

FEB 2 1989

HOUSE FILE 241

LOCAL GOVERNMENT

BY FULLER, MUHLBAUER,
RENAUD, and PELLETT

DO pass per amend H3167 2/16/89
(p. 508)

COMPANION TO LSB 1799S

Passed House, Date 2-22-89 (p. 510) Passed Senate, Date _____
Vote: Ayes 94 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the authority of fire chiefs and their
2 officers at fire scenes and emergencies, and providing a
3 penalty for violations.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HF 241

1 Section 1. NEW SECTION. 100B.1 DEFINITIONS.

2 As used in this chapter, "fire department" means the fire
3 department of a city, township, or benefited fire district.

3/16/74 Sec. 2. NEW SECTION. 100B.2 AUTHORITY AT FIRES AND OTHER
5 EMERGENCIES.

6 A fire chief or other authorized officer of a fire
7 department who is in charge of a fire scene or other emergency
8 scene which involves the protection of life or property, may
9 direct an operation as necessary to extinguish or control a
10 fire, perform a rescue operation, investigate the existence of
11 a suspected or reported fire, gas leak, or other hazardous
12 condition, or take any other action as deemed necessary in the
13 reasonable performance of the department's duties. In
14 exercising this power, a fire chief may prohibit an
15 individual, vehicle, or vessel from approaching a fire or
16 emergency scene and may remove from the scene any object,
17 vehicle, or vessel which may impede or interfere with the
18 operations of the fire department. The fire chief may remove
19 from the scene any individual who is not usefully employed in
20 extinguishing a fire, the resolution of an emergency, or the
21 preservation of property.

22 Sec. 3. NEW SECTION. 100B.3 AUTHORITY TO BARRICADE.

3/2/74 23 The fire chief or other authorized officer of the fire
24 department in charge of a fire or emergency scene may place or
25 erect ropes, guards, barricades, or other obstructions across
3/2/74 26 a street, alley, or private property near the location of the
27 fire or emergency so as to prevent accidents or interference
28 with the fire fighting efforts of the fire department, to
29 control the scene until any required investigation is
30 complete, or to preserve evidence related to the fire or other
31 emergency.

32 Sec. 4. NEW SECTION. 100B.4 PENALTY.

33 A person who disobeys an order of a fire chief, other
34 officer of a fire department, or peace officer assisting the
35 fire department which is issued pursuant to section 100B.2 or

1 100B.3, is guilty of a simple misdemeanor.

2 EXPLANATION

3 This bill provides that the fire chief or other authorized
4 officer of a fire department may take charge of a fire or
5 other emergency scene and keep persons, vehicles, or vessels
6 from interfering with the fire fighting activities or the
7 resolution of the emergency. The fire chief may also secure
8 by ropes, barricades, guards, or other obstructions, streets,
9 alleys, or private property near a fire scene or emergency
10 scene to preserve evidence, to facilitate investigation, or to
11 assist in the control and management of a fire or emergency
12 scene.

13 A violator is guilty of a simple misdemeanor which is
14 punishable by a fine of not more than one hundred dollars or
15 imprisonment for not more than thirty days.

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

HOUSE FILE 241

H-3167

1 Amend House File 241 as follows:

2 1. Page 1, lines 4 and 5, by striking the words
3 "AND OTHER EMERGENCIES".

4 2. Page 1, by striking line 7 and inserting the
5 following: "department in charge of a fire scene".

6 3. Page 1, line 8, by striking the word "scene".

7 4. Page 1, lines 15 and 16, by striking the words
8 "or emergency".

9 5. Page 1, line 17, by striking the words "or
10 vessel which" and inserting the following: "vessel,
11 or individual that".

12 6. Page 1, by striking lines 18 through 21 and
13 inserting the following: "operations of the fire
14 department."

15 7. Page 1, line 26, by inserting after the word
16 "alley," the following: "right-of-way,".

By COMMITTEE ON LOCAL GOVERNMENT
FOGARTY of Palo Alto, Chairperson

Adopted 2-22-89 (p. 539)
H-3167 FILED FEBRUARY 16, 1989

HOUSE FILE 241

H-3173

1 Amend House File 241 as follows:

2 1. Page 1, line 24, by striking the words "or
3 emergency".

By SPEAR of Lee

H-3173 FILED FEBRUARY 20, 1989

Adopted 2-22-89 (p. 540)

Sen. Local Govt
Do pass per amend 3358 3-2-89 (p. 53)

HOUSE FILE 241
BY FULLER, MUHLBAUER,
RENAUD, and PELLETT

COMPANION TO LSB 1799S

(As Amended and Passed by the House February 22, 1989)

Passed House, Date 4-19-89 (p. 1709) Passed Senate, Date 4-10-89 (p. 248)
Vote: Ayes 94 Nays 0 Vote: Ayes 47 Nays 0
Approved 5-5-89 (p. 2596)

A BILL FOR

1 An Act relating to the authority of fire chiefs and their
2 officers at fire scenes and emergencies, and providing a
3 penalty for violations.

