the public to be an inn, hotel, motel, motor inn, or place where sleeping accommodations are furnished for hire to transient guests and which has nine or fewer guest rooms.

“*Convent or monastery*” is a place of residence occupied by a religious group of people, especially monks or nuns.

“*Dormitories*” are buildings or spaces where group sleeping accommodations are provided for guests in a series of closely associated rooms under joint occupancy and single management, such as college dormitories, fraternity houses, sorority houses, with or without meals but without individual cooking facilities.

“*Existing residential occupancy*” is a residential occupancy placed in its current use prior to October 31, 1985.

“*Guest*” is any person hiring or occupying a room for living or sleeping purposes.

“*Guest room*” is any room or rooms used or intended to be used by a guest for sleeping purposes. Every hundred square feet of superficial floor area in a dormitory shall be considered to be a guest room.

“*Hotel/motel*” is any building containing six or more guest rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

“*Lodging or rooming house*” is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor or otherwise.

“*New residential occupancy*” is a residential occupancy placed into its current use on or after October 31, 1985.

“*Residential occupancies*” include hotels, motels, apartment houses, dormitories, lodging and rooming houses, convents and monasteries each accommodating more than ten persons.

NEW RESIDENTIAL OCCUPANCIES

661—5.801(100) General requirements.

5.801(1) Construction, height and allowable floor area.

a. General. Buildings or parts of buildings classed as residential occupancies shall be limited to the types of construction set forth in Table 5-B in rule 5.50(100) “Exits” and shall not exceed, in area or height, the limits specified in Table 8-B.

b. Special provisions. Residential occupancies more than two stories in height or having more than 3,000 square feet of floor area above the first story shall be limited to the types of construction and height in Table 8-B.

EXCEPTION: Interior nonload-bearing partitions within individual dwelling units in apartment houses and guest rooms or suites in hotels when such dwelling units, guest rooms or suites are separated from each other and from corridors by not less than one-hour fire-resistive construction may be constructed of:

1. Noncombustible materials or fire-retardant treated wood in buildings of any type of construction; or
2. Combustible framing with noncombustible materials applied to the framing in buildings of Type III or V construction.

Storage or laundry rooms that are within residential occupancies that are used in common by tenants shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

5.801(2) Light and ventilation. All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural light by means of exterior glazed openings with an area not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. All bathrooms, water closet compartments, laundry rooms and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area not less than one-twentieth of the floor area of the rooms with a minimum of 1½ square feet.

All guest rooms, dormitories and habitable rooms within a dwelling unit shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth of the floor area of such rooms with a minimum of 5 square feet.

In lieu of required exterior openings for natural ventilation, an approved mechanical ventilating system may be provided. Such systems shall be capable of providing two air changes per hour in all guest rooms, dormitories, habitable rooms and public corridors. One-fifth of the air supply shall be taken from the outside. In bathrooms, water closet compartments, laundry rooms and similar rooms, a mechanical ventilation system connected directly to the outside shall be capable of providing five air changes per hour.

For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Required exterior openings for natural light and ventilation shall open directly onto a street or public alley, yard or court located on the same lot as the building.

EXCEPTION: Required windows may open into a roofed porch where the porch:

1. Abuts a street, yard or court;
2. Has a ceiling height of not less than 7 feet; and
3. Has the longer side at least 65 percent open and unobstructed.

5.801(3) *Mixed occupancies general.* When a building is used for more than one occupancy purpose, each part of the building comprising a distinct "Occupancy," as shown in the occupancy classification Table 8-A shall be separated from any other occupancy as specified in Table 8-C.

EXCEPTION: Gift shops, administrative offices and similar rooms not exceeding 10 percent of the floor area of the major use.

5.801(4) *Occupant load.* For the purpose of establishing exit requirements, the occupant load of any building or portion thereof used for the purpose of rules 5.801(100) to 5.803(100) shall be determined by dividing the net floor area assigned to that use by the square feet per occupant as indicated in Table 5-A and rule 661—5.51(100).

5.801(5) *Dormitories.* New dormitories shall comply with the requirements for new hotels within this chapter.

661—5.802(100) Exit facilities in new residential occupancies.

5.802(1) *Types of exits.* Exits of the specified number and width shall be one or more of the following types as listed in state fire marshal's fire safety rules and regulations for new and existing buildings.

1. Doors of the swinging type leading directly to the outside or to a lobby or passageway leading to the outside of the building. (See rule 5.53(100))
2. Horizontal exits. (See rule 5.57(100))
3. Smokeproof towers. (See rule 5.59(100))
4. Interior stairs. (See rule 5.55(100) and 5.58(100))
5. Outside stairs. (See rule 5.55(100))
6. Ramps. (See rule 5.56(100))
7. Escalators. (See rule 5.58(100))
8. Exit passageways. (See rule 5.61(100))
9. Corridors and exterior balconies. (See rule 5.54(100))
10. Exit courts. (See rule 5.60(100))

5.802(2) *Number of exits.* The minimum number of exits shall be as prescribed in rule 5.52(100).

EXCEPTION 1: Except as provided in Table 5-A, only one exit need be provided from the second story within an individual dwelling unit.

EXCEPTION 2: Two or more dwelling units on the second story may have access to only one common exit when the total occupant load using that exit does not exceed 10 or 2,000 square feet of floor area. See Table 5-A.

5.802(3) *Required exit width.* Exit width shall be determined as outlined in subrule 5.52(2).

5.802(4) *Arrangement of exits.* The arrangement of required exits shall be as prescribed in subrule 5.52(3).

5.802(5) *Travel distance.* The maximum travel distance from any point to an exterior exit door, horizontal exit, exit passageway, or an enclosed stairway shall not exceed 150 feet, or 200 feet in a building equipped with an automatic sprinkler system complying with subrule 5.52(6). These distances may be increased 100 feet when the last 150 feet is within a corridor complying with rule 5.54(100).

5.802(6) Exit illumination. At any time the building is occupied, exits shall be illuminated with light having an intensity of not less than one foot-candle at floor level and in accordance with the requirements of rule 5.62(100).

5.802(7) Exit signs. Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress in accordance with the requirements of rule 5.63(100).

5.802(8) Shaft enclosures.

a. General. Openings extending vertically through floors shall be enclosed in a shaft of fire-resistive construction having the time period set forth in Table 5-B for shaft enclosures. Protection for stairways shall be as specified in rules 5.58(100) and 5.59(100).

EXCEPTION 1: An enclosure will not be required for openings which serve only one adjacent floor and are not connected with openings serving other floors and which are not concealed within the building construction.

EXCEPTION 2: Stairs within individual apartments need not be enclosed.

b. Rubbish and linen chutes. In new residential occupancies, rubbish and linen chutes shall terminate in rooms separated from the remainder of the building by a one-hour fire-resistive occupancy separation. Openings into the chutes and termination rooms shall not be located in exit corridors or stairways.

5.802(9) Atriums.

a. General. Buildings classified as residential occupancies with automatic sprinkler protection throughout may have atriums complying with the provisions of this rule. Such atriums shall have a minimum opening and dimensions as follows:

Height in Stories	Minimum Clear Opening (Ft.)	Minimum Area (Sq. Ft.)
3-4	20	400
5-8	30	900
8 or more	40	1,600

NOTE: The above dimensions are the diameters of inscribed circles whose centers fall on a common axis for the full heights of the atrium.

b. Smoke-control system. A mechanically operated air-handling system shall be installed that will exhaust smoke either entering or developed within the atrium. Exhaust openings shall be located in the ceiling or in a smoke-trap area immediately adjacent to the ceiling of the atrium. The lowest level of the exhaust openings shall be located above the top of the highest portion of door openings into the atrium. Supply openings sized to provide a minimum of 50 percent of the exhaust volume shall be located at the lowest level of the atrium.

