

CHAPTER 100
STATE FIRE MARSHAL

Table listing sections 100.1 through 100.54, including subchapters I and II, and arson inspection warrants. It details various provisions such as fire marshal duties, reports, penalties, and legal proceedings.

SUBCHAPTER I
GENERAL PROVISIONS

100.1 Fire marshal.

The chief officer of the division of state fire marshal in the department of public safety shall be known as the state fire marshal. The fire marshal's duties shall be as follows:

- 1. To enforce all laws of the state relating to the suppression of arson, and to apprehend those persons suspected of arson;
2. To investigate into the cause, origin, and circumstances of fires;
3. To recommend to the director of the department of inspections, appeals, and licensing, that the director order the suspension of the use of consumer fireworks, display fireworks,

or novelties, as described in [section 727.2](#), if the fire marshal determines that the use of such devices would constitute a threat to public safety.

[S13, §2468-a, -m; C24, 27, 31, 35, 39, §1619; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.1; [81 Acts, ch 46, §1](#)]

[92 Acts, ch 1163, §25](#); [2000 Acts, ch 1229, §20](#); [2003 Acts, ch 165, §17](#); [2003 Acts, ch 166, §1](#); [2004 Acts, ch 1125, §1](#); [2007 Acts, ch 197, §1, 50](#); [2008 Acts, ch 1032, §190](#); [2010 Acts, ch 1014, §1](#); [2017 Acts, ch 115, §1, 2, 12](#); [2023 Acts, ch 19, §1486, 1487](#)

Referred to in [§101C.2](#)

Subsections 3, 4, 5, 6, and 7 stricken

Subsection 8 amended and renumbered as 3

### **100.2 Duties of fire officials.**

The chief of the fire department or the chief's designee of every city or township in which a fire department is established or the chief of the fire department or the chief's designee responding to every township fire where there is a contract for fire protection in effect shall investigate into the cause, origin and circumstances of every fire occurring in the city or township by which property has been destroyed or damaged or which results in bodily injury to a person, and determine whether the fire was the result of natural causes, negligence or design. The state fire marshal may assist in the investigation or may direct the investigation if the fire marshal finds it necessary.

[S13, §2468-d, -e; C24, 27, 31, 35, 39, §1624; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.2]

[84 Acts, ch 1095, §1](#)

Referred to in [§100.3, 100.4](#)

### **100.3 Reports of fires and emergency responses.**

When death, serious bodily injury, or property damage in excess of two hundred thousand dollars has occurred as a result of a fire, or if arson is suspected, the fire official required by [section 100.2](#) to make fire investigations, shall notify the state fire marshal's division immediately. For all other fires causing an estimated damage of fifty dollars or more or emergency responses by the fire service, the fire official required by [section 100.2](#) to investigate shall file a report with the fire marshal's division within ten days following the end of the month. The report shall indicate all fire incidents occurring which have an estimated damage of fifty dollars or more and state for each incident the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, the origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incident. The report on each emergency response shall include the nature of the incident and other facts, statistics and circumstances concerning the emergency response.

[S13, §2468-e; C24, 27, 31, 35, 39, §1625; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.3]

[84 Acts, ch 1095, §2](#); [86 Acts, ch 1018, §1](#)

Referred to in [§100.4, 100.5](#)

### **100.4 Penalty for nonreporting.**

The failure or refusal of a fire official to make an investigation or report required by [sections 100.2](#) and [100.3](#) is a simple misdemeanor.

[S13, §2468-e; C24, 27, 31, 35, 39, §1626; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.4]

[84 Acts, ch 1095, §3](#)

### **100.5 Reports — when public records.**

1. Reports required by [section 100.3](#) shall be kept on file for public inspection in the fire marshal's office. In those circumstances where disclosure of particular facts in the reports would plainly and seriously jeopardize an investigation of criminal activity, the portions of the reports pertaining to the facts are classified as peace officers' investigative reports and subject to [section 22.7](#).

2. Reports and records on investigations made by the state fire marshal's office are the same as peace officers' investigative reports and subject to [section 22.7](#).

