

MAR 2 1982

HOUSE FILE 2409

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

(Formerly Study Bill 535)

Passed House, Date 3-10-82 (p. 741) Passed Senate, Date 7-13-82 (p. 1168)
Vote: Ayes 90 Nays 1 Vote: Ayes 45 Nays 0
Approved May 6, 1982

A BILL FOR

1 An Act relating to fire safety, and providing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3
4
5

H-5353 HOUSE FILE 2409

1 Amend House File 2409, as follows:
2 1. By striking Page 3, line 23 through Page 4,
3 line 14

H-5353 FILED MARCH 9, 1982 BY KREWSON of Polk
H/R 3/10 (p. 747)

H-5355 HOUSE FILE 2409

1 Amend House File 2409 as follows:
2 1. Page 3, line 26, by striking the words "shall
3 ~~initially-and may~~" and insert in lieu thereof the
4 following: "or a designated subordinate shall
5 ~~initially-and-may~~".

H-5355 FILED MARCH 9, 1982 BY CONNORS of Polk
Adopted 3/10 (p. 747) DAVITT of Warren
KREWSON of Polk

23
24
25

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

3 100.12 ADDITIONAL AUTHORITY. ~~In order to effect the~~
4 ~~purposes of this chapter, the~~ The chief of the fire department
5 ~~aforsaid shall have authority to~~ or appropriate official
6 as defined in section 100.2 may enter any building or premises
7 and to examine the same building or premises and the its
8 contents thereof, and orally or in writing, ~~to~~ order the
9 correction of any condition ~~contemplated by section 100.13~~
10 which is in violation of a provision of this chapter or a
11 rule adopted under this chapter. ~~Should said~~ If the order
12 be is not complied with the officer making the inspection
13 shall report ~~such~~ results of the inspection and the facts
14 thereof to the state fire marshal who shall proceed as though
15 the inspection had been made by ~~himself~~ the state fire marshal.

16 Sec. 2. Section 110.13, Code 1981, is amended to read
17 as follows:

18 100.13 REMOVAL OR REPAIR. When the fire marshal acting
19 in person or through ~~his~~ a designated subordinate ~~shall find~~
20 any or through any fire chief or through a fire prevention
21 officer of a fire department organized under chapter 400 finds
22 a building or structure, which for want of proper repair or
23 by reason of age and dilapidated condition, is especially
24 liable to fire, ~~and is so situated as to endanger other~~
25 ~~buildings or property therein,~~ or when any such official shall
26 ~~find~~ finds in any building or upon any premises combustible
27 or explosive matter or ~~inflammable~~ flammable materials
28 dangerous to the safety of any buildings or premises or finds
29 a condition which violates a provision of this chapter or
30 a rule adopted under this chapter, he shall in writing the
31 fire marshal or a designated subordinate or any fire chief
32 or any fire prevention officer of a fire department organized
33 under chapter 400 may order the same it to be removed or
34 remedied so that it is brought into compliance with all
35 applicable provisions of this chapter and rules adopted under

1 this chapter, or he may order the owner or occupant to follow
2 safe-storage procedures for explosives as set forth by the
3 fire prevention code of the ~~National-Fire-Protection~~
4 ~~Association~~ national fire protection association. Any such
5 order must be in writing and shall be complied with by the
6 owner or occupant of ~~said the~~ building or premises, within
7 ~~such a~~ reasonable time as the fire marshal ~~shall-specify~~
8 specifies. This chapter is not a bar to any legal or equitable
9 remedies to which the fire marshal is entitled.

10 Sec. 3. Section 100.35, Code 1981, unnumbered paragraph
11 1, Code 1981, as amended by Acts of the Sixty-ninth General
12 Assembly, 1981 Session, chapter 46, section 2, is amended
13 to read as follows:

14 The fire marshal shall adopt, and may amend, ~~promulgate~~
15 ~~and-enforce~~ rules and under chapter 17A, which include
16 standards relating to exits and exit lights, fire escapes,
17 fire protection, fire safety and the elimination of fire
18 hazards, in and for churches, schools, hotels, theaters,
19 amphitheatres, hospitals, health care facilities as defined
20 in section 135C.1, boarding homes or housing, rest homes,
21 dormitories, college buildings, lodge halls, club rooms,
22 public meeting places, places of amusement, apartment
23 buildings, food establishments as defined in section 170.1,
24 subsection 2, food service establishments as defined in 170A.2,
25 subsection 5, and all other buildings or structures to which
26 persons congregate from time to time, whether publicly or
27 privately owned. Violation of a rule adopted by the fire
28 marshal is a simple misdemeanor ~~provided, however, that~~.
29 However, upon proof that the fire marshal gave written notice
30 to the defendant of the violation, and proof that the violation
31 constituted a clear and present danger to life, and proof
32 that the defendant failed to eliminate the condition giving
33 rise to the violation within thirty days after receipt of
34 notice from the fire marshal, the penalty ~~shall-be~~ is that
35 provided by law for a serious misdemeanor. Each day of the

1 continuing violation of a rule after conviction of a violation
2 of the rule is a separate offense. A conviction is subject
3 to appeal as in other criminal cases.