When the height of the atrium is 55 feet or less, supply air may be introduced by gravity, provided smoke control is accomplished. When the height of the atrium is more than 55 feet, supply air shall be introduced mechanically from the floor of the atrium and be directed vertically toward the exhaust outlets. In atriums over six stories in height or where tenant spaces above the second story are open to the atrium, supplemental supply air may be introduced at upper levels. The exhaust and supply system for the atrium shall operate automatically upon the actuation of the automatic sprinkler system within the atrium or areas open to the atrium or by the actuation of two or more smoke detectors required by this rule. The exhaust and supply equipment shall also be manually operable by controls designed for fire department use. The smoke-control system may be separate or integrated with other air-handling systems. When the smoke-control mode is actuated, air-handling systems which would interfere with the smoke-control system shall be automatically shut down.

Enclosed tenant spaces shall be provided with an approved smoke-control system.

The atrium smoke-control system shall exhaust not less than the following quantities of air:

1. For atriums having a volume of not more than 600,000 cubic feet, including the volume of any levels not physically separated from the atrium, not less than six air changes per hour nor less than 40,000 cfm. A lesser cfm is acceptable if it can be shown by test that smoke will not migrate beyond the perimeter of the atrium.

2. For atriums having a volume of more than 600,000 cubic feet, including the volume of any levels not physically separated from the atrium, not less than four air changes per hour.

Smoke detectors which will automatically operate the atrium smoke-control system shall be installed at the perimeter and on the ceiling of the atrium and on the ceiling of each floor level that is open to the atrium. In floor levels open to the atrium, detectors shall be within 15 feet of the atrium. Detectors shall be located in accordance with their listing.

c. *Enclosure of atriums.* Atriums shall be separated from adjacent spaces by not less than one-hour fire-resistive construction.

EXCEPTION: Open exit balconies are permitted within the atrium.

Openings in the atrium enclosure other than fixed glazing shall be protected by tight-fitting fire assembly doors which are maintained automatic closing by actuation of a smoke detector, or self-closing.

Fixed glazed openings in the atrium enclosure shall be equipped with fire windows having a fire-resistive rating of not less than three-fourths hour, and the total area of such openings shall not exceed 25 percent of the area of the common wall between the atrium and the room into which the opening is provided.

EXCEPTION: In residential occupancies, openings may be unprotected when the floor area of each room or dwelling unit does not exceed 1,000 square feet and each room or unit has an approved exit not entering the atrium.

d. *Travel distance.* When a required exit enters the atrium space, the travel distance from the doorway of the tenant space to an enclosed stairway, horizontal exit, exterior door or exit passageway shall not exceed 100 feet.

e. *Standby power.* The smoke-control system for the atrium and the smoke-control system for the tenant space are to be provided with approved standby power.

f. *Interior finish.* The interior finish of walls and ceilings of the atrium and all unseparated tenant spaces shall be Class A with no reduction in class for sprinkler protection.

g. *Acceptance of the smoke-control system.* Before the certificate of occupancy is issued, the smoke-control systems shall be tested in an approved manner and shall show compliance with the requirements of this rule.

h. *Inspection of the smoke-control system.* All operating parts of the smoke-control systems shall be tested by an approved inspection agency or by the owner or the owner's representative when so approved. Inspections shall be made every three months and a log of the tests be kept by the testing agency. The log shall be on the premises and available for examination by fire department personnel.

i. *Combustible furnishings in atriums.* The quantity of combustible furnishings in atriums shall not exceed that specified below:

(1) The potential heat of combustible furnishings and decorative materials within atriums shall not exceed 9,000 Btu per pound when located within an area of the atrium that is more than 20 feet below ceiling-mounted sprinklers.

(2) All decorative materials shall be noncombustible or shall be flame-retardant treated and so maintained.

(3) Devices generating an open flame shall not be used nor installed within atriums.

661—5.803(100) General safety requirements.

5.803(1) Special hazards. Chimneys and heating apparatus shall conform to manufacturer's instruction and nationally recognized codes. The storage and handling of gasoline, fuel oil or other flammable liquids shall be in accordance with national fire codes. Doors leading into rooms in which volatile flammable liquids are stored or used shall be protected by a fire assembly having a one-hour fire protection rating. The fire assembly shall be self-closing and shall be posted with a sign on each side of the door in 1-inch block letters stating: FIRE DOOR — KEEP CLOSED.

Every room containing a boiler or central heating plant shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation.

EXCEPTION: A separation shall not be required for rooms with equipment servicing only one dwelling unit.

5.803(2) Interior finish.

a. Corridors, lobbies and enclosed stairways. Interior finish in all corridors and lobbies shall be Class A, or Class B will be permitted in a fully sprinklered building, and in enclosed stairways, Class A.

b. General assembly. Interior finish in general assembly areas shall be Class A in exit. See Table No. 5-C following 661—5.105(100).

c. Interior floor finish. Interior floor finish within corridors and exits shall be Class I or Class II interior floor finish. See Table No. 5-D following 661—5.105(100).

5.803(3) Windows for rescue. Every sleeping room below the fourth story shall have at least one openable window or exterior door approved for emergency rescue. The units shall be openable from the inside without the use of separate tools.

All rescue windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum clear opening width dimension shall be 20 inches. Where windows are provided as a means of rescue, they shall have a finished sill height of not more than 44 inches above the floor.

Bars, grilles, grates or similar devices may be installed on emergency escape or rescue windows or doors, provided:

1. Devices are equipped with approved release mechanisms which are openable from the inside without use of a key or special knowledge or effort; and

2. The building is equipped with smoke detectors installed in accordance with subrule 5.803(4).

5.803(4) Protection systems.

a. Smoke detectors. Every dwelling unit in apartment houses, dormitories, and every guest room in a hotel/motel or lodging house used for sleeping purposes shall be provided with approved smoke detectors. In all new construction, required smoke detectors shall receive their primary power from the building wiring when wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. (For specific requirements see Iowa Code section 100.18.)

b. Alarm systems. Every apartment house three stories or more in height or containing more than 15 apartments and every hotel three stories or more in height, or containing 20 or more guest rooms shall have installed therein an approved automatic or manually operated fire alarm system designed to warn the occupants of the building in the event of fire. Fire alarm systems shall be so designed that all occupants of the building may be warned simultaneously.

EXCEPTION: An alarm system need not be installed in buildings not over two stories in height when all individual apartments and guest rooms and contiguous attic and crawl spaces are separated from each other and from common areas by at least one-hour fire-resistive occupancy separations and each individual apartment or guest room has an exit direct to a yard or public way.

c. *Automatic sprinkler system.* Automatic sprinkler systems shall be provided in all residential occupancies more than four stories in height or more than 65 feet above grade level. (Also see subrule 5.52(6) and Iowa Code section 100.39.)

d. *Portable fire extinguishers.* Approved-type fire extinguishers shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than 75 feet from any point to reach the nearest extinguisher. Additional extinguishers may be required in areas that constitute a special hazard. Type and number of portable extinguishers shall be determined by the state fire marshal or local fire authority.

e. *Maintenance.* Regular and proper maintenance of electric service, heating plants, alarm systems, sprinkler systems, fire doors and exit facilities shall be required.

