

661—201.7(10A) Inspection based on complaint.

201.7(1) Request for inspection. A person alleging a building, facility, or installation presents a significant fire hazard may submit a complaint to the department and should provide the following information, if known:

- a. The address of the building, facility, or installation and name and address of its owner;
- b. The complainant's name, address, and telephone number; and
- c. A general description of the alleged deficiencies.

201.7(2) Initial determination. The department will determine whether allegations warrant an inspection. The complainant or owner of the building, facility, or installation may be advised of the determination. Inspection is likely to occur for any building, facility, or installation that:

- a. By 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, facilities, installations, property, or persons, or
- b. Contains combustibles, explosives, or flammable materials dangerous to the safety of any buildings, premises, or persons.

201.7(3) Final decision. Upon completion of the inspection:

- a. If the building, facility, or installation complies with applicable laws or rules and no deficiencies are found, the department will accordingly notify the owner and the complainant.
- b. If any deficiencies are found and the building, facility, or installation is within the corporate limits of a city, the department will notify the mayor and clerk of said city of the deficiencies and the need for repairs.

c. If any deficiencies are found and the building, facility, or installation is outside the corporate limits of any city, the department will specifically identify such deficiencies and prepare an order to correct or repair the deficiencies in accordance with Iowa Code section 10A.515. The order will be mailed to or served upon the owner of the building, facility, or installation in accordance with Iowa Code chapter 17A and may be provided, as appropriate, to any occupants, lienholders, or lessees. The order is effective upon receipt or issuance and will give the owner a reasonable time to comply with its mandate(s). The department will determine what constitutes a reasonable time by considering the likelihood of fires; possibility of personal injury or property loss; cost; availability of materials and labor to correct, repair, remove or demolish the building, facility, or installation; and any other reasonable and relevant information. The order will also notify the owner that the owner may appeal the order in accordance with Iowa Code section 10A.515 and the process described in subrule 201.3(5).

- d. Emergency orders may be issued in accordance with Iowa Code section 10A.515.

201.7(4) Reinspection. If the owner of the building, facility, or installation elects not to challenge the department's order, the department will, at the end of the period during which compliance was required, conduct another inspection of the building, facility, or installation.

201.7(5) Failure to comply. At the request of the department, the county attorney shall institute legal proceedings to obtain compliance or enforce penalty provisions in accordance with Iowa Code section 10A.516.

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