[S13, §2468-f; C24, 27, 31, 35, 39, §1627; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.5; 81 Acts, ch 47, §1]

[84 Acts, ch 1095, §4](#); [2019 Acts, ch 24, §104](#)

Arson investigation disclosures; see [chapter 100A](#)

#### **100.6 Testimony under oath.**

The fire marshal or the fire marshal's designated subordinate shall, when in the fire marshal's or subordinate's opinion further investigation is necessary, take or cause to be taken the testimony under oath of all persons supposed to have knowledge of any facts, or to have means of knowledge in relation to the matter in which an examination is herein required to be made, and shall cause the same to be reduced to writing.

[S13, §2468-g; C24, 27, 31, 35, 39, §1628; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.6]

#### **100.7 Oaths — attendance of witnesses.**

The fire marshal and the fire marshal's designated subordinates shall each have power in any county in the state to administer an oath and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of [this chapter](#) a subject of inquiry and investigation, and may require the production of any books, papers, or documents necessary for such investigation.

[S13, §2468-h; C24, 27, 31, 35, 39, §1629; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.7]

#### **100.8 Refusal to testify or produce books.**

Any witness who refuses to be sworn, except as otherwise provided by law, or who disobeys any lawful order of said fire marshal, or the fire marshal's designated subordinates, or who fails to produce any books, papers, or documents touching any matter under examination, shall be guilty of a simple misdemeanor.

[S13, §2468-h; C24, 27, 31, 35, 39, §1630; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.8]

#### **100.9 Crimes in connection with fires.**

If the fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, the fire marshal shall cause such person to be arrested and charged with the offense, or either of them, and shall furnish to the proper county attorney all such evidence, together with the names of witnesses and all of the information obtained, including a copy of all matter and testimony taken in the case.

[S13, §2468-g; C24, 27, 31, 35, 39, §1631; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.9]

#### **100.10 Authority to enter and inspect.**

The state fire marshal, and the fire marshal's designated subordinates, in the performance of their duties, shall have authority to enter any building or premises and to examine the same and the contents thereof.

[S13, §2468-i; C24, 27, 31, 35, 39, §1632; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.10]

**100.11 Fire escapes.** Transferred to [§10A.513](#); [2023 Acts, ch 19, §1711](#).

**100.12 Authority for inspection — orders.** Transferred to [§10A.514](#); [2023 Acts, ch 19, §1711](#).

**100.13 Violations — orders.** Transferred to [§10A.515](#); [2023 Acts, ch 19, §1711](#).

**100.14 Legal proceedings — penalties — injunctive relief.** Transferred to §10A.516; 2023 Acts, ch 19, §1711.

**100.15** Reserved.

**100.16 Judicial review — court costs.** Transferred to §10A.517; 2023 Acts, ch 19, §1711.

**100.17** Reserved.

**100.18 Smoke detectors.** Transferred to §10A.518; 2023 Acts, ch 19, §1711.

**100.19 Consumer fireworks seller licensing — penalty — fund.** Transferred to §10A.519; 2023 Acts, ch 19, §1711.

**100.19A Consumer fireworks wholesaler — registration — penalty.** Transferred to §10A.520; 2023 Acts, ch 19, §1711.

**100.20 County attorney.**

The county attorney shall represent the state and the fire marshal, but not to the exclusion of any other attorney who may be engaged in said cause.

[C24, 27, 31, 35, 39, §1640; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.20]  
Referred to in §331.756(22)

**100.21 through 100.25** Reserved.

**100.26 Time for compliance with order — penalty.** Transferred to §10A.521; 2023 Acts, ch 19, §1711.

**100.27 through 100.29** Reserved.

**100.30 Investigation may be private.**

Investigation by or under the direction of the state fire marshal or the fire marshal's designated subordinates may in their discretion be private. They may exclude from the place where such investigation is held all persons other than those required to be present, and witnesses may be kept separate from each other and not allowed to communicate with each other until they have been examined.

[C24, 27, 31, 35, 39, §1650; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.30]

**100.31 Fire and tornado drills in schools — warning systems — inspections.** Transferred to §10A.522; 2023 Acts, ch 19, §1711.

**100.32 Bulletin.** Repealed by 98 Acts, ch 1008, §4.

**100.33 Annual report.**

The state fire marshal shall file with the governor annually, at the time provided by law, a detailed report of the fire marshal's official acts and of the affairs of the fire marshal's office. The report shall be published and distributed in the same manner as the reports of other state officers.