EXISTING RESIDENTIAL OCCUPANCIES

661—5.804(100) Existing residential occupancies.

5.804(1) Application. The requirements of rules 661—5.804(100) through 661—5.807(100) shall apply to existing hotels/motels, apartment houses, dormitories, lodging and rooming houses, convents accommodating more than ten persons, and monasteries accommodating more than ten persons.

No building or structure housing existing residential occupancies shall be occupied in violation of rules 5.804(100) to 5.806(100).

5.804(2) Reasonable safety provisions. The state fire marshal or local enforcement authority shall determine the adequacy of means of egress and other measures for safety from fire in accordance with these rules. In existing buildings where physical limitations may require disproportionate effort or expense with little increase in life safety, the state fire marshal or local enforcement authority may grant exceptions to these rules, but only when it is clearly evident that reasonable safety is provided.

5.804(3) Change of occupancy. No existing building or portion of an existing building may have its occupancy changed to residential use unless the building or portion thereof meets the requirements for new residential occupancies.

5.804(4) Occupant load. For the purpose of establishing exit requirements, the occupant load of any building or portion thereof used for the purposes of rules 5.804(100) to 5.806(100) shall be determined by dividing the net floor area assigned to that use by the square feet per occupant as indicated in Table 5-A and rule 661—5.51(100) of the state fire marshal's fire safety rules regarding exits.

661—5.805(100) Exit facilities.

5.805(1) Types of exits. Exits of the specified number and width shall be one or more of the following types as listed in the state fire marshal's fire safety rules and regulations for new and existing buildings.

1. Doors of the swinging types leading directly to the outside or to a lobby or passageway leading to the outside of the building. (See rule 5.53(100))
2. Horizontal exits. (See rule 5.57(100))
3. Smokeproof towers. (See rule 5.59(100))
4. Interior stairs (See rules 5.55(100) and 5.58(100))
5. Outside stairs. (See rule 5.55(100))
6. Ramps. (See rule 5.56(100))
7. Escalators. (See rule 5.58(100))
8. Exit passageways. (See rules 5.61(100) and 5.101(100))
9. Corridors and exterior balconies. (See rule 5.54(100))
10. Exit courts. (See rule 5.60(100))

An existing stairway, fire escape or other exit component which meets the requirements of rules 5.100(100) to 5.105(100) may be continued in use provided it is in good repair and acceptable to the authority having jurisdiction.

Any exit modification required by this chapter shall meet the requirements for new construction.

5.805(2) Number of exits. The minimum number of exits shall be as prescribed in subrule 5.52(1) or 5.101(1).

EXCEPTION 1: Any living unit which has an exit directly to the street or yard at ground level or by way of an outside stairway, or an enclosed stairway with fire-resistance rating of one hour or more serving that apartment only and not communicating with any floor below the level of exit discharge or other area not a part of the apartment served, may have a single exit serving that unit only.

EXCEPTION 2: Any building less than three stories in height with no floor below the floor of exit discharge or, in case there is such a floor, with the street floor construction of at least one-hour fire resistance, may have a single exit, under the following conditions:

a. The stairway is completely enclosed with a partition having a fire-resistance rating of at least one hour with self-closing fire doors protecting all openings between the stairway enclosure and the building.

b. The stairway does not serve any floor below the floor of exit discharge.

c. All corridors serving as access to exits have at least a one-hour fire-resistance rating.

d. There is not more than 35 feet of travel distance to reach an exit from the entrance door of any living unit.

5.805(3) Required exit width. Exit width shall be determined as outlined in subrule 5.52(2).

5.805(4) Arrangement of exits. The arrangement of required exits shall be as prescribed in subrule 5.52(3).

5.805(5) Travel distance. The maximum travel distance from any point to an exterior exit door, horizontal exit, exit passageway, or an enclosed stairway shall not exceed 150 feet.

EXCEPTION: The travel distance may be increased to 200 feet if protected throughout by an automatic sprinkler system.

5.805(6) Dead-end corridors. Dead-end corridors shall not exceed 20 feet in length.

EXCEPTION: When corridors meet requirements of rule 5.105(100).

5.805(7) Exit illumination. Exits shall be illuminated at any time the building is occupied with light having an intensity of not less than 1 foot-candle at floor level and in accordance with the requirements of rule 5.62(100).

5.805(8) Exit signs. Exit signs shall be installed at required exit doorways and where otherwise necessary to clearly indicate the direction of egress in accordance with the requirements of subrule 5.101(5).

5.805(9) Protection of vertical openings. All interior stairways, elevator shafts, light and ventilation shafts and other vertical openings shall be enclosed or protected as provided in rule 5.102(100).

EXCEPTION 1: Unprotected openings connecting not more than three floors may be permitted provided the building is completely sprinklered.

EXCEPTION 2: Stairs within individual apartments need not be enclosed.

661—5.806(100) General provisions.

5.806(1) Hazardous areas. An area used for general storage, boiler or furnace rooms, fuel storage, janitor's closets, maintenance shops, including woodworking and painting area, laundries and kitchens shall be separated from other parts of the building by construction having not less than one-hour fire-resistance rating, and all openings shall be protected with at least 1¾-inch solid core wood doors or equivalent equipped with approved self-closing devices, or such rooms or spaces may be protected by an automatic sprinkler system.

EXCEPTION: A separation shall not be required for such rooms with equipment serving only one dwelling unit.

5.806(2) Interior finish.

a. Corridors, lobbies, and enclosed stairways. Interior finish in all corridors and lobbies shall be Class A, or Class B will be permitted in a fully sprinklered building, and in enclosed stairways, Class A.

b. General assembly. Interior finish in general assembly areas shall be Class A in exit. See Table No. 5-C following 661—5.105(100).

c. Interior floor finish. Interior floor finish within corridors and exits shall be Class I or Class II interior floor finish. See Table No. 5-D following 661—5.105(100).

5.806(3) Windows for rescue. Every sleeping room below the fourth story should have at least one openable window or exterior door approved for emergency rescue. The units shall be openable from the inside without the use of separate tools.

Any new or replacement windows from sleeping rooms shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be 24 inches. The minimum clear opening width dimension shall be 20 inches. Where windows are provided as a means of rescue, they shall have a finished sill height of not more than 44 inches above the floor.

5.806(4) Protection systems.

a. Smoke detectors. Every dwelling unit within an apartment house, dormitory and every guest room in a hotel used for sleeping purposes shall be provided with approved smoke detectors. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. (For specific requirements see Iowa Code section 100.18.)

b. Alarm systems. Every apartment house three stories or more in height or containing more than 15 apartments and every hotel three stories or more in height containing 20 or more guest rooms shall have installed therein an approved automatic or manually operated fire alarm system designed to warn the occupants of the building in the event of fire. The fire alarm system shall be so designed that all occupants of the building may be warned simultaneously.

EXCEPTION: An alarm system need not be installed in buildings when all individual apartments and guest rooms and contiguous attic and crawl spaces are separated from each other and from common areas by at least one-hour fire-resistive occupancy separations and each individual apartment or guest room has an exit direct to a yard or public way.

