

**100.35 Rules of marshal — penalties.**

1. The fire marshal shall adopt, and may amend rules 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 137F.1](#), and all other buildings or structures in 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. 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 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.

2. 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 pursuant to [section 103A.7](#) or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

3. The rules adopted by the state fire marshal under [this section](#) shall provide standards for fire resistance of cellulose insulation sold or used in this state, whether for public or private use. The rules shall provide for approval of the cellulose insulation by at least one nationally recognized independent testing laboratory.

[S13, §2514-j, -k, -l; SS15, §2514-i, -n, -o, 4999-a10; C24, 27, 31, 35, 39, §1671, 2843 – 2850; C46, 50, 54, §103.12, 170.38 – 170.45; C58, §100.35, 103.12, 170.38 – 170.45; C62, 66, 71, 73, 75, 77, §100.35, 103.12, 107.38; C79, 81, §100.35, 103.12, 170.38, 170A.9, 170B.13; [81 Acts, ch 46, §2, 4](#); [82 Acts, ch 1157, §3](#)]

[88 Acts, ch 1278, §23](#); [98 Acts, ch 1162, §2, 30](#); [2004 Acts, ch 1086, §28](#); [2017 Acts, ch 54, §76](#)

Referred to in [§100.51](#), [§137C.18](#), [§137C.35](#), [§137F.15](#)

Code editor directive applied