[S13, §2468-n; C24, 27, 31, 35, 39, §1653; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.33]

2023 Acts, ch 66, §23

Section amended

**100.34** Reserved.

**100.35 Fire control rules of director — penalties.** Transferred to §10A.523; 2023 Acts, ch 19, §1711.

**100.36 and 100.37** Reserved.

**100.38 Conflicting statutes.** Transferred to [§10A.525; 2023 Acts, ch 19, §1711](#).

**100.39 Fire extinguishers in high-rise buildings.** Transferred to [§10A.524; 2023 Acts, ch 19, §1711](#).

**100.40 Marshal may prohibit open burning on request.**

1. The state fire marshal, during periods of extremely dry conditions or under other conditions when the state fire marshal finds open burning constitutes a danger to life or property, may prohibit open burning in an area of the state at the request of the chief of a local fire department, a city council or a board of supervisors and when an investigation supports the need for the prohibition. The state fire marshal shall implement the prohibition by issuing a proclamation to persons in the affected area. The chief of a local fire department, the city council or the board of supervisors that requested the prohibition may rescind the proclamation after notifying the state fire marshal of the intent to do so, when the chief, city council or board of supervisors finds that the conditions responsible for the issuance of the proclamation no longer exist.

2. Violation of a prohibition issued under [this section](#) is a simple misdemeanor.

3. A proclamation issued by the state fire marshal pursuant to [this section](#) shall not prohibit a supervised, controlled burn for which a permit has been issued by the fire chief of the fire district where the burn will take place, the use of outdoor fireplaces, barbecue grills, properly supervised landfills, or the burning of trash in incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh, with no openings greater than one square inch.

[S81, §100.40; [81 Acts, ch 48, §1](#)]

[97 Acts, ch 19, §1](#)

**100.41 Authority to cite violations.**

Fire officials acting under the authority of [this part](#)\* may issue citations in accordance with [chapter 805](#), for violations of [this part](#)\* or a violation of a local fire safety code.

[84 Acts, ch 1095, §8; 2023 Acts, ch 19, §1503](#)

\*"Part" may not be intended; corrective legislation is pending  
Section amended

**100.42 through 100.50** Reserved.

## SUBCHAPTER II

### ARSON INSPECTION WARRANTS

**100.51 Application for warrant.**

If consent to inspect property damaged or destroyed by fire to determine the cause, origin and circumstances of the fire or to inspect property subject to rules adopted under [section 10A.523](#) has been refused to the official authorized to make the inspection, the state fire marshal, a state arson investigator or official authorized to make such an inspection may apply to the district court for a special inspection warrant for authority to conduct the inspection.

[[81 Acts, ch 47, §3](#)]

Section not amended; internal reference change applied

**100.52 Grounds for issuance.**

1. The judicial officer shall review the application and may take sworn testimony or receive affidavits to supplement the application.

2. If the judicial officer is satisfied that there are legal grounds under the circumstances

specified in the application and any supplementary testimony taken sufficient to justify the issuance of an inspection warrant, an inspection warrant shall be issued.

[81 Acts, ch 47, §4]  
2019 Acts, ch 59, §41

#### **100.53 Warrant requirements.**

Each inspection warrant issued under [this chapter](#) shall:

1. State the grounds for its issuance.
2. Be directed to the applicant or some other designated person authorized to conduct the inspection.
3. Command the person to whom it is directed to inspect the area, premises, building or conveyance identified for the purpose specified and, if appropriate, direct the seizure of property specified.
4. Identify the item or type of property, if any, to be seized.
5. Direct that it be served, if appropriate, during normal business hours and designate the magistrate to whom it shall be returned.

[81 Acts, ch 47, §5]

#### **100.54 Execution of warrant.**

1. A warrant issued under [this chapter](#) must be executed and returned within ten days from the date of issuance unless, upon the showing of a need for additional time, the court so instructs otherwise in the warrant. A copy of the warrant shall be delivered to a person in charge of the premises being inspected or, if no one is present, a copy of the warrant shall be posted upon the premises. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom the property is seized, or the person in charge of the premises from which the property is seized, a receipt for the property seized or shall leave the copy and receipt at the place from which the property is seized. The return of the warrant shall be made promptly and accompanied by a written inventory of property seized. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was seized, if they are present, or in the presence of at least one credible person other than the person executing the warrant.

2. A copy of the return, the inventory and any receipts issued shall be promptly filed with the clerk of the district court for the county in which the inspection is made.

[81 Acts, ch 47, §6]  
2019 Acts, ch 24, §104