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

6 170.38 FIRE PROTECTION REGULATION. Violation of a fire
7 safety rule adopted pursuant to section 100.35 and applicable
8 to food establishments, occurring on the premises of a food
9 establishment, is a violation of this chapter.

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

12 170A.9 FIRE PROTECTION REGULATIONS. Violation of a fire
13 safety rule adopted pursuant to section 100.35 and applicable
14 to food service establishments, occurring on the premises
15 of a food service establishment, is a violation of this
16 chapter.

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

19 170B.13 FIRE PROTECTION REGULATIONS. Violation of a fire
20 safety rule adopted pursuant to section 100.35 and applicable
21 to hotels, occurring on the premises of a hotel, is a viola-
22 tion of this chapter.

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

26 5. The state fire marshal ~~shall initially~~ and may annually
27 inspect smoke detectors installed as required by subsection
28 2. Upon inspection, the state fire marshal shall issue a
29 written notice to the owner or manager of a multiple-unit
30 ~~residential~~ residential building informing the owner or manager
31 of compliance or noncompliance with this section. The state
32 fire marshal may contract with any political subdivision
33 without fee assessed to either the state fire marshal or the
34 political subdivision, for the performance of the inspection
35 and notification responsibilities. The inspections authorized

1 under this section are limited to the placement, repair, and
2 operability of smoke detectors. Any broader inspection
3 authority is not derived from this section. The state fire
4 marshal shall adopt ~~administrative~~ rules under chapter 17A
5 as necessary to enforce this section including rules concerning
6 the placement of smoke detectors and the use of acceptable
7 smoke detectors. The smoke detectors shall display a label
8 or other identification issued by an approved testing agency
9 or another label specifically approved by the state fire
10 marshal. The state fire marshal shall not require other than
11 single-station smoke detectors. If smoke detectors are not
12 required under subsection 4 due to the presence of an automatic
13 smoke detection system, the state fire marshal shall not
14 require other than the automatic smoke detection system.

15 EXPLANATION

16 This bill clarifies the authority of local fire officials
17 in the enforcement of state fire safety statutes and
18 regulations. It places the fire marshal's rule-making
19 authority over food establishments and food service
20 establishments in section 100.35 with the other places subject
21 to such regulation. It provides that violations of fire
22 safety rules by hotels, food establishments, and food service
23 establishments are violations of their license requirements.
24 It specifically preserves the fire marshal's right to seek
25 injunctive relief in the enforcement of fire safety
26 regulations. This bill also removes the requirement that
27 the fire marshal initially inspect smoke detectors. This
28 bill is effective July 1 following its enactment.

29
30
31
32
33
34
35

STATE OF IOWA
FISCAL NOTERequest No. 82-256

In compliance with a written request received February 25, 19 82, there is hereby submitted a Fiscal Note for H.F. 2409 pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

H.F. 2409, An Act relating to fire safety, and providing penalties.

This bill clarifies the authority of local fire officials in the enforcement of state fire safety statutes and regulations. It provides that violations of fire safety rules by hotels, food establishments, and food service establishments are violations of their license requirements. It specifically preserves the fire marshal's right to seek injunctive relief in the enforcement of fire safety regulations. This bill also removes the requirement that the fire marshal initially inspect smoke detectors.

This bill has no fiscal impact. It clarifies and corrects existing legislation without imposing additional requirements.

Source: Department of Public Safety

FILED MARCH 10, 1982

BY GERRY RANKIN, Fiscal Director

HOUSE FILE 2409

BY COMMITTEE ON STATE
GOVERNMENT

(As Amended and Passed by the House
Substituted for H.R. 2241 (S. 747))

Passed House, Date 3-16-82 (S. 747) Passed Senate, Date 4-13-82 (S. 1168)

Vote: Ayes 90 Nays 1 Vote: Ayes 45 Nays 0

Approved May 6, 1982

A BILL FOR

¹ An Act relating to fire safety, and providing penalties.

² BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

³

⁴

⁵

⁶

⁷

⁸

⁹

House Amendments _____

¹⁰

¹¹

¹²

¹³

¹⁴

¹⁵

¹⁶

¹⁷

¹⁸

¹⁹

²⁰

²¹

²²

²³

²⁴

²⁵

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

3 100.12 ADDITIONAL AUTHORITY. ~~In order to effect the~~
4 ~~purposes of this chapter, the~~ The chief of the fire department
5 ~~aferesaid shall have authority to~~ or appropriate official
6 as defined in section 100.2 may enter any building or premises
7 and to examine the same building or premises and the its
8 contents thereof, and orally or in writing, to order the
9 correction of any condition contemplated by section 100.13
10 which is in violation of a provision of this chapter or a
11 rule adopted under this chapter. ~~Should said~~ If the order
12 be is not complied with the officer making the inspection
13 shall report such results of the inspection and the facts
14 thereof to the state fire marshal who shall proceed as though
15 the inspection had been made by himself the state fire marshal.