Stations for operating any manually operated fire alarm system shall be placed immediately adjacent to the telephone switchboard in the building if there is a switchboard and at such other locations as may be required by the authority having jurisdiction.

Preignal alarm systems will not be permitted.

c. Automatic sprinkler protection. When automatic sprinkler protection is provided it shall be as required by subrule 5.52(6).

5.806(5) Portable fire extinguishers. Approved-type fire extinguishers shall be provided on each floor, so located that they will be accessible to the occupants, and spaced so that no person will have to travel more than 75 feet from any point to reach the nearest extinguisher. Additional extinguishers may be required in areas that constitute a special hazard. Type and number of portable extinguishers shall be determined by the state fire marshal or local fire authority.

5.806(6) Fire and general equipment. All fire and life safety equipment or devices shall be regularly and properly maintained in an operable condition at all times in accordance with nationally recognized standards. This includes fire extinguishing equipment, alarm systems, exit facilities, doors and their appurtenances, electric service, heating and ventilation equipment.

All fire protection or extinguishing systems, coverage, spacing and specifications shall also be maintained in accordance with recognized standards at all times and shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, or added to. All additions, repairs, alterations or servicing shall be made in accordance with recognized standards.

5.806(7) Storage. Excessive storage of combustible or flammable materials such as papers, cartons, magazines, paints, and similar materials so as to constitute an unnecessary hazard in the opinion of the authority having jurisdiction shall not be permitted.

These rules are intended to implement Iowa Code chapter 100.

661—5.807(100) Smoke detectors definition. “Approved” is defined as being acceptable to the state fire marshal. Any equipment, device or procedure which bears the stamp of approval or meets applicable standards prescribed by an organization of national reputation such as the Underwriters Laboratories, Inc., National Bureau of Standards, Factory Mutual Laboratories, American Society for National Fire Protection Association, American Society of Mechanical Engineers or American Standards Association, which undertakes to test and approve or provide standards for equipment, devices or procedures of the nature prescribed in these regulations shall be deemed acceptable to the state fire marshal.

661—5.808(100) General requirements.

5.808(1) Approved single station smoke detectors will be acceptable in all areas covered by these regulations, unless other fire warning equipment or materials are required by other standards.

5.808(2) Any installation of wiring and equipment shall be in accordance with the latest edition of the National Fire Protection Association Standard No. 70, National Electric Code, and other applicable standards.

5.808(3) All devices, combinations of devices, and equipment to be installed in conformity with these regulations shall be approved and used for the purposes for which they are intended.

5.808(4) A combination system, such as a household fire warning system whose components may be used in whole or in part, in common with a nonfire emergency signaling system, such as a burglar alarm system or an intercom system, shall not be permitted or approved, except for one- or two-family dwellings.

5.808(5) All power supplies shall be sufficient to operate the alarm for at least four continuous minutes.

5.808(6) Power source.

a. In new buildings and additions constructed after July 1, 1991, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke detectors may be solely battery operated when installed in existing buildings, or in buildings without commercial power, or in buildings which undergo alterations, repairs or additions regulated by subrule 5.808(2).

b. New and replacement smoke detectors installed after May 1, 1993, which receive their primary power from the building wiring shall be equipped with a battery backup.

5.808(7) The failure of any nonreliable or short-life component which renders the detector inoperative shall be readily apparent to the occupant of the sleeping unit without the need for a test. Each smoke detector shall detect abnormal quantities of smoke that may occur and shall properly operate in the normal environmental condition.

5.808(8) Equipment shall be installed, located and spaced in accordance with the manufacturer’s recommendations.

5.808(9) Installed fire warning equipment shall be mounted so as to be supported independently of its attachment to wires.

5.808(10) All apparatus shall be restored to normal immediately after each alarm or test.

5.808(11) Location within dwelling units.

a. In dwelling units, detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

b. Location in efficiency dwelling units and hotels. In efficiency dwelling units, hotel suites and in hotel sleeping rooms, detectors shall be located on the ceiling or wall of the main room or hotel sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit, hotel suite or sleeping room in which it is located.

661—5.809(100) Smoke detectors—notice and certification of installation.

5.809(1) Notice of installation. Owners of rental residential buildings containing two or more units required by law to install smoke detectors shall notify their local fire department upon installation of required smoke detectors.

5.809(2) Certification—single-family dwelling units. A person who files for homestead credit pursuant to Iowa Code chapter 425 shall certify that the single-family dwelling unit for which credit is filed has a smoke detector(s) installed in accordance with 5.808(6) and 5.808(11)“*a.*,” or that such smoke detector(s) will be installed within 30 days of the date of filing for credit.

5.809(3) Reports to fire marshal. Each county or city assessor charged with the responsibility of accepting homestead exemption credit applications will obtain certification of smoke detection on a form acceptable to the state fire marshal, signed by the person making application for credit and file a quarterly report with the fire marshal listing the name, address and whether applicant attested to a detector(s) being present at the time of application or that a detector(s) would be installed as required within 30 days.

661—5.810(100) Smoke detectors—new and existing construction.

5.810(1) New construction. All multiple-unit residential buildings and single-family dwellings which are constructed after July 1, 1991, shall include the installation of smoke detectors meeting the requirements of rule 661—5.807(100) and rule 661—5.808(100).

5.810(2) Existing construction. All existing single-family units and multiple-unit residential buildings shall be equipped with smoke detectors as required in 5.808(11)“*a.*”

Rules 5.807(100) to 5.810(100) are intended to implement Iowa Code section 100.18.

OCCUPANCY CLASSIFICATIONS PER TABLE 8-A

General Occupation Description	Current Occupancy Designation	Complete Occupancy Description
Assembly	A-1	Any assembly building with a stage and occupant load of 1,000 or more in building.
	A-2	Any building or portion of a building having an assembly room with an occupant load of less than 1,000 and a stage.
	A-2.1	Any building or portion of a building having an assembly room with an occupant load of 300 or more without a stage, including such buildings used for educational purposes and not classed as a Group E or Group B, Division 2 Occupancy.
	A-3	Any building or portion of building having an assembly room with an occupant load of 300 or more without a stage, including such buildings used for educational purposes and not classed as a Group E or Group B, Division 2 Occupancy.
	A-4	Stadiums, reviewing stands and amusement park structures not included within other Group A Occupancies.
Business, including offices, factories, mercantile and storage	B-1	Gasoline service stations, storage garages where no repair work is done except exchange of parts and maintenance requiring no open flame, welding or the use of highly flammable liquids.
	B-2	<p>Drinking and dining establishments having an occupant load of less than 50, wholesale and retail stores, office buildings, printing plants, municipal police and fire stations, factories and workshops using material not highly flammable or combustible, storage and sales rooms for combustible goods, paint stores without bulk handling.</p> <p>Buildings or portions of buildings having rooms used for educational purposes, beyond the 12th grade, with less than 50 occupants in any room.</p>
	B-3	Aircraft hangers where no repair work is done except change of parts and maintenance requiring no open flame, welding or use of highly flammable liquids. Open parking garages, heliports.
	B-4	Ice plants, power plants, pumping plants, cold storage, creameries. Factories and workshops using noncombustible and nonexplosive materials. Storage and sales rooms for noncombustible and nonexplosive materials.

