

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

Approved June 16, 1981

CHAPTER 46
FIRE MARSHAL RULES
H. F. 467

AN ACT relating to rules of the fire marshal.

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

Section 1. Section 100.1, subsection 5, Code 1981, is amended to read as follows:

5. To promulgate fire safety ~~regulations~~ rules. The state fire marshal shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the state fire marshal, but ~~such regulations~~ the rules shall be promulgated only after public hearing. Wherever by any statute the fire marshal or the department of public safety is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building or structure, ~~such~~ the rules and standards shall promote and enforce fire safety, fire protection and the elimination of fire hazards as the ~~same~~ rules may relate to the use, occupancy and construction of ~~such~~ the buildings, establishments or structures. The word "construction" shall include, but is not limited to, electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety or protection. ~~Such~~ The rules and minimum standards shall be in substantial compliance except as otherwise specifically provided in this chapter, with the standards of the National Fire Protection Association relating to fire safety as published in the national fire codes.

Sec. 2. Section 100.35, Code 1981, is amended to read as follows:

100.35 RULES OF MARSHAL. The fire marshal shall adopt, amend, promulgate and enforce rules and standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. ~~Any--person,--firm--or--corporation~~

~~violating--any--of--such--rules--of--the--fire--marshal--shall--be--deemed--guilty--of--a--simple--misdemeanor-~~ Violation of a rule adopted by the fire marshal is a simple misdemeanor; provided, however, that upon proof that the fire marshal gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the fire marshal, the penalty shall be that provided by law for a serious misdemeanor. Each day of the continuing violation of ~~such--rules~~ a rule after conviction ~~shall--be--considered~~ of a violation of the rule is a separate offense. ~~Appeals--may--be--taken--from--such--convictions~~ A conviction is subject to appeal as in other criminal cases.

Rules by the fire marshal affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

Sec. 3. Chapter 103, Code 1981, is repealed.

Sec. 4. This Act takes effect July 1 following its enactment with the increased penalty for violation of the fire marshal's rules applicable to violations committed or continued after the effective date of this Act.

Approved June 19, 1981

CHAPTER 47

ARSON INSPECTION WARRANTS

H. F. 751

AN ACT to provide for special arson inspection warrants for the inspection of property damaged or destroyed by fire for the purpose of determining the cause, origin, and circumstances of the fire and the availability of information obtained from inspections.

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

Section 1. Section 100.5, Code 1981, is amended to read as follows:

100.5 RECORD OF FIRES. The fire marshal shall keep in ~~his~~ the fire marshal's office a record of all fires occurring in the state, showing the name of the owners, ~~name-or~~ names of occupants of the property at the time of the fire, the ~~sound~~ value of the property, the amount of insurance ~~thereon~~ on the property, the total amount of insurance collected, the total amount of loss to the property owner, together with all the facts, statistics, and circumstances, including the origin of the fire, which may be determined by the investigation. Notwithstanding chapter 692, the fire marshal may share