16 Sec. 2. Section 110.13, Code 1981, is amended to read
17 as follows:

18 100.13 REMOVAL OR REPAIR. When the fire marshal acting
19 in person or through his a designated subordinate shall find
20 any or through any fire chief or through a fire prevention
21 officer of a fire department organized under chapter 400 finds
22 a building or structure, which for want of proper repair or
23 by reason of age and dilapidated condition, is especially
24 liable to fire, and is so situated as to endanger other
25 buildings or property therein, or when any such official shall
26 find finds in any building or upon any premises combustible
27 or explosive matter or inflammable flammable materials
28 dangerous to the safety of any buildings or premises or finds
29 a condition which violates a provision of this chapter or
30 a rule adopted under this chapter, he shall in writing the
31 fire marshal or a designated subordinate or any fire chief
32 or any fire prevention officer of a fire department organized
33 under chapter 400 may order the same to be removed or
34 remedied so that it is brought into compliance with all
35 applicable provisions of this chapter and rules adopted under

1 this chapter, or he may order the owner or occupant to follow
2 safe-storage procedures for explosives as set forth by the
3 fire prevention code of the ~~National-Fire-Protection~~
4 ~~Association~~ national fire protection association. Any such
5 order must be in writing and shall be complied with by the
6 owner or occupant of ~~said~~ the building or premises, within
7 such a reasonable time as the fire marshal ~~shall-specify~~
8 specifies. This chapter is not a bar to any legal or equitable
9 remedies to which the fire marshal is entitled.

10 Sec. 3. Section 100.35, Code 1981, unnumbered paragraph
11 1, Code 1981, as amended by Acts of the Sixty-ninth General
12 Assembly, 1981 Session, chapter 46, section 2, is amended
13 to read as follows:

14 The fire marshal shall adopt, and may amend, ~~promulgate~~
15 ~~and-enforce~~ rules and under chapter 17A, which include
16 standards relating to exits and exit lights, fire escapes,
17 fire protection, fire safety and the elimination of fire
18 hazards, in and for churches, schools, hotels, theaters,
19 amphitheaters, hospitals, health care facilities as defined
20 in section 135C.1, boarding homes or housing, rest homes,
21 dormitories, college buildings, lodge halls, club rooms,
22 public meeting places, places of amusement, apartment
23 buildings, food establishments as defined in section 170.1,
24 subsection 2, food service establishments as defined in 170A.2,
25 subsection 5, and all other buildings or structures to which
26 persons congregate from time to time, whether publicly or
27 privately owned. Violation of a rule adopted by the fire
28 marshal is a simple misdemeanor ~~provided, however, that~~.
29 However, upon proof that the fire marshal gave written notice
30 to the defendant of the violation, and proof that the violation
31 constituted a clear and present danger to life, and proof
32 that the defendant failed to eliminate the condition giving
33 rise to the violation within thirty days after receipt of
34 notice from the fire marshal, the penalty ~~shall-be~~ is that
35 provided by law for a serious misdemeanor. Each day of the

1 continuing violation of a rule after conviction of a violation
2 of the rule is a separate offense. A conviction is subject
3 to appeal as in other criminal cases.

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

6 170.38 FIRE PROTECTION REGULATION. Violation of a fire
7 safety rule adopted pursuant to section 100.35 and applicable
8 to food establishments, occurring on the premises of a food
9 establishment, is a violation of this chapter.

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

12 170A.9 FIRE PROTECTION REGULATIONS. Violation of a fire
13 safety rule adopted pursuant to section 100.35 and applicable
14 to food service establishments, occurring on the premises
15 of a food service establishment, is a violation of this
16 chapter.

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

19 170B.13 FIRE PROTECTION REGULATIONS. Violation of a fire
20 safety rule adopted pursuant to section 100.35 and applicable
21 to hotels, occurring on the premises of a hotel, is a viola-
22 tion of this chapter.

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

26 5. The state fire marshal or a designated subordinate
27 shall initially-and-may annually inspect smoke detectors
28 installed as required by subsection 2. Upon inspection, the
29 state fire marshal shall issue a written notice to the owner
30 or manager of a multiple-unit ~~residential~~ residential building
31 informing the owner or manager of compliance or noncompliance
32 with this section. The state fire marshal may contract with
33 any political subdivision without fee assessed to either the
34 state fire marshal or the political subdivision, for the
35 performance of the inspection and notification

1 responsibilities. The inspections authorized under this
2 section are limited to the placement, repair, and operability
3 of smoke detectors. Any broader inspection authority is not
4 derived from this section. The state fire marshal shall adopt
5 administrative rules under chapter 17A as necessary to enforce
6 this section including rules concerning the placement of smoke
7 detectors and the use of acceptable smoke detectors. The
8 smoke detectors shall display a label or other identification
9 issued by an approved testing agency or another label
10 specifically approved by the state fire marshal. The state
11 fire marshal shall not require other than single-station smoke
12 detectors. If smoke detectors are not required under
13 subsection 4 due to the presence of an automatic smoke
14 detection system, the state fire marshal shall not require
15 other than the automatic smoke detection system.

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 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~~ 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.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2409, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved May 6, 1982

ROBERT D. RAY
Governor