Educational	E-1	Any building used for educational purposes through 12th grade by 50 or more persons for more than twelve hours per week or four hours in any one day.
	E-2	Any building used for educational purposes through 12th grade by less than 50 persons for more than twelve hours per week or four hours in one day.
	E-3	Any building used for day-care purposes for more than six children.
Hazardous	H-1	Storage, handling, use or sale of hazardous and highly flammable or explosive materials other than Class I, II, or III-A liquids.
	H-2	Storage and handling of Class I, II and III-A liquids, dry cleaning plants using flammable liquids; paint stores with bulk handling; paint shops and spray painting rooms and shops. The storage or sale of hazardous materials or chemicals or Class I, II and III-A liquids in amounts that do not exceed those set forth in Table No. 9-A is permitted in buildings or portions thereof without classifying such buildings as a Group H Occupancy, provided such chemicals, hazardous materials or liquids are stored and handled in compliance with the provisions of the Fire Code.
	H-3	Woodworking establishments, planing mills, box factories, buffing rooms for tire rebuilding plants and picking rooms; shops, factories or warehouses where loose combustible fibers or dust are manufactured, processed, generated or stored; and pin-refinishing rooms.
	H-4	Repair garages.
	H-5	Aircraft repair hangers.
Institutional	I-1	Nurseries for full-time care of children under the age of six (each accommodating more than five persons). Hospitals, sanitariums, nursing homes with nonambulatory patients and similar buildings (each accommodating more than five persons).
	I-2	Nursing homes for ambulatory patients, homes for children six years of age or over (each accommodating more than five persons).
	I-3	Mental hospitals, mental sanitariums, jails, prisons, reformatories and buildings where personal liberties of inmates are similarly restrained.
		EXCEPTION: Group I Occupancies shall not include buildings used only for private residential purposes for a family group.

Miscellaneous structures	11	M-1	Private garages, carports.
		M-2	Fences over six feet high, tanks and towers.
Residential	12	R-1	Hotels and apartment houses. Convents and monasteries (more than 10 people).
		R-3	Lodging houses (five guests or rooms).

TABLE 8-B: ALLOWABLE FLOOR AREA
(Per single story)
AND MAXIMUM HEIGHT OF BUILDINGS

TYPES OF CONSTRUCTION									
I		II			III		IV	V	
F.R.	F.R.	ONE-HOUR	N	ONE-HOUR	N	H.T.	ONE-HOUR	N	

BASIC ALLOWABLE FLOOR AREA FOR BUILDINGS ONE STORY IN HEIGHT
(In Square Feet)

Unlimited	29,900	13,500	9,100	13,500	9,100	13,500	10,500	6,000
MAXIMUM HEIGHT IN FEET								
Unlimited	160	65	55	65	55	65	50	40
MAXIMUM HEIGHT IN STORIES								
Unlimited	12	4	2	4	2	4	3	2

See Notes 1. - 6.

N — No Requirements for Fire Resistance

F.R. — Fire Resistive

H.T. — Heavy Timber

NOTE 1: Separation on two sides. Where public space, streets, or yards more than twenty feet in width extend along and adjoin the sides of the building, floor areas may be increased at a rate of 1¼ percent for each foot by which the minimum width exceeds twenty feet but the increase shall not exceed 50 percent.

NOTE 2: Separation on three sides. Where public space, streets or yards more than twenty feet in width extend along and enjoin three sides of the building, floor areas may be increased at a rate of 2½ percent for each foot by which the minimum width exceeds twenty feet, but the increase shall not exceed 100 percent.

NOTE 3: Separation on all sides. Where public space, streets or yards more than twenty feet in width extend on all sides of a building and enjoin the entire perimeter, floor areas may be increased at a rate of 5 percent for each foot by which the minimum width exceeds twenty feet. Such increases shall not exceed 100 percent.

NOTE 4: Areas of buildings over one story. The total combined floor area for multistory buildings may be twice that permitted by Table 8-B for one-story buildings, and the floor area of any single story shall not exceed that permitted for a one-story building.

NOTE 5: Automatic sprinkler system. The areas specified in Table 8-B may be tripled in one-story buildings and doubled in buildings of more than one story if the building is provided with an approved automatic sprinkler system throughout. The area increases permitted for installing an approved automatic sprinkler system may be compounded with that specified in Notes 1, 2, and 3.

NOTE 6: The area increases permitted in Note 5 shall not apply when automatic sprinkler systems are installed under the following provisions:

- a. An increase in allowable number of stories.
- b. Substitution for one-hour fire-resistive construction.
- c. Atriums.

TABLE 8-C—REQUIRED SEPARATION
IN BUILDINGS OF MIXED OCCUPANCY
(In Hours)

	A-1	A-2	A-2.1	A-3	A-4	B-1	B-2	B-3	B-4	E	H-1	H-2	H-3	H-4,5	I	M ²	R-1	R-3
I	3	3	3	3	3	4	2	4	4	1	NP ³	4	4	4	—	1	1	1
R-1	1	1	1	1	1	3 ¹	1	1	1	1	4	3	3	3	1	1	—	N
R-3	1	1	1	1	1	1	N	N	N	1	4	3	3	3	1	1	N	—

¹The three-hour separation may be reduced to one hour where the Group B, Division 1 Occupancy, is limited to the storage of passenger motor vehicles having a capacity of not more than nine persons per vehicle and provided no repair or fueling is done and the area does not exceed 3,000 square feet in a building.

²In the one-hour occupancy separation between a Group R, Division 3 and M Occupancy, the separation may be limited to the installation of materials approved for one-hour fire-resistive construction on the garage side and a self-closing, tight fitting solid wood door in lieu of a one-hour fire assembly. Fire dampers shall not be required in ducts piercing this separation for ducts constructed of not less than No. 26 gauge galvanized steel.

³Not permitted.

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BED AND BREAKFAST INNS

661—5.820(100,137C) Bed and breakfast inns.

5.820(1) Appliances. Heating, cooking and gas and electrical equipment and appliances must conform with nationally recognized codes and standards and be installed and maintained in accordance with manufacturer's recommendations. If the building has an operable solid fuel fireplace, all components must be cleaned and maintained in accordance with NFPA 211, 2000 edition.

5.820(2) Smoke detectors. Each bed and breakfast inn shall have an operable smoke detector in each guest room, at the top of each stairwell, and at intervals not to exceed 30 feet in each exit corridor. Detectors shall be installed and maintained in accordance with NFPA 72, 1999 edition.

a. Existing facilities. In bed and breakfast inns which begin operation or are constructed or remodeled prior to February 1, 2002, required smoke detectors may be battery operated.

b. New facilities. Each bed and breakfast inn which begins operation or is constructed or remodeled on or after February 1, 2002, shall be equipped with a system of interconnected smoke detectors with detectors at the top of each stairwell and at intervals not to exceed 30 feet in each exit corridor. These smoke detectors shall receive primary power from the building's electrical wiring and shall include battery backup. Each guest room shall be equipped with a smoke detector which may be a single station detector that complies with subrule 5.807(6).

5.820(3) Emergency lighting. Each bed and breakfast inn must be equipped with approved emergency lighting so located and directed in a manner that will illuminate the routes of travel from each guest-occupied room to the outside of the building.

5.820(4) Windows. Each bed and breakfast inn guest sleeping room must have at least one outside window that is openable without the use of tools or special knowledge. The window must be large enough that, when open and without breaking glass, it will permit the emergency egress of guests.

5.820(5) Exits. Each story that has one or more guest sleeping rooms must have two means of exit that are remote from each other and so arranged and constructed as to minimize any possibility that both may be blocked by any one fire or other emergency.

