

**661—200.8(100) Inspection based on complaint.**

**200.8(1) Request for inspection.** A person requesting the inspection of a building, facility, or installation that is alleged to require repair, removal or demolition because it presents a significant fire hazard shall provide the following information, if known:

- a. The address of the building, facility, or installation;
- b. The name and address of the building's, facility's, or installation's owner;
- c. The requester's name, address and telephone number; and
- d. A general description of the alleged deficiencies for which the requester seeks remedy.

**200.8(2) 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 an inspection, the fire marshal shall so advise the complainant.

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

**200.8(3) Cause to be inspected.** After initial determination, the fire marshal shall cause the inspection of the building, facility, or installation to determine if:

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

b. The building, facility, or installation contains combustibles, explosives or flammable materials dangerous to the safety of any buildings, premises or persons.

**200.8(4) Final decision.** Upon completion of the inspection, the fire marshal shall decide if the building, facility, or installation needs to be removed or repaired.

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

NOTE: An owner who receives an order from the fire marshal may appeal the order using procedures established in rule 661—200.2(100).

**200.8(5) 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.

**200.8(6) Contents of order.** The order shall notify the owner of the building, facility, or installation 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.

**200.8(7) 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.

**200.8(8) 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, facility, or installation and other reasonable, relevant information.

**200.8(9) Reinspection.** If the owner of the building, facility, or installation elects not to challenge the fire marshal's order, the fire marshal shall, at the end of the period during which compliance was required, conduct another inspection of the building, facility, or installation.

*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 shall notify the county attorney of noncompliance.

NOTE: An owner who receives a notice of noncompliance from the fire marshal may appeal the notice using procedures established in rule 661—200.2(100).

**200.8(10)** *Failure to comply.* Upon receipt from the fire marshal of notice 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, facility, or installation; 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

*c.* Advise the fire marshal that destruction is appropriate.

**200.8(11)** *Final action taken.* The fire marshal, upon the advice of the county attorney, may repair, remove or destroy the building, facility, or installation. Such destruction may occur by:

*a.* Permitting the local fire service to burn the building, facility, or installation as a training exercise;

*b.* Asking for public bids on the building, facility, or installation; or

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

[ARC 8307B, IAB 11/18/09, effective 1/1/10]