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

5
6
7
8
9

House Amendments _____
Deleted Language *

HOUSE FILE 241

S-3358

11 1 Amend House File 241, as amended, passed, and
12 2 reprinted by the House, as follows:
13 3 1. Page 1, by inserting after line 27 the
14 4 following:
15 5 "Sec. ____ . NEW SECTION. 100B.4 TRAFFIC CONTROL.
16 6 Notwithstanding a contrary provision of this
17 7 chapter, if a peace officer is on the scene, the peace
18 8 officer is in charge of traffic control and a peace
19 9 officer shall not be prohibited from performing the
20 10 duties of a peace officer at the fire scene."
11 11 2. Page 1, by striking line 28 and inserting the
12 12 following:
13 13 "Sec. ____ . NEW SECTION. 100B.5 PENALTY."
14 14 3. By renumbering as necessary.

By COMMITTEE ON LOCAL GOVERNMENT
ALVIN V. MILLER, Chairperson

S-3358 FILED MARCH 21, 1989

ADOPTED 4-10-89 (p. 126)

1 Section 1. NEW SECTION. 100B.1 DEFINITIONS.

2 As used in this chapter, "fire department" means the fire
3 department of a city, township, or benefited fire district.

* 4 Sec. 2. NEW SECTION. 100B.2 AUTHORITY AT FIRES.

5 A fire chief or other authorized officer of a fire
6 department in charge of a fire scene which involves the

* 7 protection of life or property, may direct an operation as
8 necessary to extinguish or control a fire, perform a rescue
9 operation, investigate the existence of a suspected or
10 reported fire, gas leak, or other hazardous condition, or take
11 any other action as deemed necessary in the reasonable
12 performance of the department's duties. In exercising this
13 power, a fire chief may prohibit an individual, vehicle, or
* 14 vessel from approaching a fire scene and may remove from the
15 scene any object, vehicle, vessel, or individual that may
16 impede or interfere with the operations of the fire
17 department.

18 Sec. 3. NEW SECTION. 100B.3 AUTHORITY TO BARRICADE.

19 The fire chief or other authorized officer of the fire
* 20 department in charge of a fire scene may place or erect ropes,
21 guards, barricades, or other obstructions across a street,
22 alley, right-of-way, or private property near the location of
23 the fire or emergency so as to prevent accidents or
24 interference with the fire fighting efforts of the fire
25 department, to control the scene until any required
26 investigation is complete, or to preserve evidence related to
27 the fire or other emergency.

39743358-
39743358-

28 Sec. 4. NEW SECTION. 100B.4 PENALTY.

29 A person who disobeys an order of a fire chief, other
30 officer of a fire department, or peace officer assisting the
31 fire department which is issued pursuant to section 100B.2 or
32 100B.3, is guilty of a simple misdemeanor.

33

34

35

SENATE AMENDMENT TO HOUSE FILE 241

H-3974

1 Amend House File 241, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 27 the
4 following:

5 "Sec. ____ . NEW SECTION. 100B.4 TRAFFIC CONTROL.

6 Notwithstanding a contrary provision of this
7 chapter, if a peace officer is on the scene, the peace
8 officer is in charge of traffic control and a peace
9 officer shall not be prohibited from performing the
10 duties of a peace officer at the fire scene."

11 2. Page 1, by striking line 28 and inserting the
12 following:

13 "Sec. ____ . NEW SECTION. 100B.5 PENALTY."

14 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-3974 FILED APRIL 12, 1989

Case concurred 4-19-89 (p1409)

HOUSE FILE 241

AN ACT

RELATING TO THE AUTHORITY OF FIRE CHIEFS AND THEIR OFFICERS AT FIRE SCENES AND EMERGENCIES, AND PROVIDING A PENALTY FOR VIOLATIONS.

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

Section 1. NEW SECTION. 100B.1 DEFINITIONS.

As used in this chapter, "fire department" means the fire department of a city, township, or benefited fire district.

Sec. 2. NEW SECTION. 100B.2 AUTHORITY AT FIRES.

A fire chief or other authorized officer of a fire department in charge of a fire scene which involves the protection of life or property, may direct an operation as necessary to extinguish or control a fire, perform a rescue operation, investigate the existence of a suspected or reported fire, gas leak, or other hazardous condition, or take any other action as deemed necessary in the reasonable performance of the department's duties. In exercising this power, a fire chief may prohibit an individual, vehicle, or vessel from approaching a fire scene and may remove from the scene any object, vehicle, vessel, or individual that may impede or interfere with the operations of the fire department.

Sec. 3. NEW SECTION. 100B.3 AUTHORITY TO BARRICADE.

The fire chief or other authorized officer of the fire department in charge of a fire scene may place or erect ropes, guards, barricades, or other obstructions across a street, alley, right-of-way, or private property near the location of the fire or emergency so as to prevent accidents or interference with the fire fighting efforts of the fire department, to control the scene until any required investigation is complete, or to preserve evidence related to the fire or other emergency.

Sec. 4. NEW SECTION. 100B.4 TRAFFIC CONTROL.

Notwithstanding a contrary provision of this chapter, if a peace officer is on the scene, the peace officer is in charge of traffic control and a peace officer shall not be prohibited from performing the duties of a peace officer at the fire scene.

Sec. 5. NEW SECTION. 100B.5 PENALTY.

A person who disobeys an order of a fire chief, other officer of a fire department, or peace officer assisting the fire department which is issued pursuant to section 100B.2 or 100B.3, is guilty of a simple misdemeanor.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 241, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 5, 1989

TERRY E. BRANSTAD
Governor