5.820(6) Exit door markings. Exit doors must be marked in accordance with 661—5.63(100), except internally illuminated exit signs are not required if the door is clearly illuminated by emergency lighting.

5.820(7) Fire extinguishers. Fire extinguishers must be installed and maintained in accordance with National Fire Protection Association Standard Number 10, 1998 edition.

5.820(8) Smoking prohibited. Smoking is not permitted in any sleeping room, and rooms shall be posted with plainly visible signs so stating.

5.820(9) Additional prohibitions. Candles, lamps with power sources other than electricity or solid fuel fireplaces shall not be used in guest sleeping rooms.

*Effective date of amendments to 5.800 to 5.810 and 5.820 delayed 70 days by the Administrative Rules Review Committee at its meeting held April 6, 2001. These amendments were published in the March 21, 2001, Iowa Administrative Bulletin as ARC 0566B. [See Notice ARC 9970A, IAB 7/12/00.] At its meeting held June 5, 2001, the Committee voted to delay the effective date until adjournment of the 2002 Session of the General Assembly.

At its meeting held February 8, 2002, the Committee voted to lift the delay, effective February 9, 2002.

5.820(10) Directions. Each bed and breakfast inn shall have clearly displayed in each guest bedroom printed directions and a diagram for emergency evacuation procedures. These directions must include the primary route to the outside and how to use the emergency egress window in the event the primary route cannot be traversed.

This rule is intended to implement Iowa Code section 137C.35.

661—5.821 to 5.849 Reserved.

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[Filed emergency 1/2/02—published 1/23/02, effective 2/1/02]

EXPLOSIVE MATERIALS

661—5.850(101A) Rules generally. The code, “NFPA 495 Manufacture, Transportation, Storage, and Use of Explosive Materials,” 1992 edition, as published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, with the exception of chapter 2 and references to other specific standards contained in chapter 2, is hereby adopted by reference as the rules governing the manufacture, transportation, storage, and use of explosive materials in the state of Iowa.

This rule is intended to implement Iowa Code section 101A.5.

661—5.851(101A) Inventory. Inventory shall be of such that it shows amount of explosive material on hand, quantities dispensed and to whom, and quantity on hand at the end of each calendar working day. Anytime a shortage appears it shall be reported immediately to the chief of police or sheriff having jurisdiction, who in turn shall cause a federal form 4712 (Department of Treasury, Internal Revenue Service) to be implemented, a copy of which shall be sent to the Iowa Department of Public Safety, attention of state fire marshal.

This rule is intended to implement Iowa Code section 101A.5.

661—5.852 to 5.864 Reserved.

661—5.865(101A,252J) Grounds for suspension, revocation, or denial of commercial explosives licenses. The department may refuse to issue a commercial license for the manufacture, importation, distribution, sale, and commercial use of explosives sought pursuant to Iowa Code section 101A.2 or may suspend or revoke such a license for any of the following reasons:

1. Finding that the applicant or licensee is not of good moral character and sound judgment.
2. Finding that the applicant or licensee lacks sufficient knowledge of the use, handling, and storage of explosive materials to protect the public safety.
3. Finding that the applicant or licensee falsified information in the current or any previous license application.
4. Proof that the licensee or applicant has violated any provision of Iowa Code chapter 101A or these rules.
5. Receipt by the department of a certificate of noncompliance from the child support recovery unit of the Iowa department of human services, pursuant to the procedures set forth in Iowa Code Supplement chapter 252J.

*Effective date of amendments to 5.800 to 5.810 and 5.820 delayed 70 days by the Administrative Rules Review Committee at its meeting held April 6, 2001. These amendments were published in the March 21, 2001, Iowa Administrative Bulletin as ARC 0566B. [See Notice ARC 9970A, IAB 7/12/00.] At its meeting held June 5, 2001, the Committee voted to delay the effective date until adjournment of the 2002 Session of the General Assembly.

At its meeting held February 8, 2002, the Committee voted to lift the delay, effective February 9, 2002.

An applicant or licensee whose application is denied or a licensee whose license is suspended or revoked other than because of receipt of a certificate of noncompliance from the child support recovery unit may appeal that action pursuant to 661—Chapter 10. Applicants or licensees whose licenses are denied, suspended, or revoked because of receipt by the department of a certificate of noncompliance issued by the child support recovery unit shall be subject to the provisions of rule 661—5.866(252J) and procedures specified in 661—Chapter 10 for contesting department actions shall not apply in these cases.

This rule is intended to implement Iowa Code section 101A.2 and Iowa Code Supplement chapter 252J.

661—5.866(252J) Child support collection procedures. The following procedures shall apply to actions taken by the department on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code Supplement chapter 252J:

5.866(1) The notice required by Iowa Code Supplement section 252J.8 shall be served upon the applicant or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the licensee, identification card holder, or applicant may accept service personally or through authorized counsel.

5.866(2) The effective date of revocation or suspension of a license, or denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code Supplement section 252J.8, shall be 60 days following service upon the licensee or applicant.

5.866(3) Licensees and applicants for licenses shall keep the department informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code Supplement chapter 252J and shall provide the department with copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code Supplement section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

5.866(4) All departmental fees for applications, license renewal or reinstatement must be paid by the licensee or applicant before a license will be issued, renewed, or reinstated after the department has denied the issuance or renewal of a license, or has suspended or revoked a license pursuant to Iowa Code Supplement chapter 252J.

5.866(5) In the event a licensee or applicant files a timely district court action following service of a department notice pursuant to Iowa Code Supplement sections 252J.8 and 252J.9, the department shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed. For the purpose of determining the effective date of revocation or suspension or denial of the issuance or renewal of a license, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

This rule is intended to implement Iowa Code chapter 252J.

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661—5.867 to 5.899 Reserved.

HOSPITALS AND LICENSED HEALTH CARE FACILITIES
 [Prior to 4/2/03, see rules 661—5.550(100) to 661—5.603(100)]

661—5.900(100) Definitions. The following definitions apply to rules 661—5.900(100) through 661—5.925(100).

“*Ambulatory health care facility*” means a facility or portion thereof used to provide services or treatment that provides, on an outpatient basis, treatment for one or more patients that renders the patients incapable of taking action for self-preservation under emergency conditions without the assistance of others; or provides, on an outpatient basis, anesthesia that renders the patient incapable of taking action for self-preservation under emergency conditions without the assistance of others.

“*Existing*” means that a facility (1) has been in continuous operation under its current classification of occupancy since before September 11, 2003, and has not undergone renovation or remodeling, including an addition, on or after September 11, 2003, or (2) received plan approval for initial construction or for its most recent renovation or remodeling project, including an addition, if any, from the building code bureau of the fire marshal division prior to March 11, 2003.

“*Hospice*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135J.2.

“*Hospital*” means a facility licensed or seeking licensure pursuant to Iowa Code chapter 135B.

“*Intermediate care facility for the mentally retarded*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.2(3)“c” as amended by 2003 Iowa Acts, House File 387, section 1.

“*New*” means that a facility (1) commenced continuous operation under its current classification of occupancy on or after September 11, 2003, (2) has undergone renovation or remodeling, including an addition, on or after September 11, 2003, or (3) received plan approval from the building code bureau of the fire marshal division for the initial construction of the facility or the most recent renovation of or addition to the facility on or after March 11, 2003.

