

21. For operation, maintenance, and management of a health center in a county of over seventy thousand population, not to exceed fifty-four cents per thousand dollars, in addition to all other levies authorized by law for similar purposes.

Approved May 3, 1982

## CHAPTER 1157

### FIRE SAFETY

*H.F. 2409*

AN ACT relating to fire safety, and providing penalties.

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

Section 1. Section 100.12, Code 1981, is amended to read as follows:

100.12 ADDITIONAL AUTHORITY. In order to effect the purposes of this chapter, the chief of the fire department aforesaid shall have authority to or appropriate official as defined in section 100.2 may enter any building or premises and to examine the same building or premises and the its contents thereof, and orally or in writing, to order the correction of any condition contemplated by section 100.13 which is in violation of a provision of this chapter or a rule adopted under this chapter. Should said If the order be is not complied with the officer making the inspection shall report such results of the inspection and the facts thereof to the state fire marshal who shall proceed as though the inspection had been made by himself the state fire marshal.

Sec. 2. Section 100.13, Code 1981, is amended to read as follows:

100.13 REMOVAL OR REPAIR. When the fire marshal acting in person or through his a designated subordinate shall find any or through any fire chief or through a fire prevention officer of a fire department organized under chapter 400 finds a building or structure, which for want of proper repair or by reason of age and dilapidated condition, is especially liable to fire, and is so situated as to endanger other buildings or property therein, or when any such official shall find finds in any building or upon any premises combustible or explosive matter or inflammable flammable materials dangerous to the safety of any buildings or premises or finds a condition which violates a provision of this chapter or a rule adopted under this chapter, he shall in writing the fire marshal or a designated subordinate or any fire chief or any fire prevention officer of a fire department organized under chapter 400 may order the same it to be removed or remedied so that it is brought into compliance with all applicable provisions of this chapter and rules adopted under this chapter, or he may order the owner or occupant to follow safe-storage procedures for explosives as set forth by the fire prevention code of the National Fire Protection Association national fire protection association. Any such order must be in writing and shall be complied with by the owner or occupant of said the building or premises, within such a reasonable time as the fire marshal shall specify specifies. This chapter is not a bar to any legal or equitable remedies to which the fire marshal is entitled.

Sec. 3. Section 100.35, unnumbered paragraph 1, Code 1981, as amended by Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 46, section 2, is amended to read as follows:

The fire marshal shall adopt, and may amend, promulgate and enforce rules and under chapter 17A, which include 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, amphitheatres, 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, food establishments as defined in section 170.1, subsection 2, food service establishments as defined in section 170A.2, subsection 5, and all other buildings or structures to which persons congregate from time to time, whether publicly or privately owned. Violation of a rule adopted by the fire marshal is a simple misdemeanor ~~provided, however, that~~. However, 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~~ is that provided by law for a serious misdemeanor. Each day of the continuing violation of a rule after conviction of a violation of the rule is a separate offense. A conviction is subject to appeal as in other criminal cases.

Sec. 4. Section 170.38, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

170.38 FIRE PROTECTION REGULATION. Violation of a fire safety rule adopted pursuant to section 100.35 and applicable to food establishments, occurring on the premises of a food establishment, is a violation of this chapter.

Sec. 5. Section 170A.9, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

170A.9 FIRE PROTECTION REGULATIONS. Violation of a fire safety rule adopted pursuant to section 100.35 and applicable to food service establishments, occurring on the premises of a food service establishment, is a violation of this chapter.

Sec. 6. Section 170B.13, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

170B.13 FIRE PROTECTION REGULATIONS. Violation of a fire safety rule adopted pursuant to section 100.35 and applicable to hotels, occurring on the premises of a hotel, is a violation of this chapter.

Sec. 7. Acts of the Sixty-ninth General Assembly, 1981 Session, chapter 45, section 1, subsection 5, is amended to read as follows:

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

require other than single-station smoke detectors. If smoke detectors are not required under subsection 4 due to the presence of an automatic smoke detection system, the state fire marshal shall not require other than the automatic smoke detection system.

Approved May 6, 1982

## CHAPTER 1158

### PLATTING AND RECORDING OF RESURVEYED OR SUBDIVIDED LAND

*S.F. 396*

**AN ACT** relating to the platting and recording of resurveyed or subdivided land and providing a penalty.

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

Section 1. Section 355.4, Code 1981, is amended to read as follows:

355.4 **RULES TO BE FOLLOWED.** In the resurvey and subdivision of land by county surveyors, their deputies or other persons registered land surveyors, the rules prescribed by the Acts of Congress, and the instructions of the secretary of the interior, copies of which shall be furnished him by the county, shall be in all respects followed. Likewise, in preparing the plat of the resurvey or subdivision of land, the provisions of section 409.31, subsections 2, 6, 9, 10, 11, and 12 shall be followed. When the survey has been completed, the surveyor shall attach a statement that the plat was prepared by the surveyor or under the surveyor's personal supervision. The statement shall be dated and signed by the surveyor. It shall bear the surveyor's Iowa registration number or seal and shall show the date of the survey and the location of the resurveyed or subdivided land within the quarter section as described in the record of the original survey of the same land.

Sec. 2. Section 355.7, Code 1981, is amended by striking the section and inserting in lieu thereof the following:

355.7 **RECORD.** The plat and record shall show distinctly of what piece of land it is a survey, at whose personal request it was made, the surveyor, and the date of the survey. When land is resurveyed or subdivided, the surveyor shall record the plat no later than thirty days after completion of the resurvey or subdivision. The cost of recordation shall be paid to the county recorder by the surveyor upon presentation of the plat for recordation. The surveyor may charge the person requesting the resurvey or subdivision the costs of recordation. However, preparation and recordation of the plat shall not be required unless the survey was made for either of the following purposes:

1. To correct boundaries and descriptions of surveyed land.
2. To subdivide the land.

As used in this section, "subdivide" means dividing of land into two or more parcels.

Sec. 3. **NEW SECTION. INDEXING OF PLATS BY RECORDER.** The county recorder shall index a submitted plat by township, range, and section number. If the plat is in a recorded subdivision, the county recorder shall also index the plat alphabetically by subdivision name.