

House File 2108 - Introduced

HOUSE FILE 2108
BY QUIRK

A BILL FOR

1 An Act relating to the installation of fire sprinklers or fire
2 suppression systems in residential buildings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 100.35, Code 2009, is amended to read as
2 follows:

3 **100.35 Rules of marshal.**

4 1. The fire marshal shall adopt, and may amend rules
5 under chapter 17A, which include standards relating to exits
6 and exit lights, fire escapes, fire protection, fire safety
7 and the elimination of fire hazards, in and for churches,
8 schools, hotels, theaters, amphitheaters, hospitals, health
9 care facilities as defined in section 135C.1, boarding homes
10 or housing, rest homes, dormitories, college buildings, lodge
11 halls, club rooms, public meeting places, places of amusement,
12 apartment buildings, food establishments as defined in section
13 137F.1, and all other buildings or structures in which persons
14 congregate from time to time, whether publicly or privately
15 owned. Violation of a rule adopted by the fire marshal is a
16 simple misdemeanor. However, upon proof that the fire marshal
17 gave written notice to the defendant of the violation, and
18 proof that the violation constituted a clear and present danger
19 to life, and proof that the defendant failed to eliminate the
20 condition giving rise to the violation within thirty days after
21 receipt of notice from the fire marshal, the penalty is that
22 provided by law for a serious misdemeanor. Each day of the
23 continuing violation of a rule after conviction of a violation
24 of the rule is a separate offense. A conviction is subject to
25 appeal as in other criminal cases.

26 2. Rules by the fire marshal affecting the construction of
27 new buildings, additions to buildings, or rehabilitation of
28 existing buildings and related to fire protection, shall be
29 substantially in accord with the provisions of the nationally
30 recognized building and related codes adopted as the state
31 building code pursuant to section 103A.7 or with codes adopted
32 by a local subdivision which are in substantial accord with the
33 codes comprising the state building code. The rules adopted
34 by the fire marshal shall not require the installation of fire
35 sprinklers or a related fire suppression system in a one-family

1 or two-family residential dwelling or a residential building
2 that contains no more than four dwelling units.

3 3. The rules adopted by the state fire marshal under
4 this section shall provide standards for fire resistance of
5 cellulose insulation sold or used in this state, whether for
6 public or private use. The rules shall provide for approval of
7 the cellulose insulation by at least one nationally recognized
8 independent testing laboratory.

9 Sec. 2. Section 103A.7, subsection 2, paragraph d, Code
10 Supplement 2009, is amended to read as follows:

11 d. Protection of the health, safety, and welfare of
12 occupants and users. The rules adopted by the state building
13 code commissioner shall not require the installation of fire
14 sprinklers or a related fire suppression system in a one-family
15 or two-family residential dwelling or a residential building
16 that contains no more than four dwelling units.

17 Sec. 3. Section 331.304, subsection 3, Code 2009, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. c. A county building code shall not
20 require the installation of fire sprinklers or a related fire
21 suppression system in a one-family or two-family residential
22 dwelling or a residential building that contains no more than
23 four dwelling units.

24 Sec. 4. Section 364.17, Code Supplement 2009, is amended by
25 adding the following new subsection:

26 NEW SUBSECTION. 8. A building or housing code adopted by a
27 city shall not require the installation of fire sprinklers or a
28 related fire suppression system in a one-family or two-family
29 residential dwelling or a residential building that contains no
30 more than four dwelling units.

31 EXPLANATION

32 This bill provides that the state building code or a
33 building code adopted by a city or county shall not require the
34 installation of fire sprinklers or a related fire suppression
35 system in a one-family or two-family residential dwelling or a

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1 residential building that contains no more than four dwelling
2 units.