“*NFPA*” means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

“*Nursing facility*” means a facility licensed or seeking licensure pursuant to Iowa Code section 135C.6, including a nursing facility for intermediate care or a nursing facility for skilled care.

661—5.901 to 5.904 Reserved.

661—5.905(100) Hospitals.

5.905(1) *New hospitals.* NFPA 101, Life Safety Code, 2000 edition, Chapter 18, is adopted by reference as the fire safety rules for new hospitals.

5.905(2) *Existing hospitals.* NFPA 101, Life Safety Code, 2000 edition, Chapter 19, is adopted by reference as the fire safety rules for existing hospitals, with the following amendments:

Effective March 13, 2006, Section 19.3.6.3.2, Exception No. 2, is deleted.

Section 19.2.9 is not effective prior to March 13, 2006.

661—5.906 to 5.909 Reserved.

661—5.910(100) Nursing facilities and hospices.

5.910(1) *New nursing facilities and hospices.* NFPA 101, Life Safety Code, 2000 edition, Chapter 18, is adopted by reference as the fire safety rules for new nursing facilities and hospices that provide inpatient care directly.

5.910(2) *Existing nursing facilities and hospices.* NFPA 101, Life Safety Code, 2000 edition, Chapter 19, is adopted by reference as the fire safety rules for existing nursing facilities and hospices that provide inpatient care directly, with the following amendments:

Section 19.2.9 is not effective prior to March 13, 2006.

Effective March 13, 2006, Section 19.3.6.3.2, Exception No. 2, is deleted.

661—5.911 to 5.914 Reserved.**661—5.915(100) Intermediate care facilities for the mentally retarded and intermediate care facilities for persons with mental illness.**

5.915(1) *New intermediate care facilities.* New intermediate care facilities for the mentally retarded and new intermediate care facilities for persons with mental illness shall comply with the provisions of one of the following:

a. NFPA 101, Life Safety Code, 2000 edition, Chapter 18.

b. NFPA 101, Life Safety Code, 2000 edition, Chapter 32, with the following amendments:

NOTE: Any requirement contained within Chapter 32 that is based on a rating of evacuation capability shall be based upon an evacuation capability rating of “impractical.” Any provision which is dependent upon an evacuation capability rating other than “impractical” shall be unavailable.

(1) Delete Section 32.2.1.2.1 and insert in lieu thereof the following new section:

32.2.1.2.1

Small facilities shall comply with the requirements of Section 32.2 as indicated for an evacuation capability of impractical.

Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.

(2) Delete Section 32.2.1.2.2 and insert in lieu thereof the following new section:

32.2.1.2.2

The evacuation capability shall be classified as impractical.

(3) Delete Exception No. 1 to Section 32.2.2.1.

(4) Delete Exceptions No. 2 and No. 3 to Section 32.2.2.4.

(5) Delete the Exception to Section 32.2.3.3.2.

(6) Delete Exception No. 1 to Section 32.2.3.5.1.

(7) Delete Exceptions No. 1, No. 3 and No. 4 to Section 32.2.3.5.2.

(8) Delete Exception No. 2 to Section 32.2.3.5.2 and insert in lieu thereof the following new Exception No. 2:

Exception No. 2: An automatic sprinkler system in accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, with a 30-minute water supply, shall be permitted. All habitable areas and closets shall be sprinklered. Facilities with more than eight residents shall be treated as two-family dwellings with regard to water supply.

(9) Delete Exception No. 5 to Section 32.2.3.5.2 and insert in lieu thereof the following new Exception No. 5:

Exception No. 5: In facilities up to and including four stories in height, systems in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, shall be permitted. All habitable areas and closets shall be sprinklered.

(10) Delete Section 32.2.3.5.3.

(11) Delete Section 32.2.3.5.4 and insert in lieu thereof the following new section:
32.2.3.5.4

Automatic sprinkler systems shall be supervised in accordance with Section 9.7.

(12) Delete Exception No. 1 to Section 32.2.3.6.1.

(13) Delete Section 32.3.1.2.1.

(14) Delete Section 32.3.1.2.2 and insert in lieu thereof the following new section:
32.3.1.2.2

Large facilities shall meet the requirements for limited care facilities in Chapter 18.

Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.

(15) Delete Section 32.3.1.2.3.

(16) Delete the Exception to Section 32.3.1.3.3, paragraph (a).

(17) Delete Section 32.4.1.4 and insert in lieu thereof the following new section:
32.4.1.4 Minimum Construction Requirements.

In addition to the requirements of Chapter 30, apartment buildings housing residential board and care facilities shall meet the construction requirements of 18.1.6. In applying the construction requirements, the height shall be determined by the height of the residential board and care facility measured above the primary level of exit discharge.

Exception: If the new board and care occupancy is created in an existing apartment building, the construction requirements of 19.1.6 shall apply.

(18) Delete Exception No. 2 to Section 32.7.3 and insert in lieu thereof the following new Exception No. 2:

Exception No. 2: Those residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to actively participate in the drill. Section 18.7 shall apply in such instances.

5.915(2) Existing intermediate care facilities. Existing intermediate care facilities for the mentally retarded and existing intermediate care facilities for persons with mental illness shall comply with the provisions of one of the following:

a. NFPA 101, Life Safety Code, 2000 edition, Chapter 19.

b. NFPA 101, Life Safety Code, 2000 edition, Chapter 33, with the following amendments:

NOTE: Any requirement contained in Chapter 33 that is determined on a rating of evacuation capability shall be based upon an evacuation capability rating of "impractical." Any provision which depends upon an evacuation rating of "prompt" or "slow" shall be unavailable.

(1) Delete Section 33.1.7.

(2) Delete Section 33.2.1.2.1 and insert in lieu thereof the following new section:
33.2.1.2.1

Small facilities shall comply with the requirements of Section 33.2.

Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.

(3) Delete Section 33.2.1.2.2 and insert in lieu thereof the following new section:
33.2.1.2.2

The evacuation capability shall be classified as impractical.

(4) Delete Section 33.2.1.3 and insert in lieu thereof the following new section:
33.2.1.3 Minimum Construction Requirements.

Buildings shall be of any construction type in accordance with 8.2.1 other than Type II(000), Type III(200), or Type V(000) construction.

Exception: Buildings protected throughout by an approved, supervised automatic sprinkler system in accordance with 33.2.3.5 shall be permitted to be of any type of construction.

(5) Delete Exception No. 1 to Section 33.2.2.1.

(6) Delete Section 33.2.2.2.2 and insert in lieu thereof the following new section:
33.2.2.2.2

The primary means of escape for each sleeping room shall not be exposed to living areas and kitchens.

Exception: Buildings equipped with quick-response or residential sprinklers throughout. Standard response sprinklers shall be permitted for use in hazardous areas in accordance with 33.2.3.2.

(7) Delete Exception No. 2, Exception No. 3, and Exception No. 4 to Section 33.2.2.4.

(8) Delete the Exception to Section 33.2.3.3.

(9) Delete Section 33.2.3.5.2 and insert in lieu thereof the following new section:
33.2.3.5.2*

Where an automatic sprinkler system is installed, for either total or partial building coverage, the system shall be in accordance with Section 9.7 and shall activate the fire alarm system in accordance with 33.2.3.4.1. The adequacy of the water supply shall be documented to the authority having jurisdiction.

Exception No. 1: An automatic sprinkler system in accordance with NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, with a 30-minute water supply, shall be permitted. All habitable areas and closets shall be sprinklered. Automatic sprinklers shall not be required in bathrooms not exceeding 55 ft² (5.1 m²), provided that such spaces are finished with lath and plaster or materials providing a 15-minute thermal barrier.

Exception No. 2: In facilities up to and including four stories in height, systems installed in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, shall be permitted. All habitable areas and closets shall be sprinklered. Automatic sprinklers shall not be required in bathrooms not exceeding 55 ft² (5.1 m²), provided that such spaces are finished with lath and plaster or materials providing a 15-minute thermal barrier.

Exception No. 3: Initiation of the fire alarm system shall not be required for existing installations in accordance with 33.2.3.5.5.

(10) Delete Section 33.2.3.5.3 and insert in lieu thereof the following new section:
33.2.3.5.3

All facilities shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 33.2.3.5.2.

(11) Delete Exception No. 1 and Exception No. 4 to Section 33.2.3.6.1.

(12) Delete Section 33.3.1.1 and insert in lieu thereof the following new section:

33.3.1.1 Scope.

Section 33.3 applies to residential board and care occupancies providing sleeping accommodations for more than 16 residents. Facilities having sleeping accommodations for not more than 16 residents shall be evaluated in accordance with Section 33.2.

(13) Delete Section 33.3.1.2 and insert in lieu thereof the following new section:

33.3.1.2 Requirements.

Large facilities shall meet the requirements for limited care facilities in Chapter 19.

Exception*: Facilities where the authority having jurisdiction has determined equivalent safety is provided in accordance with Section 1.5.

(14) Delete the Exception to Section 33.3.1.3.3, paragraph (a).

(15) Delete Exception No. 2 to Section 33.3.3.6.1.

(16) Delete Exception No. 2 to Section 33.3.3.6.3.

(17) Delete Section 33.4.1.3 and insert in lieu thereof the following new section:

33.4.1.3 Requirements.

33.4.1.3.1

Apartment buildings housing board and care facilities shall comply with the requirements of Section 33.4.

Exception*: Facilities where the authority having jurisdiction has determined that equivalent safety for housing a residential board and care facility is provided in accordance with Section 1.5.

33.4.1.3.2

All facilities shall meet the requirements of Chapter 31 and the additional requirements of Section 33.4.

(18) Delete Section 33.4.1.4 and insert in lieu thereof the following new section:

33.4.1.4 Minimum Construction Requirements.

In addition to the requirements of Chapter 31, apartment buildings housing residential board and care facilities shall meet the construction requirements of 19.1.6. In applying the construction requirements, the height shall be determined by the height of the residential board and care facility measured above the primary level of exit discharge.

(19) Delete Exception No. 2 to Section 33.7.3 and insert in lieu thereof the following new exception:

Exception No. 2: Those residents who cannot meaningfully assist in their own evacuation or who have special health problems shall not be required to actively participate in the drill. Section 19.7 shall apply in such instances.

661—5.916 to 5.919 Reserved.

661—5.920(100) Ambulatory health care facilities.

5.920(1) *New ambulatory health care facilities.* NFPA 101, Life Safety Code, 2000 edition, Chapter 20, is adopted by reference as the fire safety rules for new ambulatory health care facilities.

5.920(2) *Existing ambulatory health care facilities.* NFPA 101, Life Safety Code, 2000 edition, Chapter 21, is adopted by reference as the fire safety rules for existing ambulatory health care facilities, with the following amendments:

Section 21.2.9.1 is not effective prior to March 13, 2006.

661—5.921 to 5.924 Reserved.

661—5.925(100) Religious nonmedical health care institutions.

5.925(1) *New religious nonmedical health care institutions.* NFPA 101, Life Safety Code, 2000 edition, Chapter 18, is adopted by reference as the fire safety rules for new religious nonmedical health care institutions.

5.925(2) *Existing religious nonmedical health care institutions.* NFPA 101, Life Safety Code, 2000 edition, Chapter 19, is adopted by reference as the fire safety rules for existing religious nonmedical health care institutions, with the following amendments:

Section 19.2.9 is not effective prior to March 13, 2006.

Effective March 13, 2006, Section 19.3.6.3.2, Exception No. 2, is deleted.

Rules 661—5.900(100) to 661—5.925(100) are intended to implement Iowa Code section 100.35.

661—5.926 to 5.949 Reserved.

661—5.950(135C) Residential care facilities.

5.950(1) Definitions. The following definitions apply to rule 661—5.950(135C):

“*Existing residential care facility*” means a residential care facility which has been in continuous operation since before April 1, 2004.

“*New residential care facility*” means a residential care facility which begins operation on or after April 1, 2004.

“*NFPA*” means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

“*Residential care facility*” means a facility that is licensed or seeking licensure by the department of inspections and appeals as a residential care facility pursuant to the provisions of Iowa Code section 135C.6, or has been identified by the department of inspections and appeals as a facility that requires licensure as a residential care facility pursuant to Iowa Code section 135C.6.

5.950(2) New residential care facilities. NFPA 101, Life Safety Code, 2003 edition, Chapter 18, “New Health Care Facilities,” is adopted by reference as the rules governing new residential care facilities. For purposes of this subrule, a residential care facility is a “limited care facility” as defined in NFPA 101, Life Safety Code, 2003 edition, Section 3.3.69.2.

5.950(3) Existing residential care facilities. NFPA 101, Life Safety Code, 2003 edition, Chapter 19, “Existing Health Care Facilities,” is adopted by reference as the rules governing existing residential care facilities. For purposes of this subrule, a residential care facility is a “limited care facility” as defined in NFPA 101, Life Safety Code, 2003 edition, Section 3.3.69.2.

EXCEPTION: Existing residential care facilities which were approved by the fire marshal on or before March 11, 2003, pursuant to rules 661—5.550(100) to 5.552(100) and which have been in continuous operation since on or before March 11, 2003, may continue to operate in compliance with rules 661—5.550(100) to 5.552(100) as those rules existed on March 10, 2003. NOTE: Rules 661—5.550(100) to 5.552(100) were rescinded effective March 11, 2003.

This rule is intended to implement Iowa Code sections 100.35 and 135C.9.

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661—5.951 to 5.960 Reserved.

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*Editor's Note:

Effective date of 5.300, 5.301(6), 5.301(7), 5.302, 5.304(2)"c"(2), 5.304(3), 5.304(4), 5.305, 5.350 and 5.351 delayed by the Administrative Rules Review Committee 70 days.

Subrule 5.305(3) which was delayed 70 days from November 8, 1979, is renumbered and amended as 5.305(2) to be effective January 17, 1980.

Effective date of 5.400 and 5.450 to 5.452 delayed by the Administrative Rules Review Committee 70 days. These amendments published in IAC 10/3/79, ARC 0596.

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**Effective date of 661—5.620(100,135C), introductory paragraph, and subrule 5.620(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held February 8, 1999.

***Effective date of amendments to 5.800 to 5.810 and 5.820 delayed 70 days by the Administrative Rules Review Committee at its meeting held April 6, 2001. These amendments were published in the March 21, 2001, Iowa Administrative Bulletin as ARC 0566B. [See Notice ARC 9970A, IAB 7/12/00.] At its meeting held June 5, 2001, the Committee voted to delay the effective date until adjournment of the 2002 Session of the General Assembly.

At its meeting held February 8, 2002, the Committee voted to lift the delay effective February 9, 2002.

◇Two ARCs